



LAC Chapter 18 Nuisance Code Update: Public Comment Matrix				
Topic	Applicable Section	Comment	Revision	Response
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	Would either of you mind explaining how automotive maintenance falls under the tenets of the nuisance code? Requiring all work to be completed in a fenced area or a garage is a safety hazard for many residences in the county and regardless of that - this work does not fall under the premises outlined by the code itself. Is there a reason this new code section was added? Why does the county believe it has the authority to regulate what hobbies or maintenance are performed in a safe manner in driveways throughout the county?	<p>2 potential revisions are outlined below:</p> <p>Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5.</p> <p>Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Thanks for responding. No, I don't believe it's appropriate to include at all [in reference to comment above]. It's not a safety issue in any context and it is not the county's place to regulate what people are doing safely on their private property.</p> <p>The nebulous language included in basically every single section of the updated document makes it very easy to weaponize against a resident. This one is no exception, it was just one of the more egregious examples.</p> <p>I'm sure you're getting bombarded with emails but you can count me in with the group that's tired of literally everything to do with the nuisance code. It could be</p>	No revision	<p>The draft attempts to reduce nebulous language throughout, but public comments have revealed several sections that could continue to be improved; the project team is reevaluating the sections were the public has raised concerns and will provide an updated draft for review anticipated to be released in Fall 2022.</p> <p>Concerns regarding regulations geared toward safety and aesthetics have been raised on both side; a desire for more aesthetic concerns like weeds or outdoor storage to be regulated as well as concerns that more aesthetic</p>



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		abolished entirely and the only change would be happier residents, less county cost, and less strife. Safety infractions are one thing. Pretending the county is an HOA with extremely poorly written rules is another.		standards for requirements for screening of outdoor storage from public view being too onerous. Various communities draw the line differently, often those that contain more “aesthetic” regulations within their nuisance codes correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>On July 25th, the final draft revision of the updated nuisance code was released for public comment. While there are certainly many questionable and concerning changes being proposed, I’d like to focus on Sec 18-38, particularly the “Alternative for Personal Auto and Hobby Repair,” quoted below:</p> <p style="padding-left: 40px;">Alternative for Personal Auto and Hobby Repair¹⁶: Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p style="padding-left: 40px;">¹⁶: Alternative language that would be inserted to deal with Personal Auto and Hobby Repair if desired by the Community.</p> <p>While this section <i>may</i> only apply to inoperable vehicles referenced just above this particular paragraph, my naive reading interprets this as a blanket statement intended for any vehicle repair. For either reading, however, a significant issue is that many houses in the county do not have garages or “not readily visible” areas with which to work on vehicles. (By the way, how many pre-1980s garages can even fit a modern vehicle?) To assess the percentage of houses without garages, I took a Google Streetview tour of several streets throughout the county – what I believe to be a representative sample from various neighborhoods. The results are:</p>	See alternatives for revisions in comment 1 on page 1 above.	The project team understands the concerns regarding the alternative language under the heading Alternative for Personal Auto and Hobby Repair on page 5 of the draft and appreciates the analysis provided. It was intended to apply only to automotive repair of inoperable vehicles being stored in public view while being repaired or restored over extended periods of time. A series of comments sharing your concerns are bringing to light that this language was not clear. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and Council.



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		<p>Of course, this proposed rule is slightly more insidious. How much will my home's value drop because driveway auto repairs would be illegal? When my house received its assessor's report last year, the value of a garage was listed at \$10k. A workshop was \$5k. I accepted and agreed with that difference. If this ruling takes effect, it will drop my property's value even more. I would not have bought this house. The rule will reduce the supply of willing buyers for properties like mine – every potential gear head would see it as a red flag. (Conversely, newer houses with garages will see their values only increase.)</p> <p>I certainly hope that footnote 16 is true, and that the community expresses a desire to enable those without garages to make repairs to their vehicles.</p> <p>According to the press release, "Members of the public may review and email additional comments by August 23 to Jessica Lawlis at JessicaL@dpsdesign.org or Sobia Sayeda at Sobia.Sayeda@lacnm.us. CDD staff will also present the final draft to the Los Alamos County Community Development Advisory Board (CDAB) on August 15." I encourage all readers to submit their thoughts on this matter.</p> <p>The press release may be found at: https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-update-available-for-review</p>		
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>I am writing in regards to the draft nuisance code: Sec 18-38, particularly the "Alternative for Personal Auto and Hobby Repair," quoted below:</p> <p>Alternative for Personal Auto and Hobby Repair16: Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p>16: Alternative language that would be inserted to deal with Personal Auto and Hobby Repair if desired by the Community.</p> <p>Although I understand not wanting cars on blocks in front yards, it would be impossible for me to change the oil, rotate my tires or any of the other minor repairs I regularly do.</p> <p>Please reconsider the wording to allow eliminate the "cars on blocks" issue while allowing us to work on our vehicles in the driveway. Perhaps a time limit?</p>	See alternatives for revisions in comment 1 on page 1 above.	The alternative language under the heading Alternative for Personal Auto and Hobby Repair on page 5 of the draft was intended to apply only to automotive repair of inoperable vehicles being stored in public view while being repaired or restored over extended periods of time. A series of comments sharing your concerns are bringing to light that this language was not clear. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and Council. This language provides exceptions to the routine or minor vehicle maintenance and repairs and provides time limits for hobby restoration activities.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>I just read about the county nuisance code and I didn't know there was a survey until now. I have a classic car in my driveway which I consider one my most valuable possessions and the classic car hobby adds a lot to my happiness and well being. I have it under a car cover and I hope to get it back on the road in the near future. I had to sell my parts car a few years ago because I was harassed by the code officer and I'm not very happy about stricter code enforcement. I believe there's a state ordinance protecting the classic car hobbyists. So what can I do to keep my car and not get harassed about it by Los Alamos county?</p>	See alternatives for revisions in comment 1 on page 1 above.	NMSA 1878 Article 11 Vehicles of Historic and Special Significance does address classic cars. Section 66-11-3 Storage provisions states "A collector may store motor vehicles or parts thereof on his private property provided such vehicles and parts cars, and the outdoor storage areas, are maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash and other objectional [objectionable] items." The language included within the draft is consistent with State Statutes. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and Council. This language provides exceptions to the routine or minor vehicle maintenance and repairs and provides time limits for hobby restoration activities.



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Definitions - Inoperable Vehicles	DIVISION 5. DEFINITIONS	<p>There are also issues with the definition of inoperable. As stated, the definition is three of the following:</p> <p>(a) does not have current state registration; (b) is extensively damaged, (such damage including but not limited to any of the following: broken windows or windshield, or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; or (d) is on blocks or similar devices; (e) is partially or wholly dismantled.</p> <p>Does a broken windshield mean a cracked windshield? If so, then 80% of the vehicles trying to be sold in the town's Lemon Lot are extensively damaged. This criterion should probably be modified to "Shattered windshield" Furthermore, what does partially dismantled mean? A single bolt taken out of the engine block? Probably not... but then what percentage of a car needs to be taken apart to constitute partially dismantled (or even wholly dismantled)?</p> <p>For context, one of our two cars died last week - a 2002 Jeep Liberty with 230,000 miles on it. It's sitting on my driveway. Though I've decided to junk it this weekend, I had considered rebuilding the engine because it's pretty much impossible to buy a new car these days. I don't have the money to pay over MSRP, or above KBB values that everyone is demanding these days. To rebuild the engine (including sourcing parts) would probably take over 30 days (3-4 weekends for me). It's got a cracked windshield. It's partially dismantled (I was troubleshooting under the hood), and it's on two jack stands. In three weeks, I would not be compliant under the proposed code.</p> <p>These semantics are important. Even disregarding these specifics, though, the proposed code drastically overreaches what I feel I ought to be able to do on private property. Clearly an inoperable car is not a health and safety issue if I'm allowed 1 in front of the house or 3 in the backyard. It's purely an aesthetics thing, but with half the town being 70 years old, this town is never going to look like a wealthy midwestern gated community. Don't pretend like it will.</p> <p>I truly hope you're taking these comments to heart, and channel the critiques into a better and more effective nuisance code.</p>	<p>Revise Inoperable Vehicle definition to read "Inoperable vehicles means any vehicle, <u>including motorcycles</u>, meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: broken shattered or missing windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; or (d) is on blocks or similar devices; <u>or</u> (e) is partially or wholly dismantled <u>and not under active repair.</u>"</p>	The definition of inoperable vehicles has been revised to address concerns.
Outdoor Storage	Sec 18-34 Outdoor storage	<p>I haven't been following the Chapter 18 update very closely. (Chapter 16 more than enough to give me a headache...). I was reading through the draft today and wanted to make sure the sections on outdoor storage won't cause any issues with the two Metzger's stores.</p> <p>As you know, we receive a lot of seasonal products by the truck load. From spring through late summer, that is typically lawn and garden mulches, dirt, etc that is stored outside on Deacon Street, with the overflow in the 15th Street side of the Los Alamos store, and the north and rear of the White Rock store. In the fall and winter months, this is replaced by ice melts and heating pellets.</p> <p>I saw some language in the automotive section that might be applicable if tweaked:</p> <p>"This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure"</p> <p>I may be overthinking this, but I wanted to make sure we don't do anything that</p>	No revision	<p>Section 18-34 Outdoor Storage contains standards that are primarily geared toward residential uses. The following language points non-residential uses back to the Chapter 16 Development Code "Outdoor storage in non-residential zoning districts shall be screened from view in accordance with requirements of Chapter 16 or conditions of a Conditional Use Permit or as otherwise required by law[1]. All required screening shall be maintained in good repair." It might be worth taking another look at those standards to ensure you don't have any concerns, see the language in Section 4-4(E)(III) of the draft of the Development Code (https://losalamosconnect.org/wp-content/uploads/2022/07/LAC-Chp-16-Development-Code-M3-DRAFT-July-2022-rev.pdf).</p> <p>The language reference is contained in section 18-38 Inoperable or abandoned vehicles and was intended to ensure that salvage yards and other licensed business can continue to operate as permitted within the applicable zoning district or through other obtained permits that permit the use. It doesn't refer to outdoor storage.</p>



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		would have an adverse effect on our business. We're already very constrained and don't have any good options that I can think of. Please let me know if it would be a good idea to get together and discuss this.		
General		I just read the draft of the updated nuisance code and I agree with it. It is a very good code. I may have missed it, but is there a way to anonymously report code violations to the county code enforcement? Also, will there be code enforcement proactively monitoring residential areas for code violations? I can see that this nuisance code has taken a lot of work, investment, and time to produce. I really hope it is enforced.	No revision	Section 18-73 covers administration and enforcement, the current practice that is carried forward in the draft is a hybrid enforcement approach that operates through a combination of active patrols and inspections based on violations reported by the community.
		<p>Here's a contradiction. Is it the intent to reinstate "weeds" in the ordinance as a problem? The introductory materials mention weeds. As you know, violations due to "weeds" have created much resentment and anger in the community in the past few years. Or is it the intent to focus on the real problem, of "vegetation" that obstructs sidewalks, roadways, and line-of-sight for people using sidewalks and roadways? The latter focus would be much preferable. Here's why I ask. The introductory materials in the press release and on the County web site, linked on the announcement on the Los Alamos County Facebook page, specifically mention "weeds".</p> <p>"The nuisance code specifically addresses weeds, outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare on private property." https://www.losalamosnm.us/news/draft_updates_to_nuisance_code_released "The Chapter 18 Update will revise Los Alamos Code of Ordinance Chapter 18 Environment Article II Nuisances. This section addresses weeds, outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare occurring on private property." https://www.lacchp18update.org/ and "The nuisance code specifically addresses weeds, outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare on private property. This project is the first comprehensive update to this section within the Los Alamos Code of Ordinance Chapter 18 Environment Article II." https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-update-available-for-review However, it appears that the word "weeds" has been removed from the most recent draft update of the ordinance, although the word "weeds" can be found in the redlined section of the redlined earlier version. https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf I would like to see an explanation of this contradiction from the people responsible for this information, or correction of it in the introductory materials on the County Web Site. Is the intent to continue the practice of considering "weeds" a violation, or is it the intent to change the focus to "vegetation" that obstructs sidewalks, roadways, and line of sight?</p>	Included the following language on the project website ""	<p>The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term "weed" and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.</p> <p>The project website was established prior to this change. We understand the concerns about this change in verbiage being confusing. The project team can update the website to include clarifying language to relay this change in verbiage.</p>
Inoperable	Sec 18-38	I do appreciate the clarification and fast response. I also recognize that you all	See proposed language above.	This language was included in the draft to provide a starting point for the



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vehicles - Alternative for Personal Auto and Hobby Repair	Inoperable or abandoned vehicles	<p>have what's probably a thankless job and deal with a lot of cranky people. Thank you for putting the work in.</p> <p>I believe the main thrust of my argument stands, and I still oppose that section of the code. I understand what it's trying to do... but I think what it's trying to do is more aligned with an HOA rather than county code. It's totally fine for a planned community to set up rules before everything is built out (particularly if rules relate to garages, which a planned community might dictate all houses have) <i>because everyone knows what they're getting into when they buy into an HOA</i>. Creating these sorts of rules when half the structures in this town are from the 1950s seems to somehow go beyond what's right.</p> <p>Even with your clarification, there are conflicts in the language and additional concerns. The main body of Sec 18-38 states that "Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle."</p> <p>Presumably, my lot would qualify for one inoperable vehicle being stored on the driveway. Can I work on said vehicle? The Personal Auto Repair section is pretty explicit that I can't. So I can store an inoperable vehicle but never work on it. Cool.</p>		<p>conversation regarding inoperable vehicle repair regulations. CDAB and the County Council will discuss this alternative language at their hearings to determine a path forward. They may determine the language is inappropriate and should be removed. Other options for these regulations are to provide a time period, such as 90 days, when inoperable vehicles may be repaired outside of a garage or without screening. The language might also be clarified so that it does not pertain to routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc.</p>
Storage of Recreational Vehicles / Trailers	Sec 18-34 Outdoor storage	<p>The new draft Chapter 18 Code adjustments seems to suggest that residents would no longer be allowed to park their trailers in their driveways or in their side yards if the trailer (or towable camper) were taller than the fence (limited to 6 feet per the building code). This would essentially prohibit towable RV ownership in Los Alamos county. Could you please comment on/clarify the intention of this new ordinance?</p> <p>From the draft below: • Outdoor storage or accumulation of items in residential zoning districts consisting of but not limited to junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. • Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of goods, products, tools, machinery, equipment, inoperable vehicles, trailers, or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code.</p>	Revise the definition of outdoor storage to remove the term trailers.	<p>The project team understands the concerns about trailers being grouped into outdoor storage requirements. The definition of outdoor storage was revised to remove the term trailers. CDAB / Council direction is needed to determine if standards for parking of trailers needs to be incorporated into the draft.</p> <p>Storage of recreational vehicles is addressed in the updated Chapter 18 Development Code Use Specific Standards Section 3-2(D)(XI). This section provides for the storage of trailers in residential areas, stating:</p> <ol style="list-style-type: none"> 1. Parking of Recreational Vehicle, Boat, and/or Recreational Trailer shall occur in one of the following areas: <ol style="list-style-type: none"> A. Inside an enclosed Accessory Structure. B. Outside in a side or rear yard. 2. A Recreational Vehicle, Boat, and/or Recreational Trailer Recreation equipment shall not be parked or stored in front yards except for periods for loading or unloading purposes provided it does not exceed 10 days at a time; except if the lot, because of topography or shape, and the structures located on the lot, cannot reasonably accommodate the location of recreation equipment in areas other than the front yard. In those instances, the recreational vehicle shall be kept in reasonable, operable condition and repair and parked at least 11 feet from the face of the curb. 3. No part of any recreational vehicle or equipment may extend over any public sidewalk or into any required clear sight triangle. 4. No parked vehicle or equipment may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 30 days in any calendar year on any lot if used by house guests of the resident(s) of the premises, provided that no money is



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				received by the resident(s) of the site for this privilege or as a temporary dwelling during the construction of a single-family or two-family dwelling, through the issuance of a Temporary Use Permit, pursuant to Section 5-3(A)(XI).
General		Could I get a copy of the Chapter 18 rewrite that is just the straight, newly proposed text? No strike through or changing color or etc. I think I could review it better, and I can refer back to the version posted if I want to see what the new text replaces.		A clean version of the Chapter 18 draft is available online here: https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39badd4129a25e7db1cc1cd2f5.pdf
General		Hi, I have some concerns about the nuisance code. Overall it seems to align with the responses to the public survey, though the public survey was not written in a very neutral way. For example, the survey didn't distinguish between items that are unsafe to the public or unsafe to people on the private property. It seems to me that items of private safety might be better included in the building codes, as those things are of no nuisance to the public. For an example of the bias of the survey, it asked if well-maintained properties could include fairly positive things (like fences in good repair) but did not ask if they could include the opposite (potentially negative thing like fences in poor repair,) which implies that there is wide support for the positive things but had no option for those of us who don't prioritize the potential negatives. Then the code was written as if those positives were very important. Even the survey results' summaries are written with a particular slant.		
Garbage receptacle storage	Sec 18-32 Accumulation of litter, garbage, and refuse	Of specific concern to me personally are two items in the draft. One is about trash cans only being able to be taken to the curb on trash day. Now, I live on Walnut Street. Almost all houses in my neighborhood are either steeply uphill or downhill from the street. Most people store their trash cans on the yard side of the sidewalk - so not technically at the curb, but certainly close to public spaces. Is this going to be a problem? If it is, what considerations will be made for ADA accommodations? Many people are not able to pull a full trash can up or down hill on a regular basis.	Revise language to read "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be screened from public view and shall be kept covered, except while turning to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm</u> the day <u>prior to the day</u> of collection as determined by the collections schedule set forth by the County."	Los Alamos Code of Ordinances Sec. 32-7 Placement and maintenance of containers within the Solid Waste Management Chapter states "(c) Roll-carts are to be removed from streets and sidewalks and neatly stowed by the end of the day of collection and set out for collection no earlier than 5:00 p.m. the day prior to scheduled collection." Trash cans stowed neatly on the yard side of the sidewalk would not be in violation of this language or the proposed language within the draft. The proposed language will be revised to match the existing language with Chapter 32 regarding timeframes the receptacles may be set out at the curb.
Public View	Division 5: Definitions	Second, this definition: "Publicly visible or public view means anything that can be seen by a person with normal vision from any sidewalk, street, alley, or other public place, or from any building situated on an adjoining property." Now, my neighbors both live in multi-story houses. They could see into my back yard even if it had a 10' cinderblock wall. Does this mean I have no place I can do the things prohibited from public view in the code? I can't imagine this is what is		Revise publicly visible definition to read "Publicly visible or public view means anything that can be seen by a person with normal vision from any sidewalk, or street, alley, or other public place, or from any building situated on an adjoining property."



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		<p>meant by the code, but it is absolutely what it says.</p> <p>There are many other examples of vague wording in the code, which I am sure are being pointed out to you by other people. Given the strictness with which the nuisance code has been enforced in the past, I am very worried about the vagaries and how they can be used to harass and punish Los Alamos residents.</p> <p>Please reconsider this draft and improve it.</p>		
General		<p>I've done one scan of Chapter 18 and want to send some thoughts, concerns and questions. I guess this is a head's up for issues I may raise at the August 15 CDAB meeting.</p> <p>Start out with the positive:</p> <p>* Thank you for all your hard work on what I think is very much improved text and organization for Chapter 18. I especially liked:</p> <p>** Definition section</p> <p>** Sec. 18-31, Obstructive Vegetation and avoidance of the term weeds</p> <p>** How you dealt with fire hazard between Sec. 18-32 and the definitions for vegetative debris and fire hazard</p>	No revision necessary	
Grammatical, typographical and other errors		<p>Step next into language concerns:</p> <p>I realize this is a draft document but the number of grammatical, typographical and other errors and inconsistencies is concerning as it points to a lack of attention to detail. When I see these errors it makes me dubious about the quality of the larger effort. Just saying...</p> <p>** Inconsistent use of serial commas. Pick a style and stick with it. Otherwise, its absence/presence can impart unintended meaning to a sentence or clause. And that seems important in a legal document.</p>		The draft will undergo additional proofing to fix grammatical and typographical errors and comma use made consistent.
Grammatical, typographical and other errors	Sec 18-2 Scope	** Sec 18-2 "... clean, safe, and sanity conditions..." Should be "sanitary"	Revise language to read "The provisions of this Article shall govern the responsibilities of a person for maintenance of all residential and nonresidential structures, premises, and property within the county. Property, structures, and premises shall be maintained in a clean, safe, and sanitary safety condition and shall not cause or create a health, safety, or welfare hazard"	
Cross-References	Sec 18-30 Sidewalks and Driveways and Sec 18-31 Obstructive Vegetation	** Sec 18-30 vs. Sec 18-31 -- the code reference for "clear sight triangle" is footnoted for an update in one section and specified in the next. Why the inconsistency?	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance <u>to conform to the Public Works Design and Construction standards to the extent practicable, of a constant grade</u> , repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) 9 of the Development Code."	



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Grammatical, typographical and other errors	Sec. 18-34 Outdoor Storage	<p>** Sec 18-34 -- That first sentence should be broken up because it is a bear to read, and the inclusion of the comma after "by this Code" makes the final clause non-restrictive.</p> <p>Proposed alternate wording: Outdoor storage or accumulation of items in residential zoning districts shall be prohibited within any yard, unenclosed porch, carport [etc] unless otherwise allowed by this Code. Such items consist of but are not limited to junk, building or construction materials [etc. etc.]</p>		The draft will undergo additional proofing and the language revised to fix grammatical and typographical errors.
Grammatical, typographical and other errors	Sec. 18-35 Movable or temporary storage structures	** Sec 18-34 -- First paragraph atop Page 4 ends in an incomplete sentence	<u>Sec 18-35</u> Movable or temporary storage structures	Revise formatting to make Movable or temporary storage structures a header " <u>Sec 18-35</u> Movable or temporary storage structures"
Grammatical, typographical and other errors	Sec. 18-35 Rodent Harborage	** Sec 18-35 -- Last sentence replace "which" with "that"	Revise language to read "All buildings, structures or lots shall be kept free from rodent harborage and infestation, as defined in this Chapter. It shall be unlawful for any person to place, leave, dump, or permit to accumulate any water, garbage, rubbish, or trash in any structure or premises so that the same may afford food or harborage for rodents or pests. When any structure or premises is so infested or subject to infestation, the property owner or occupant shall be responsible for the prompt extermination by processes <u>that</u> which will not be injurious to human health"	
Grammatical, typographical and other errors	Sec 18-73 and Sec 18-75	** Sec 18-73 and Sec 18-75 contain much the same information and I am not sure if it's supposed to be one or the other or if 18-75 is intended to amplify 18-73 or what.	Revise language to read "(c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record, requesting the violation be voluntarily abated the nuisance within 14 day of the receipt of the Courtesy Letter.	
Grammatical, typographical and other errors	Sec 18-73 (c)	** Sec 18-73 (c) has some problems toward the end of the sentence. Likewise 18-73 (h), first sentence.	Revise language to read "(c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record, requesting the violation be voluntarily abated the nuisance within 14 day of the receipt of the Courtesy Letter.	



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			(h) If the required abatement will require a longer abatement period, the property, the owner of record may submit a request for an extended abatement timeframe to the Community Development Director. The request shall contain the property location, the violation, and proposed abatement measures, and the proposed timeframe required to adequately abate the violation."	
Grammatical, typographical and other errors	After 18-74 comes Sec 18-1	** After 18-74 comes Sec 18-1, Abatement and Lien. Incorrect numbering?		The section numbering throughout the draft has been revised.
Grammatical, typographical and other errors	Sec 18-75	** Sec 18-75 (a) -- "violation orders" should be plural (singular "order")	Revise language to read "A Code Compliance Officer or Code Official shall issue all necessary notices or violation <u>orders</u> to ensure compliance with this Article."	
Grammatical, typographical and other errors	Division 5. Definitions	** Definitions, Deterioration -- the definition includes a string of verbs whereas Deterioration is a noun.	Revise language to read " Deterioration means the process of weakening, disintegrating, disintegrate, corroding, corrode, rusting or decaying and losing effectiveness."	
Grammatical, typographical and other errors	Division 5. Definitions	** Definitions, Exterior property -- insert "means"	Revise language to read "Exterior property <u>means</u> the open space on the premises and on adjoining property under the control of owners or operators of such premises."	
Sidewalks and driveways	Sec 18-30	And finally philosophical concerns and issues ** Sec 18-30 -- Are the pedestrian sidewalks in front of residences the property owner's or the County's responsibility? Seems like the County does all the repairs on them. So, does this distinction of what sidewalks we mean for the owner or occupant's responsibility need to be clarified?		Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Santa Fe, Albuquerque, Alamogordo, Globe AZ, and Golden CO place responsibility for sidewalk maintenance and repairs on property owner within Streets/Public Improvements section of their codes. Las Cruces places sidewalk repair responsibility on the municipality and includes procedures for repair cost recovery from property owners. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on this particular issue.
Sidewalks and driveways	Sec 18-30	** Sec 18-30 -- Does "maintenance of a constant grade" imply no terracing?	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance <u>to conform to the Public Works Design and Construction standards to the extent practicable, of a constant grade</u> , repair of substantial holes, cracks or spalling, and removal of	Remove constant grade language since sidewalks typically include acceptable running slopes and cross slopes to facilitate proper drainage. Terracing of private properties would not be regulated by this section.



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			rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) to 9 of the Development Code."	
Obstructive vegetation	Sec 18-31 Obstructive vegetation	** Sec 18-31 -- "...destroy, remove or trim ..." comes across as aggressive. Can we put "destroy" last in the series? "Trim, remove, or destroy" seems like a more natural, graded approach. And – is there a difference between remove and destroy? Would just saying "remove" do the trick?	Revise language to read "The owner or occupant of any property shall destroy, remove or trim <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be removed or trimmed <u>or removed</u> to maintain a minimum clearance of 86 <u>8</u> feet overhanging sidewalk height and 14 feet overhanging street height."	The language has been revised to read less aggressive.
Obstructive vegetation	Sec 18-31 Obstructive vegetation	** Sec 18-31 -- Is trimming overhanging trees to a minimum clearance of 6 feet sufficient? Fifteen percent of the American population is taller than 6 feet. Maybe 7-foot clearance?	Revise Language to read "The owner or occupant of any property shall destroy, remove or trim <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be removed or trimmed <u>or removed</u> to maintain a minimum clearance of 86 <u>8</u> feet overhanging sidewalk height and 14 feet overhanging street height."	The clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV). Language revised to 8 ft .
Outdoor Storage	Sec 18-34 Outdoor Storage	<p>** Sec 18-34, Outdoor storage -- This is going to be a challenging one, especially given the recommendation CDAB passed (perhaps without sufficient thought) at our last meeting. Nothing in here points to public health or safety, so I assume we are now into the realm of public welfare, which has maybe become our catch-all for aesthetics. We need to find some way to thread this needle.</p> <p>The definition for "Junk" is pretty specific and inclusive, so maybe it's sufficient to use that versus delineate all the possible items in this section.</p> <p>The definition for Outdoor storage includes a 30-day window, and it might be advisable to include this in Sec 18-34 as it provides some cushion for people sorting through materials or dealing with a household project or etc.</p> <p>I expect y'all saw the letter to the editor from the guy who did an informal survey of the availability of garages in different neighborhoods.</p>		The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for



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		CDAB's recommendation approved last meeting includes giving consideration to properties without garages when evaluating materials stored outside.		properties that don't have garage to allow storage within covered carports for example.
Rodent Harborage	Sec 18-35 Rodent Harborage Division 5 Definitions	<p>** Sec 18-35, Rodent Harborage -- another potentially problematic section. This section includes the term "pests," but it does not appear in the definitions so we don't know what is included.</p> <p>The definition for Rodent Harborage is problematic because "any condition which [sic] provides shelter or protection for insects and rodents could be any lawn, shrub, tree. etc. It seems that Infestation should be the concern and not harborage per se. Maybe modifying the definition for harborage "that favors multiplication and continued existence leading to infestation" -- as in, make infestation part of the harborage concern/definition.</p> <p>A large majority of properties in LA have gophers, and likely always will. I run a constant battle exterminating gophers. I can keep them under control, but I can't eliminate them.</p> <p>The "signs" of rodent harborage all have to do with rodents and not insects, so do we want to include insects in the definition?</p> <p>Including "vermin" in the definition for infestation invites the question of which vermin, which can range from fleas to coyotes, according to the dictionary definition. Do we mean all such animals and insects, or do we want to be more specific? Likewise the term "pests." Not specifying things leaves it subjective.</p>	<p>Add definition of pest "<u>Pest means any organism that spreads disease, causes destruction, or may otherwise create a potential health hazard.</u>"</p> <p>Revise language to read "Rodent harborage means any condition <u>that which</u> provides shelter or protection for <u>pests insects</u> and rodents; thus, favoring their multiplication and continued existence <u>leading to infestation</u> in, under, or outside a structure or lot. Rodent harborage may be identified by one of more of the following signs: 1) the presence of live or dead rodents; 2) the presence of rodent nests made up of many kinds of materials, such as bits of paper, straw, rags, etc.; 3) rodent odor from rodent urine; 4) the presence of droppings; 5) evidence of gnawing; 6) rub marks or deposits of body oil and dirt from rodents found along frequently traveled routes as an indicator of habitual pathways; 7) the presence of runways or frequently traveled paths along floors, stairs, and shelves where droppings, rub marks, and stains from rodent urine are found; 8) the presence of burrows that consist of tunnels dug below ground and are used by rodents for nesting and as a path for travel.</p> <p>Revise infestation definition to read "Infestation means the presence, within or contiguous to, a structure or lot of insects, <u>rodents, rats, vermin,</u> or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by <u>rodent harborage and long-term habitation by or frequent presence of pests, rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</u>"</p>	
Inoperable Vehicles	Sec 18-38 Inoperable Vehicles	<p>** Sec 18-38 — This one also seems problematic in that it's all about aesthetics (aka public welfare). There are no health or safety concerns cited. There will be at least some members of CDAB opposed, and there's already been a letter from one member of the public with some relevant comments.</p> <p>I'm still wondering about some process by which the auto owner who wants to keep an inoperable vehicle in the driveway/front yard for a restoration project has to register it as a long-term auto project with the County (permit?) and has to revisit it annually. If the condition remains unchanged after some period of time (3 years?) has to get rid of it or find alternate storage space. Just a thought.</p> <p>Alternative for hobby repair —. Why shouldn't a person be able to work on their vehicle in their driveway? Even if they're engaged in a months-long restoration? I understand the intent to not have a yard full of junkers, but this seems restrictive beyond that.</p>	<p>2 potential revisions are outlined below:</p> <p>Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5.</p> <p>Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as</p>	<p>This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.</p>



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			<p>defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	
Administration and enforcement procedures	Sec 18-73 Administration and enforcement procedures	** Sec 18-73 (c) — Should there be some language allowing for a shorter response time for urgent health/safety conditions?	<p>Revise language to read "(c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record, requesting the violation be voluntarily abated the nuisance within 14 day of the receipt of the Courtesy Letter. <u>The County may take action to abate a public nuisance that presents imminent danger to the health, safety, and welfare of the public per Section 18-71(g)".</u></p>	<p>Sec 18-71(g) states "Nothing in this Article however shall in any way limit or prevent the County from taking any legal or equitable actions necessary to abate a public nuisance, taking immediate measures to prevent the imminent harm to or loss of life or property, or abating conditions that present an imminent danger to the health, safety, and welfare of the public."</p> <p>Revise language in 18-73(c) to provide a reference to 18-71(g)</p>
Administration and enforcement procedures	Sec 18-73 Administration and enforcement procedures	** Sec 18-73 (h) — Alternate timeframes can be worked out with the enforcement officer, can't they? Engaging the CDD director in this seems overly burdensome, given the responsibilities of that position.	<p>Revise language to read "(h) If the required abatement will require a longer abatement period, the property, the owner of record may submit a request for an extended abatement timeframe to the Community Development Director <u>or their designee</u>. The request shall contain the property location, the violation, and proposed abatement measures, and the proposed timeframe required to adequately abate the violation."</p>	
Notice	Sec 18-75 Notice	** Sec 18-75 — Referencing the date and time of the next CDAB meeting is fine, but what's the reasoning for that? CDAB is not in an ombudsman role, so what do we expect the property owner who has received a letter or notice to do with CDAB? Just wondering regarding the intent.		<p>The existing Code language in Section 18-36 Notice requires that the date and time of the CDAB meeting be included in the notice. The proposed language carries this forward.</p> <p>The purpose of including this information in the notice is to provide residents information on where any input on the Code Enforcement</p>



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				processes can be directed. Reference to CDAB within the notices can be removed if the County feels that it is inappropriate. Direction is needed on this particular issue.
Administration and enforcement procedures	Sec 18-75 Notice	** Sec 18-75(c) — Add to first sentence after opening clause language about alternate timeline? Something like "... and the property owner has not established with CDD an alternate timeline and defined path to abatement of the violation ..."	Revise language to read "In the event that re-inspection of the property after the 14-day period finds that violation was not abated <u>and no alternative timeline for abatement has been established per Section 18-73(h)</u> , the Code Compliance Officer or Code Official may issue a Notice of Violation to the owner of record of the property as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record on which the violation exists to abate the violation. The content of the notice shall contain: ..."	
Definitions	Division 5 Definitions	** Definitions, Extermination — would it be useful to include language about "without harm to the health of people, pets, or wildlife" ?	Revise language to read "Extermination means the control and elimination of insects or rodents by eliminating their harborage, by removing or by making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping, or by any other recognized and legal insect or rodent control method approved by the Community Development Division <u>that will not be injurious to human health.</u> "	
Definitions	Division 5 Definitions	** Definitions, Junk — For the "used motor vehicles or the parts thereof or therefrom" could there be additional language that caveats "that are not for an imminent repair or automotive hobby project" ? Inoperable vehicles does have the 30-day window.	Revise language to read "Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state <u>for more than 30 consecutive days</u> including but not limited to: scrap metal and alloys, bones, rags, cloth, clothing, paper, rubber pieces, rope, tinfoil, tires, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, furniture, refrigerators, freezers and all other appliances, machinery, used motor vehicles or the parts thereof or therefrom, any apparatuses or contrivances and parts thereof which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks, or other secondhand building material."	
Definitions	Division 5 Definitions "Junk"	"Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state including but not limited to: scrap metal and alloys, BONES , rags, cloth, clothing, paper, rubber pieces, rope, tinfoil, tires, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, furniture, refrigerators, freezers and all other appliances, machinery, used motor vehicles or the parts thereof or therefrom, any apparatuses or contrivances and parts thereof which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks, or other secondhand building material." Please give me a definition of what constitutes a BONE, in its entirety, <u>including</u>	Revise language to remove bones. Proposed revision reads "Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state including but not limited to: scrap metal and alloys, bones , rags, cloth, clothing, paper, rubber pieces, rope, tinfoil, tires, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, furniture, refrigerators, freezers and all other appliances, machinery, used motor vehicles or the parts thereof or therefrom, any apparatuses or contrivances and parts thereof which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks, or other secondhand building	



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		<p><u>composition</u>, as junk. And why did Izraelevitz insist that bones be constituted as junk! And does this include the entire property, or what is visible from outside the property boundary i.e. street... Obviously...to be continued...holy cow bones 😬</p>	material."	
Sidewalks	Sec 18-30 Sidewalks and driveways	<p>I have a series of concerns against the draft nuisance code update and would like to share them in the hope of prompting changes. All observations apply to the draft pdf compiled by Rebekah Longstreet on 7/20/22 at 2:40PM Sec 18-30, Sidewalks: Per <i>Hammell v. City of Albuquerque, 1958-NMSC-005, 63 N.M. 374, 320 P.2d 384</i>, "...it is the duty of a municipality to keep streets and sidewalks in reasonably safe condition for the public, and for the negligent failure to perform this duty is liable in tort to a person thereby injured" This is NM Supreme Court precedent which the county should be fully aware of. Punting this duty to homeowners is incompatible with state law, and is opening the county to legal action which they likely will lose.</p>		<p>NMSA 3-49-4 Sidewalks; repairing; improving; constructing. " If, within twenty days of the receipt of the final order, the owner of the tract or parcel of land which is contiguous to the sidewalk fails to repair, improve or reconstruct the sidewalk as required in the notice, the owner of the tract or parcel of land contiguous to the sidewalk is liable for any injury received by any person which injury is proximately caused by the negligence of such owner pertaining to such faulty repair, construction or maintenance of the sidewalk and the municipality is not liable." https://nmonesource.com/nmos/nmsa/en/item/4362/index.do#lb/3-49-4</p>
Obstructive Vegetation and weeds	Sec 18-31 Obstructive Vegetation	<p>Sec 18-31, Obstructive Vegetation: County must explicitly identify these nuisances separately from weeds nuisances. I abated weeds this summer after a courtesy letter. Subsequently a Siberian Elm <u>that I intended to transplant</u> was removed <u>without courtesy letter</u>. Siberian Elms are trees, not weeds, and while the tree was in the clear sight triangle, I was not given a courtesy letter for it, only the weeds. Absent this clause, County subjects landowners to a deviation from due process and subjects itself to a contest against any liens placed for nuisances forcibly abated by County.</p>		<p>The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term "weed" and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles. Direction from CDAB / Council is needed on whether additional language regarding weeds should be incorporated into the next iteration.</p>
Accumulation of litter, garbage and refuse	Sec 18-32 Accumulation of litter, garbage and refuse	<p>Sec 18-32, Accumulation...: Per 4th Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home. Section fails to provide an objective measure of refuse and therefore leaves vulnerable landowners to violation for unreasonably small items or items they have not yet become aware of (e.g. refuse blown in by wind storms) I propose this section be scrapped in its entirety and rebuilt in a constitutionally acceptable manner.</p>	<p>Revise language to read "All exterior property and premises, whether improved or vacant, shall be free from any <u>excessive</u> accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be screened from public view and shall be kept covered, except while turning to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb the day of collection as determined by the collections schedule set forth by the County. No person shall dump, deposit, place or dispose of any trash, debris, junk, or other matter on public rights-of-way, public property or upon the property of another without permission from the property owner of record."</p>	<p>Language regarding accumulation of rubbish / garbage are common in property maintenance codes to ensure that sites are kept in a clean and sanitary manner. This section was clarified based on existing language and the word excessive has been added to ensure that unreasonably small items or items are not an issue, which was not the intent of this section. Concerns regarding regulations geared toward safety and aesthetics have been raised on both side; a desire for more aesthetic concerns like the accumulation of litter, garbage or outdoor storage to be regulated as well as concerns that more aesthetic standards for requirements for screening of outdoor storage from public view being too onerous. Various communities draw the line differently, often those that contain more "aesthetic" regulations within their nuisance codes correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article.</p>



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Outdoor Furniture	Sec 18-33 Outdoor Furniture	<p>Sec 18-33, Outdoor Furniture: Per 4th Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home.</p> <p>Section fails to identify the reason for its existence. Of all the shortcomings of my fellow LAC residents to which there is consensus objection, a scourge of gaudy or out-of-place furniture on their porches is not one of them.</p> <p>I propose this section be scrapped in its entirety and rebuilt in a constitutionally acceptable manner.</p>		<p>This language is based on existing language in Sec. 18-43. - Outdoor furniture restriction, which was assumed to be put into place due to previous community issues/concerns. Many nuisance codes do not standards regarding outdoor furniture, but those that do contain similar requirements.</p> <p>Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article. This language can remain or the draft could strike this language and rely on the accumulation of litter, garbage, and refuse section to address furniture on the exterior areas of the property; alternative 2 might want to consider adding “junk” to the list of items that are prohibited to accumulate.</p>
Outdoor Storage	Sec 18-34 Outdoor Storage	<p>Sec 18-34, Outdoor Storage: Per 4th Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home.</p> <p>Section fails to identify the reason for its existence. If a fellow LAC resident dislikes items in my yard which are in a location that actively requires effort to observe, they’re free to fixate their eyes on another location.</p> <p>I propose this section be scrapped in its entirety and rebuilt in a constitutionally acceptable manner.</p>		<p>The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don’t have garage to allow storage within covered carports for example.</p>
Personal Auto and Hobby Repair	Sec 18-38	<p>Sec 18-38, subsection pertaining to Alternative personal/hobby automotive repair:</p> <p>Many of the homes in LAC either lack a garage outright, or lack a garage of sufficient size to perform this task in a safe and efficient manner. Compact garages may even preclude this task under risk of combustible loading limits or safe egress considerations.</p> <p>I propose that exceptions be made for vehicles under this task which may be visible from the public right-of-way but are entirely within the confines of a driveway (e.g. in-street repair is still prohibited). A reasonable time limit may be appropriate for vehicles under this exception, such as ‘vehicle must, from plain view on a public right-of-way, observably move within 30 days’.</p>	<p>2 potential revisions are outlined below:</p> <p>Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5.</p> <p>Option 2: Revise language as follows: “This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any</p>	<p>This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.</p>



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			<p>dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	
Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	Sec 18-51, Exterior surfaces: Section fails to provide an objective measure of the extent of flaking or peeling environmental coatings before triggering a violation. Is a square inch of delaminated coating acceptable? Three square inches?		<p>The current language is based on recommendation within the International Property Maintenance Code. Alternative language that is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use is provided below. CDAB and Council guidance is needed on this issue.</p> <p>Revise language to read "Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior metal and wood surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and are</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight."</p>
Violations	Sec 18-71 Violations	Sec 18-71, Violations, subpart (C): The Lab hiring schedule will create and is creating an influx of time-stressed young families to LAC. This subpart will result in hasty, subpar corrections. I propose changing this subpart such that each 30 days without repair incurs a repeat violation.		<p>This language is based on an existing standard and code enforcement practice within the County. The standards of Sec 18-71 can be revised to strike "e) Each calendar day of a violation shall constitute a separate offense". Verification that this change in practices is acceptable is CDD, CDAB and Council is needed.</p>
Responsibility of	Sec 18-72 Responsibility of	Sec 18-72, Enforcement, subparts (A and B): Pick one method of enforcement, the impartial government employee		<p>The recommended enforcement approach is a hybrid compliance-based and complaint-based system with a focus on education to curb nuisances</p>



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Enforcement	Enforcement	constrained by the 4 th Amendment detailed in subpart A, or the potentially spiteful private reporting in subpart B. Because LAC has its share of petty people, I believe repeated citizen complaints that result in a No Violation closure should remedy the behavior with warnings followed by litigation against the erroneously reporting citizen. The existing and draft code speak only to the innocent-until-proven-guilty landowner abiding a suspected nuisance, never to citizens erroneously reporting or engaging in exaggeration in their reporting.		before they become violations and partnerships with community groups and resources to prevent and abate nuisances.
	Sec 18-74: Authority to Enter:	Sec 18-74: Authority to Enter: Heavens NO. Per 4 th Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home. Excepting areas not protected by a fence and in plain view from the public right-of-way, the code official exercising this section must present a warrant even for curtilage of the property. Any inspection not achievable from the public right-of-way must be accompanied by a warrant.		A Code Compliance Officer or Code Official would be required to obtain a search warrant or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied to enter private property to conduct an inspection within a fenced area, not visible from the public right-of-way. Revise language to clarify. This language is standard within property maintenance codes. It is consistent with the International State Property Maintenance Code, State Statutes and the County Charter. Authority already exists and this section is compliant with NM Law.
		Ultimately the largesse of this draft code shows that the greatest nuisance in the county is the county government itself. This draft code is the stuff of dreams for preoccupied HOA presidents, and an unholy bane for any homeowner with <i>any</i> other responsibilities at <i>all</i> . I fail to understand the instigating impulse behind this draft when the existing code worked as intended and provided fewer opportunities for governmental overreach or inter-neighborhood petty feuding. Countenancing this draft is infuriating and I protest both the text and the intent behind it. Has this been reviewed <u>at all</u> by a licensed attorney?		The proposed draft has been reviewed by County legal and by DPS' legal council.
Purpose	Sec 18-1 Purpose	I have read the July 2022 Draft of the revised Chapter 18 and have some comments and suggestions. There are a number of typographic errors but I won't address them. General Sec. 18-1 Purpose The first sentence defines the purpose as "to promote the public's health, safety, and welfare". The term "promote" seems rather weak and I think that what is really intended is "ensure". I'm also confused by the use of the word "welfare". The common definition for welfare is: "the health, happiness, and fortunes of a person or group; or a statutory procedure or social effort designed to promote the basic physical and material well-being of people in need". I think that a broader, less confusing term would be "quality of life".		Public health, safety and welfare is the language referenced in state statutes, which is it written as is. CDD, CDAB and Council direction needed on preferred terminology.
Scope	Sec. 18-2 Scope	Sec. 18-2 Scope Here the purpose of Chapter 18 is defined as maintaining property in "a clean, safe and sanitary condition". "Clean" and "sanitary" are near synonyms but they aren't defined and clearly the ordinances go well beyond this. It also might be worth mentioning in this section something about how violations are defined and treated.	Add definition for clean "Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health." Add definition for sanitary "Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or	Add a definition for clean and for sanitary. Violations are described in Section 18-71 and enforcement procedures are outlined in Section 18-73.



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			waste is present in such a manner that the condition might constitute a health hazard”	
Sidewalks	Sec. 18-30 Sidewalks and driveways	<p>Sec. 18-30 Sidewalks and driveways</p> <p>The term “constant grade” is used without a definition. The term “obstructions” is used and elaborated on in Sec. 18-31 Obstructive vegetation. There, it is stated that vegetation must be trimmed so as not “to obstruct or impair the free and full use of the sidewalk or street”.</p> <p>I interpret “full use” as the entire sidewalk or street, meaning that a pedestrian should be able to use the entire sidewalk and a car should be able to park next to the curb. Since for humans, the shoulder and arm extend beyond the feet, I would interpret “full use” as allowing one to walk at the edge of the sidewalk. This should then require that the vegetation (or fence or wall) be maintained enough outside the sidewalk edge to allow room for an arm. This is particularly important if the vegetation has thorns, e.g. a rose bush or Russian olive’. I can’t think of any way that this would compromise the functionality of the vegetation or fence for the property owner. Later on, the height limit for trimming vegetation is defined as 6 feet. This is really unacceptable. Lots of people exceed this height. The limit should be at least 7.5’.</p>	<p>Revise sidewalk language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance <u>to conform to the Public Works Design and Construction standards to the extent practicable, of a constant grade</u>, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x9 of the Development Code. “</p> <p>Revise obstructive vegetation language to read “The owner or occupant of any property shall destroy, remove or trim <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be removed or trimmed <u>or removed</u> to maintain a minimum clearance of 86 feet overhanging sidewalk height and 14 feet overhanging street height.”</p>	Remove constant grade language since sidewalks typically include acceptable running slopes and cross slopes to facilitate proper drainage. The obstructive vegetation clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV). Language revised to 8 ft to accommodate the tall population.
Purpose	Sec 18-33 Outdoor Furniture	<p>Sec. 18-33 Outdoor furniture</p> <p>This is clearly outside the narrow definition of purpose in Sec. 18-1 and Sec. 18-2. Furniture is not a threat to health, safety or welfare. However, it can affect the quality of life, which is what I think the intent is. Sec. 18-38 Inoperable vehicles is another example of this deficiency. So, I think that the Statement of purpose needs to be refined to address these situations.</p>		<p>This language is based on existing language in Sec. 18-43. - Outdoor furniture restriction, which was assumed to be put into place due to previous community issues/concerns. Many nuisance codes do not standards regarding outdoor furniture, but those that do contain similar requirements.</p> <p>Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article. This language can remain or the draft could strike this language and rely on the accumulation of litter, garbage, and refuse section to address furniture on the exterior areas of the property; alternative 2 might want to consider adding “junk” to the list of items that are prohibited to accumulate.</p>
Weeds		<p>Comment</p> <p>A few weeks ago, I had to give a presentation to the County Council about the</p>		The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term “weed” and the appropriate enforcement



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		status and progress in CDAB. When I had finished, there were questions about the draft Chapter 18 whether it will address the problem of weeds. While weeds don't directly impact health or safety, they do affect the quality of life in the same manner as outdoor storage of things like furniture and inoperable vehicles. I think that Chapter 18 should address weeds. It should provide a broad, easily understood definition. Here is a suggestion that addresses overgrown weeds affecting quality of life: <i>It is a violation if a significant fraction of the property visible from the street is overgrown with weeds or other un-maintained vegetation that exceeds 12" in height.</i>		thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.
Personal Auto and Hobby Repair	Personal Auto and Hobby Repair	I am writing today to strongly oppose the draft nuisance code as proposed. The proposed changes empower the county government to impose culture and values upon the residents that do not reflect the people living within the county. The expectations set forth will continue to isolate Los Alamos county from the greater New Mexico community. I take special offense to the use of the terms "publicly visible" and "public view". Specifically the code proposes criminalizing working on vehicles within the public view. This county MUST retain a sense of community which relies on human interactions between neighbors. It is imperative in a community that we are personally able to accept and deal with issues considered unsightly or annoying. My neighbor changing his oil in the driveway is not a nuisance to be criminalized. It is an opportunity to say hello. People must be allowed to engage in behavior that is considered unsightly, annoying, or distasteful. It is the up to the community to self regulate through culture and relationship, not through government criminalization.	2 potential revisions are outlined below: Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5. Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard." Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way. Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."	This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles and was included in the draft to provide a starting point for the conversation regarding inoperable vehicle repair regulations. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.
Authority to	Sec 18-74: Authority	I also strongly oppose the county claiming a right to inspect my backyard, within		A Code Compliance Officer or Code Official would be required to obtain a



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Enter and Inspections	to Enter:	my fence. I will not accept anyone on my property that does not have explicit or implied authorization. A county inspector on my property will not be welcome unless it is in reference to a building inspection I have requested. Probable cause must be asserted with the property owner prior to entering.		search warrant or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied to enter private property to conduct an inspection within a fenced are, not visible from the public right-of-way. Revise language to clarify. This language is standard within property maintenance codes. It is consistent with the International State Property Maintenance Code, State Statutes and the County Charter. Authority already exists and this section is compliant with NM Law.
Sidewalks	Sec. 18-30 Sidewalks and driveways	I also oppose the requirement regarding maintenance of concrete. The condition and safety of any concrete on my property is my personal risk, and that of my homeowners insurance. The county does not have any liability and should then have no jurisdiction. Additionally, spalling and cracking of concrete can take significant financial resources to remedy. Given the state of many properties in n this county. Homeowners must make decisions on what they can afford to fix. I have chosen to invest in warm windows rather than fix spalling and cracking on my driveway. Criminalizing that decision is an authoritarian affront on my freedom to choose the way I live.		Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Albuquerque, Alamogordo, and Rio Rancho place responsibility for maintenance of adjacent planting strips within Streets/Public Improvements section of their codes. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on whether this content should be struck from the draft or retained.
Enforcement		<p>Lastly, I would like to see a way for the citizens of the county to hold the county accountable for the same nuisances that we will be held criminally liable for. In a 30 minute walk to Overlook park, I documented many instances of "nuisance" behavior by the county. The county obstructed the sidewalks with weeds from mowing, paint was peeling off the soccer goals, concrete was found cracked and spalling, weeds were growing into walkways, the fields are a massive rodent harborage, mice are running loose in the restrooms, and the county mowed the dog park without picking up balls and toys strewing plastic garbage around the park. If these expectations are held on individuals, then the individuals should at minimum have the same expectations of the county.</p> <p>Thank you for reading my concerns. Please ensure that public comment regarding proposed code is transparent and communicated to elected members of the council.</p>		
General	Division 2	<p>Division 2</p> <p>General comment: Los Alamos residential areas are not uniform. Whole neighborhoods were constructed in the 1950's and 1960's to the standards of the day, and so have small footprints on small lots. If off-street parking or a carport or garage is available it is for at most one car, and many have no off-street parking at all. Homeowners old and new have adjusted to the restrictions of these small homes in various ways: many carports and garages were converted to indoor spaces; parking on the street; and doing their vehicle maintenance on the street or in a driveway, carport, side or back yard. This is the very essence of Los Alamos: innovation and creativity were features not only of the Lab but of the lab scientists and technicians in their homes. Cutting people off from these home-brew remedies is an assault on the heritage of Los Alamos – and a very expensive one at that, for adherence to many of the restrictions proposed in this new code will require large expenditures by owners of these old houses. And for what? So</p>		



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		the community can conform to some arbitrary standard set for residences beyond the means of many of Los Alamos citizens? There is no benefit to the community of doing that, and it further exacerbates the split between rich and poor in Los Alamos, drives up the price of starter homes for new residents, as well as the last truly affordable housing in Los Alamos.		
Sidewalks	Sec. 18-30 Sidewalks and driveways	Sections 18-30, 18-31 If you look at the definitions (Division 5) for Overgrown vegetation, Planting strip, and Premises, you'll see that a problem with this is that for many of the lots in the older parts of town there is a six or seven foot wide strip between the sidewalk and the property line that is county property, not an easement, but which the county utilities and communications companies use for their distribution lines. Most people are unaware and treat it as their own property and landscape it or even build fences on it. The definitions make this strip, which appears to be what the code means means by "planting strip," is part of the "premises." For example, I don't know how you can cite a homeowner for overgrown vegetation located on county property, or require the homeowner to repair the sidewalk located on county property. In addition I suspect an astute homeowner could challenge whether the county can actually require the homeowner to maintain that property at all. Much of the regulation in this code is aimed at activities in this planting strip. I think this problem should be acknowledged by the county with a clear statement made as to who has the responsibility for these strips and how the county has the authority to require maintenance of county property by the homeowner		Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Albuquerque, Alamogordo, and Rio Rancho place responsibility for maintenance of adjacent planting strips within Streets/Public Improvements section of their codes. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on whether this content should be struck from the draft or retained.
Outdoor Storage	Sec. 18-34	Section 18-34: Many homes have unenclosed carports that have been used for storage since time immemorial, or at least since 1950. Preventing the continued use of these carports for storage or other activities such as auto maintenance imposes an unnecessary and expensive burden on the owners of the old homes. I suggest excluding carports from these requirements.		The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don't have garage to allow storage within covered carports for example.
Movable or temporary storage structures	Movable or temporary storage structures	Movable or temporary storage structures: elsewhere you allowed for PODS. Why not here? No way you put a PODS container out of sight, or move it into a backyard in eastern area.	Revise language to read "Tents or canopies used for storage or metal storage or moving containers shall not be permitted in areas visible from the public rights-of-way unless specifically approved and permitted through a Temporary Use Permit and in compliance with	PODS will be allowed if approved and permitted through a Temporary Use Permit and are subject to the following Chapter 16 Use-Specific Standards for temporary storage : "3-2(E)(XII) TEMPORARY STORAGE



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			all standards of Section 16-3-2(E)(X) <u>Temporary Storage</u> of the Development Code”	1. This use requires a Temporary Use Permit pursuant to procedures outlined per Section 5-3(A)(XI). 2. This use shall only operate for a maximum period of 60 consecutive days in any calendar year. Temporary storage containers shall not be permanently placed within any front, side, or rear yard. 3. Temporary storage containers shall not be placed within public rights-of way or interfere with required sight visibility triangles pursuant to Section 4-2(C)(IV).” Language revised to clarify the reference to the use specific standards for temporary storage.
Inoperable vehicles	Sec 18-38	Section 18-38 In General, in this section you’re getting away from the Health Safety and Welfare that is the primary aim of this code, and getting into aesthetics. As you move in that direction you’re losing the authority that allows for the regulation of nuisances. Just sayin’. There are residences without off-street parking and located on a hillside so that storage of an inoperable vehicle is not possible anywhere but on the street. Few vehicles have covers “designed to fit” them - and how would the County know it isn’t designed anyway?. Replace this requirement with “a cover that completely encloses the vehicle, except for the tires” and let the owner work it out with tarps, tape and straps.	Revise language to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover <u>that completely encloses the vehicle, except for the tires designed to fit the motor vehicle</u> such that the vehicle is not a safety hazard or <u>publicly visible visible from adjoining or surrounding property or from view of a public right-of-way.</u> ”	
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	Alternative for personal auto or hobby repair: Should allow this in a carport too. This section needs a definition of repair that distinguishes major auto work from standard maintenance tasks like changing the oil or a battery, light bulbs, and simple troubleshooting, and that allows these activities on the street, driveway or front yard. Your vision of what a house in Los Alamos looks like and what you can do with it is obviously not informed by experience in the older parts of town.	2 potential revisions are outlined below: Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5. Option 2: Revise language as follows: “This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the	This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.



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			<p>resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	
Inoperable Vehicles	Division 5 Definitions	Motorcycles should be provided for as well, especially in carports and front yards.	Revise Inoperable Vehicle definition to read "Inoperable vehicles means any vehicle, <u>including motorcycles</u> , meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: broken shattered or missing windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; or (d) is on blocks or similar devices; <u>or</u> (e) is partially or wholly dismantled <u>and not under active repair.</u> "	Add motorcycles to inoperable vehicle definition
Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	Division 3 Section 18-51 Protective Treatment This is troublesome because it allows for no deviation from a 100% protective surface, an impossible standard which opens the door to subjective judgement by a code inspector. Tough to convince a court without objective standards. I think there should be an objective standard for say, how much peeling, chipped or flaking paint is allowed. Percent of a surface, for example?		<p>The current language is based on recommendation within the International Property Maintenance Code. Alternative language that is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use is provided below. CDAB and Council guidance is needed on this issue.</p> <p>Revise language to read "Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior metal and wood surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and are</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight."</p>



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Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	There is no practical reason to remove oxidation staining from any surface, that is an aesthetic judgment alone and should be eliminated.		The current language is based on recommendation within the International Property Maintenance Code. Alternative language that is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use is provided above. CDAB and Council guidance is needed on this issue.
Unsafe Conditions	Section 18-52 Unsafe Conditions	Section 18-52 Unsafe Conditions Many of these judgments can only be made by a qualified engineer, especially A through D, where the ability to support loads is involved.	Revise code official definition to read "Code Official means the county official who is charged with the administration and enforcement of this Code, or any representative authorized by the County Manager <u>such as the Community Development Director or the County Engineer.</u> "	Building officials and the County Engineer may be among those charged with enforcement and have the capability to assess a structure using these standards and the building code.
Unsafe Conditions	Section 18-52 Unsafe Conditions	E: failure to maintain etc. Citing somebody for a cracked window or deteriorated glazing is simply too much regulation. Many of the old houses in Los Alamos have inoperable window cranks and other defects for which replacement hardware is no longer available. You're forcing huge expenditures here to update windows by homeowners who can't afford it or for landlords who will have to increase the rent to pay for it, once again driving up the cost of housing in Los Alamos. This is not nuisance abatement, it's urban redevelopment and outside the scope of a nuisance code. The scope should be : "clean, sanitary, safe, and structurally sound." (Section 18-70).	Revise language to read "10. Windows, skylights, doors, and door frames. Windows, skylights, doors, and frames shall be maintained in sound condition, good repair, and weathertight. All glazing materials shall be maintained free from cracks and holes and <u>not admit rain or moisture</u> . Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware."	
Violations	Sec 18-71 Violations	Division 4 Section 18-71 Violations c. Every day a new violation: Making each day of a violation a new count is fashionable but it is counterproductive, unenforceable overkill. Rarely will you have a well-defined time at which to start counting, or even to stop – do you stop on the day of citation, at the end of the appeal period, after the trial? Just take that out. One count is enough to abate the nuisance, which is the point. No need for intimidation tactics against homeowners.		This language is based on an existing standard and code enforcement practice within the County. The standards of Sec 18-71 can be revised to strike " e) Each calendar day of a violation shall constitute a separate offense ". Verify this change in practices is acceptable is CDD, CDAB and Council.
Enforcement	18-72 Responsibility for enforcement	18-72A Responsibility for enforcement: I'd like to see the county engineer called out to make judgments where the calculation of loads and similar things are involved. I don't believe that code inspectors have the required credentials.	Revise code official definition to read "Code Official means the county official who is charged with the administration and enforcement of this Code, or any representative authorized by the County Manager <u>such as the Community Development Director or the County Engineer.</u> "	Added County Engineer to the definition of Code Official.
Administration and enforcement procedures	Sec 18-75 Notice	Section 18-75 Notice Isn't this redundant with Section 18-73c? combine them.	Revise language to read " (c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record, requesting the violation be voluntarily abated the nuisance within 14 day of the receipt of the Courtesy Letter. (f) If upon re-inspection the Code Compliance Officer or Code Official finds the violation has not been abated, a Notice of Violation may be issued to the owner of record as identified in the records of the	Section 18-73 provides an overview of the enforcement procedures. Section 18-75 Notice is intended to provide details regarding the contents of the Courtesy Letter and the Notice of Violation. Language revised in Section 18-73(c) and (f) to remove redundancies.



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			County Tax Assessor and the property address in violation, if different from the owner of record, pursuant to Sec 18-75."	
Notice	Sec 18-75 Notice	Why the reference to the Community Development Advisory Board? What role do they play? Hopefully they are not going to hear complaints.		The existing Code language in Section 18-36 Notice requires that the date and time of the CDAB meeting be included in the notice. The proposed language carries this forward. The purpose of including this information in the notice is to provide residents information on where any input on the Code Enforcement processes can be directed. This requirement can be removed, verify this change in practices is acceptable is CDD, CDAB and Council.
Administration and enforcement procedures	Sec 18-73 Administration and enforcement procedures	18-76 Complaints redundant with 18-73 j. These should be combined.	<p>Revise 18-73(j) to read " Upon the failure to abate a violation pursuant to the issuance of a Notice of Violation <u>within the prescribed time, the County may file a complaint charging violation of this article with the a criminal citation to Municipal Court may be issued.</u>"</p> <p>Remove Sec 18-79 Complaints: "If the owner of record where the violation of this article exists has failed to abate the violation within the prescribed time then the County may file a complaint charging violation of this article with the municipal court."</p>	
Penalties	Sec 18-77 Penalties for violation of division	18-77 Penalties etc. Referring this to abatement and liens doesn't give you a penalty. Are you not doing a fine? Is the fine limited to \$300 or \$500?	Revise language to read "Any person who shall be convicted of the violation of any provision of this Chapter shall be punished in Accordance with Section X Abatement and Lien <u>and Section 1-8 General penalty; continuing violations; corrections fee."</u>	Add reference to general penalties within Section 1-8. That section establishes a fine not exceeding \$500.00.
Definitions	Division 5 Definitions	Division 5 Definitions Anchored: – leaves unanswered what is meant by a "positive connection." Connection to what? By what means and at what strength?	Revise anchored definition to read "Anchored means secured, <u>attached, or fastened in place firmly so as to be capable of resisting natural or artificial loads, in a manner that provides positive connection."</u>	
Definitions	Division 5 Definitions	Infestation: what's a pest? There should be a general definition allowing the identification of a pest and relating it to the health, safety, and welfare criteria of this chapter. Rats yes, but rabbits? Bears? Garter snakes? Mosquitoes? As identified by -- add " for example" – and be a little more general. For example, "evidence of long-term habitation by or frequent presence of pests." You could replace the rodent description with "rodent harborage" which is well defined below.	<p>Add pest definition "<u>Pest means any organism that spreads disease, causes destruction, or may otherwise create a potential health hazard.</u>"</p> <p>Revise infestation definition to read "Infestation means the presence, within or contiguous to, a structure or lot of insects, <u>rodents rats, vermin,</u> or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by <u>rodent harborage and long-term habitation by or frequent presence of pests, rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</u>"</p>	
Definitions	Division 5 Definitions	Inoperable vehicles: at the end add "and not under active repair."	Revise Inoperable Vehicle definition to read "Inoperable vehicles means any vehicle, <u>including motorcycles,</u> meeting at least three (3) of the following conditions existing for more than 30 consecutive	



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			days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: broken shattered or missing windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; or (d) is on blocks or similar devices; <u>or (e) is partially or wholly dismantled and not under active repair.</u>	
Definitions	Division 5 Definitions	Noxious: "living beings?" Like cockroaches? I suggest "human beings or domestic animals."	Revise noxious definition to read "Noxious means physically harmful or injurious to living human beings <u>or domestic animals.</u> "	
Definitions	Division 5 Definitions	Outdoor Storage: At the end, "and that are not waiting for assembly into an active construction project." This is in 18-34, but the definition should be consistent.	Revise Outdoor storage definition to read "Outdoor Storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of goods, products, tools, machinery, equipment, inoperable vehicles, trailers , or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code <u>and that are not waiting for assembly into an active construction project.</u> "	
Definitions	Division 5 Definitions	Overgrown vegetation, and Planting strip, and Premises: A problem with this is that for many of the lots in the older parts of town there is a six or seven foot wide strip between the sidewalk and the property line that is county property, not an easement, but which the county utilities and communications companies use for their distribution lines. Most people are unaware and treat it as their own property and landscape it or even build fences on it. I don't know how you can cite a homeowner for overgrown vegetation located on county property. In addition I suspect an astute homeowner could challenge whether the county can actually require the homeowner to maintain that property.		This issue is similar to the maintenance of sidewalks .
Definitions	Division 5 Definitions	Unsafe conditions: as the result of the accumulation or collection of litter, dilapidated structures, or inoperable vehicles as defined herein , add: "or any other hazardous object or condition."	Unsafe Condition means unsafe conditions shall include, but shall not be limited to, any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures, or inoperable vehicles as defined herein, <u>or any other hazardous object or condition</u> , is or may be, an attractive nuisance to children or a danger to the life, premises, occupants, or safety of the public and any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation, or lack of maintenance is a hazard to the public.	
Definitions	Division 5 Definitions	Vegetative Debris: add "and not being used for mulch, bird or animal foraging, or sources of seeds for new growth."	Revise the definition to read "Vegetative Debris means dead and downed plant material, naturally expired or portions of a plant removed intentionally such as by trimming, resulting from trees, grasses, shrubs, and understory groundcover <u>and not being used for mulch, or sources of seeds for new growth.</u> "	References to bird or animal foraging were not included within the definitions due to concerns about pests.
Definitions	Division 5 Definitions	Violation: "with each calendar day or portion thereof in which the violation continues constituting a separate violation. " Making each day of a violation a		This language is based on an existing standard and code enforcement practice within the County. The definition can be revised to read "Violation



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		new count is fashionable but it is counterproductive, unenforceable overkill. Rarely will you have a well-defined time at which to start counting, or even to stop – do you stop on the day of citation, at the end of the appeal period, after the trial? Just take that out. One count is enough to abate the nuisance, which is the point. There is no need for intimidation tactics against homeowners. Besides, this clause should not be in the definitions section anyway. Just throw it out.		means an act or omission contrary to a regulation as defined in this Code. A violation continues to exist until abated to the satisfaction of the County, with each calendar day or portion thereof in which the violation continues constituting a separate violation. Verify this change in practices is acceptable is CDD, CDAB and Council.
			In good repair means in a condition where the structure fulfills its intended use, <u>is safe and functional</u> , and meets all other code requirements.	
Outdoor Storage		Could you please comment on our questions with respect to the overall intentions of this new ordinance. Is it to disallow enclosed trailers? Trailers in general? Keeping anything at all within site of the sidewalk or a neighbor? We recognize you are busy, but my neighbors and I are deeply concerned with how this will negatively impact our lifestyle and our community.	Revise Outdoor storage definition to read “Outdoor Storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of goods, products, tools, machinery, equipment, inoperable vehicles, trailers , or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code <u>and that are not waiting for assembly into an active construction project.</u> ”	The community survey conducted late last year included some concerns about the parking of vehicles, both operable and inoperable, and items like trailers outside of designated driveways. The original inclusion of trailers under outdoor storage was intended to cover these concerns. Direction from CDAB and Council is needed to determine if and to what extent trailers should be regulated.
Sidewalks and driveways	Section 18-30 Sidewalks and Driveways	I am seeking clarification on the final draft of the Los Alamos County Nuisance Code Section 18-30. My understanding is that the County owns the sidewalks as a public right-of-way, so they would be responsible for sidewalk maintenance. Can you please confirm that the County, and not the adjacent property owners, would be responsible for repairing defects in the sidewalk? The draft text states the following: Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x 10 of the Development Code.		Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Santa Fe, Albuquerque, Alamogordo, Globe AZ, and Golden CO place responsibility for sidewalk maintenance and repairs on property owner within Streets/Public Improvements section of their codes. Las Cruces places sidewalk repair responsibility on the municipality and includes procedures for repair cost recovery from property owners. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on this particular issue to determine if maintenance responsibilities for sidewalk repair should be retained or struck from the draft.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	The revised nuisance code section 18-38 removed the exemption for vehicles that are classified as vehicles of historic and special significance under the provisions of NMSA 1978, § 66-11-1 through 66-11-5. Could you please explain why this exemption was removed?		NMSA 1878 Article 11 Vehicles of Historic and Special Significance does address classic cars. Section 66-11-3 Storage provisions states “A collector may store motor vehicles or parts thereof on his private property provided such vehicles and parts cars, and the outdoor storage areas, are maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash and other objectional [objectionable] items.” The language included within the draft is consistent with State Statutes. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and



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				Council. This language provides exceptions to the routine or minor vehicle maintenance and repairs and provides time limits for hobby restoration activities.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	Current code Sec. 16-281(a) states that "The county council, having found that the existence of numerous inoperable vehicles is aesthetically displeasing that can lead to lower property values, does impose the following conditions..." This section imposes inoperable vehicle requirements on the basis that all inoperable vehicles are aesthetically displeasing, and thus, a nuisance. Take the example of a 1956 Thunderbird under restoration, with its engine removed for modernization and unregistered (why pay for tabs whilst restoring your dream car?). This would meet the current definition of inoperable. Under the draft (and current) code this gorgeous, \$80k+ vehicle could not be parked in a homeowner's driveway unless the lot could not reasonably accommodate it (and even still it would need an opaque cover). Los Alamos is an innovative and creative community where many residents enjoy rebuilding vehicles. I would argue that certain inoperable vehicles, such as a 1956 Thunderbird, parked uncovered in the homeowner's driveway could actually increase property values. The current language is a one size fits all model and is not reflective of the County we live in and is concerning to my neighbors and I. Could you please add more flexible language or exemptions to this section to allow for inoperable vehicle restoration in a homeowner's own driveway?	<p>2 potential revisions are outlined below:</p> <p>Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5.</p> <p>Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions for general maintenance as well as standards for hobby repair.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	I am confused about the intent of Section 18-38 language on Alternative for Personal Auto and Hobby Repair which states "Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way." The draft code defines Public Nuisance as "a condition that is injurious to public health, safety, morals, or		See proposed response above, which includes alternative language to provide clearer exemptions for general maintenance as well as standards for hobby repair. CDAB and Council direction is needed on this particular issue.



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		welfare or interferes with the exercise and enjoyment of public rights, including the right to use public property." Could you please comment on how performing hobby repairs in your own driveway constitutes a public nuisance?		
		My neighbors and I are having a meeting this evening to continue our discussion about the draft nuisance code. An answer to the questions above would be extremely helpful so that we might have a more productive conversation. No one seems to understand the intention of "goods, products, tools, machinery, equipment, inoperable vehicles, trailers, or other similar items" being disallowed from our driveways and yards and no one has been able to come up with something that one might keep in those spaces that wouldn't be disallowed by the vague totalness of the clause. In other words: would a shovel be a "tool" and would a garden hose be a "good" ? Could you please clarify what isn't a "good, product, tool, machinery, equipment, or other similar items" so that we might have a more productive conversation. There is a lot of concern about how this might negatively impact the culture of our community.		The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don't have garage to allow storage within covered carports for example.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	I concur with John Bloodwood's statements in the letter to the editor that was published in LA Daily Post. However, I would like to add a couple thoughts. If I wanted a home with a HOA... I would have purchased one! There are properties around town where garages aren't even a reasonable possibility, also applicable to keeping things behind a fence in some cases. We have homes around town where the roof is at street level because of the lay of the land. Oddly enough... on the opposite side of the street, the opposite problem exists. Included in these are some places that could have a garage or car port if the county would allow such structures closer to the road. Also many people that do these kinds of self repairs do them so that they may eke out an existence in Los Alamos. Sometimes so that their children can have "Los Alamos" public schools on their college resume. Some are the ones doing service jobs around Los Alamos, repairing your cars, mowing your lawns, doing your yard work, working in the convenience store, hardware store, grocery store, fast food joint, at your favorite restaurant or bar, delivering your pizza, etc... These are the people that can't afford a mechanic, let alone a home with a garage. Perhaps Los Alamos County should purchase the old Metzger's Gas station and allow residents to make repairs within the garage at an extremely reasonable fee... Oh wait, that won't work because they changed the zoning on it. Are we trying to drive these types of businesses out of town as well? Amazon may deliver everything we used to drive to Santa Fe or Albuquerque for, but they don't deliver	2 potential revisions are outlined below: Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5. Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard." Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a	This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions for general maintenance as well as standards for hobby repair. The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or



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		<p>small businesses, or the people who work in them, or the people who deliver the packages in the first place.</p> <p>Because of Covid, we've gotten a taste of what it's like having a shortage of these workers... I've seen outgoing mail sit in a mailbox for 3 days before being picked up. Do we as a county really want to drive the lower income and blue collar workers who remain away?</p>	<p>manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	<p>the standards revised to be less onerous to include exceptions for properties that don't have garage to allow storage within covered carports for example.</p>
Sidewalks and driveways	Section 18-30 Sidewalks and Driveways	<p>The entire "Nuisance Code" in it's current form needs to be scrapped and the County needs to start over. The CDD has done a horrible job of listening to the residents of Los Alamos and have tried use other cities to model their code after.</p> <p>First of all, the County is responsible for all the Streets and Sidewalks within Los Alamos County. NOT THE HOMEOWNERS! No homeowner should be held responsible for maintaining something that is not ON their property and is the responsibility of the County. That's what property taxes are for.</p>		<p>Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Santa Fe, Albuquerque, Alamogordo, Globe AZ, and Golden CO place responsibility for sidewalk maintenance and repairs on property owner within Streets/Public Improvements section of their codes. Las Cruces places sidewalk repair responsibility on the municipality and includes procedures for repair cost recovery from property owners. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on this particular issue to determine if maintenance responsibilities for sidewalk repair should be retained or struck from the draft.</p>
General		<p>Second, this County has made all their decisions for the "Nuisance Code" based on arrogance and wealth. Not once did they consider all the people living in Los Alamos that don't make \$100,000.00 or more per year. These are the people that will get hurt the most by this egregious policy.</p> <p>If you can judge by the tone and wording of this letter, I am one of these individuals.</p> <p>This "Nuisance Code", in its current form, is a prime example of GARBAGE LEGISLATION! It needs to be shredded and the CDD needs to stick to watching weeds grow. Which is the only thing they're good at.</p>		
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Thank you for your reply. The proposed language in the options related to motor vehicles is not acceptable to me.</p>		
General		<p>Please provide a copy of the draft of the proposed Nuisance Code-related ordinances (Section 18 and Section 16 as appropriate). If there is a URL / a website location which I can access, that would be acceptable. I understand that information in the draft may be in flux for some period of time through August 23,</p>		<p>A clean draft of Chapter 18 is available online here: https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babb4129a25e7db1cc1cd2f5.pdf A redline version is available online here: https://www.lacchp18update.org/files/ugd/0fefb3_d23ec01dbf0f46058a</p>



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		2022.		a45c2e1d3e5fce.pdf The latest draft of the Chapter 16 Development Code is available online here: https://losalamosconnect.org/wp-content/uploads/2022/07/LAC-Chp-16-Development-Code-M3-DRAFT-July-2022-rev.pdf
General		The CDAB Zoom presentation on Monday, August 15, 2022, 5:30 p.m. to 7:00 p.m., raised some troublesome issues related to the proposed nuisance code draft. I need the work on the preparation of interrogatories (that is, questions) to support a legal challenge associated with the proposed nuisance code.		
General		I would like to know when and where a meeting to preempt this outrage will be held publicly as a local business owner, resident, veteran, etc. so that I can be there to voice my many concerns! On that note I just happened across this issue on FaceBook, why does the county not send out letters or really anything asking its citizen's opinions on the matters which affect our lives? I don't understand how all the incompetent laws, changes, and ordinances continue to get passed! The government as a whole work for us, not the other way around. Therefore I do not condone these changes! I know for a fact a majority of the citizens don't either!		The Chapter 18 draft will be reviewed by County Council on August 30 th . View the agenda and live stream the meeting using this link: http://losalamos.legistar.com/Calendar.aspx and accessing the meeting for the respective date listed above. To join the meeting virtually use the following Zoom link: https://us02web.zoom.us/j/87145977840
General		So how does all but one road get shut down? Referring to Trinity and Central, how does Trinity road before that happens to get turned into an idiotic 2 lane road preventing local residents and businesses from the ease of travel? Have you ever tried to get out of any of the housing or businesses in that area during lunch or go-home time? I encourage any of you to do so. This was a mistake. Perhaps instead of trying to worry about making the town an HOA you worry about fixing the traffic problems you caused. Even perhaps getting a board of citizens together in the lower workforce to catch these problems before you make them an issue for the town to deal with. Simply this is absolutely outrageous! To start the county can't even uphold the nuisance laws on their own properties, to begin with, now let alone after this. None of us living here agreed to live in an HOA. This "edit" of the nuisance code is the nuisance in and of itself. This will severely impact the property value of my home in a negative way.		
Obstructive vegetation	Sec 18-31 Obstructive vegetation	Not only that I'm 6' plus the height of a bicycle or other pedestrian mode of transport therefore the 6' clearance for a pedestrian is Heightist. I'm obviously too tall to live in Los Alamos. The neighborhoods with the most weeds and brush are Quamizon, Ponderosa & Pajarito Acres/La Senda "A La WILD" If it is not a nuisance for the rich to have weeds, then why is it not ok for less influential neighborhoods??? From this, I can only deduce that not only does this county government have an unhealthy outlook towards people over the height of 6' but is also classist... This is unacceptable! I am aware this is still in the works, however, I am pointing out the many many issues!	Revise Language to read "The owner or occupant of any property shall destroy, remove or trim <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be removed or <u>trimmed or removed</u> to maintain a minimum clearance of 86 <u>8</u> feet overhanging sidewalk height and 14 feet overhanging street height."	The clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV). Language revised to 8 ft .



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General and Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Los Alamos County has always seemed to have fostered the small businesses of Los Alamos though many of them struggle to make it. Many of these "Nuisance Ordinances" seek to subjugate and/or drive those businesses from town. Furthermore, I concur with John Bloodwood's statements in the letter to the editor that was published in LA Daily Post on July 28th, 2022. However, I would like to add a couple of thoughts. If I wanted a home with an HOA... I would have purchased a home with one!</p> <p>There are properties around town where garages aren't even a reasonable possibility, also applicable to keeping things behind a fence in some cases. We have homes around town where the roof is at street level because of the lay of the land. Oddly enough... on the opposite side of the street the inverse problem where the street is a full house below the actual structure. Included in these are some places that could have a garage or car port if the county would allow such structures closer to the road.</p> <p>Also, many people that do these kinds of self-repairs do them so that they may eke out an existence in Los Alamos. Sometimes so that their children can have "Los Alamos" public schools on their college resume. Some are the ones doing service jobs around Los Alamos, repairing your cars, mowing your lawns, doing your yard work, working in the convenience store, hardware store, grocery store, fast food joint, at your favorite restaurant or bar, delivering your pizza, etc... These are the people that can't afford a mechanic, let alone a home with a garage.</p> <p>Because of Covid, we've gotten a taste of what it's like having a shortage of these workers... Do we as a county really want to drive the lower-income and blue-collar workers who remain away?</p>	<p>2 potential revisions are outlined below:</p> <p>Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5.</p> <p>Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair 15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	<p>This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions for general maintenance as well as standards for hobby repair.</p> <p>The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don't have garage to allow storage within covered carports for example.</p>
Sidewalks and driveways	Section 18-30 Sidewalks and Driveways	<p>For the long of it. Sec 18-30 Sidewalks and driveways "Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions." To start with the county can't handle doing this with their own properties. Secondly, why does the public need to safely be in my driveway? That's trespassing! If I have a driveway it's on my land therefore someone other than those I allow to be there should not be there. Also, last I checked I do not own the sidewalk the county does if it's broken they should fix it not the resident.</p>		<p>Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Santa Fe, Albuquerque, Alamogordo, Globe AZ, and Golden CO place responsibility for sidewalk maintenance and repairs on property owner within Streets/Public Improvements section of their codes. Las Cruces places sidewalk repair responsibility on the municipality and includes procedures for repair cost recovery from property owners. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on this particular issue to determine if maintenance responsibilities for sidewalk repair should be</p>



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				retained or struck from the draft.
Accumulation of litter, garbage and refuse	Sec 18-32 Accumulation of litter, garbage and refuse	Sec 18-32 "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection." Again the county can't handle this themselves. Look at all the abandoned commercial buildings all over town. To include many of their own! Also, believe it or not, I don't care if I see a dumpster. Besides one man's trash is another man's treasure! Who are you to say which is which on someone else's property?	Revise language to read "All exterior property and premises, whether improved or vacant, shall be free from any <u>excessive</u> accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be screened from public view and shall be kept covered, except while turning to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb the day of collection as determined by the collections schedule set forth by the County. No person shall dump, deposit, place or dispose of any trash, debris, junk, or other matter on public rights-of-way, public property or upon the property of another without permission from the property owner of record."	Language regarding accumulation of rubbish / garbage are common in property maintenance codes to ensure that sites are kept in a clean and sanitary manner. This section was clarified based on existing language and the word excessive has been added to ensure that unreasonably small items or items are not an issue, which was not the intent of this section. Concerns regarding regulations geared toward safety and aesthetics have been raised on both side; a desire for more aesthetic concerns like the accumulation of litter, garbage or outdoor storage to be regulated as well as concerns that more aesthetic standards for requirements for screening of outdoor storage from public view being too onerous. Various communities draw the line differently, often those that contain more "aesthetic" regulations within their nuisance codes correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article.
Outdoor Furniture	Sec 18-33 Outdoor Furniture	Sec 18-33 Outdoor furniture is not defined and is also subject to opinion. I can use a log, chair, trailer, trash can, etc. into a chair. It's called upcycling.		Division 5 Definitions states "Outdoor furniture means weather-resistant furniture that is designed and manufactured for outdoor use." This language is based on existing language in Sec. 18-43. - Outdoor furniture restriction, which was assumed to be put into place due to previous community issues/concerns. Many nuisance codes do not standards regarding outdoor furniture, but those that do contain similar requirements. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article. This language can remain or the draft could strike this language and rely on the accumulation of litter, garbage, and refuse section to address furniture on the exterior areas of the property; alternative 2 might want to consider adding "junk" to the list of items that are prohibited to accumulate.
Outdoor Storage	Sec 18-34	Sec 18-34 Outdoor storage "Outdoor storage or accumulation of items in residential zoning districts, consisting of but not limited to, junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony" This should include the county parking tractors in residential neighborhoods then. I am a contractor by trade, I recently purchased a small tractor intended for use building my residential property as well as servicing	Revise Outdoor storage definition to read "Outdoor Storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of goods, products, tools, machinery, equipment, inoperable vehicles, trailers , or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code <u>and that are not waiting for assembly into an active construction project.</u> "	The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous.



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		<p>many other residents and commercial properties throughout town. By this code, I can no longer store this on my property and can not afford storage fees on top of everything else. Because of these reasons, I will be forced out of my home and no longer be able to service or fund Los Alamos County.</p> <p>"that are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision." So I propose if this goes through the county will need to fund garages to be built to fit the owner's needs on every property that does not currently have one (i.e. 1 bay for a tractor, 1 for a project car, 1 for general repairs, and one for the tools to perform these). To do this any obstructions such as power lines, sewer lines, easements, setbacks, etc. will either need to be moved or ignored. That or the county needs to install a 100-car garage fully stocked for people to perform routine maintenance and other repairs on their cars free of charge</p>		<p>Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don't have garage to allow storage within covered carports for example.</p>
Rodent Harborage	Sec 18-35	<p>Sec 18-35 Rodent Harborage. The county should also stop harboring gophers, bears, deer, skunks, snakes, birds, squirrels, etc. they are nuisances and eyesores. Bears, raccoons, and crows also litter an awful lot. I have often been paid to remove county harbored gophers as they invade private property. I've also been hurt on county property due to their harboring rodents, insects, vermin, or other pests.</p>		<p>The proposed draft regulations would apply to County-owned properties.</p>
Inoperable or abandoned vehicles	Sec 18-38	<p>sec 18-38 Inoperable or abandoned vehicles "Alternative for Personal Auto and Hobby Repair16: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way." I guess the county will also have to perform some major landscaping and development throughout town to allow space and access for this on every lot in Los Alamos, Being as we live on a mountain with canyons and hills. Save our virgin eyes from the horrors of the all-encompassing evils of an oil change! Seriously? I don't know about you but I can't afford mechanics as I know many of my neighbors can't either. I'm glad that the county thinks I'm rich, however, I am far from it. "Hobby activities" should this mean I can no longer care for my lawn and I should let it go to natural growth. Also grilling, smoking, or any other hobby should be prohibited as well then? What does that have to do with cars? This section is comical at best. When the county provides all with garages this would be somewhat feasible.</p>	<p>2 potential revisions are outlined below: Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5. Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard."</p> <p>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles</p>	<p>This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.</p>



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			<p>owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.</p> <p>Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."</p>	
Authority to Enter	Sec 18-74	<p>Sec 18-74 Authority to Enter "Where it is necessary to make an inspection to enforce the provisions of this Article, or whenever the Code Compliance Officer or Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Article, the Code Compliance Officer or Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code. The authority to enter shall not include the interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire, or like emergency." We don't rent from the county we own. This is actually called trespassing. No, you don't have permission to be on any of my property at any time unless I have scheduled or invited you of my own free will. The County put in smart meters, so propertied with these give the county no reason to step foot on an individual's property. Again this is criminal trespassing and I fully intend to press charges if this ever occurs in a non-emergency!</p>		<p>A Code Compliance Officer or Code Official would be required to obtain a search warrant or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied to enter private property to conduct an inspection within a fenced are, not visible from the public right-of-way. Revise language to clarify. This language is standard within property maintenance codes. It is consistent with the International State Property Maintenance Code, State Statutes and the County Charter. Authority already exists and this section is compliant with NM Law.</p>
Purpose	Sec 18-1	<p>The draft Nuisance Code seems to reflect the feedback gathered from the community and overall is well written. I do have some comments, mostly editorial, on the draft.</p> <p>ARTICLE I. NUISANCES</p> <p>18-1 Purpose Suggest adding a (footnote) referencing the NM Statute, 30-8-1. Public Nuisance, which authorizes counties and municipalities to establish and enforce a nuisance code.</p>	Add footnote	
Scope	Sec 18-2	<p>18-2 Scope clean, safe, and sanity condition sanitary, safe, and structurally sound condition . . . (See 18-70) "Clean" and "sanitary" are redundant.</p>	Add definition for clean " <u>Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health.</u> "	



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			Add definition for sanitary <u>“Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or waste is present in such a manner that the condition might constitute a health hazard.”</u>	
Definitions	Division 5	18-3/Division 5 Definitions Article I. Nuisances, lists definitions at the end of the section (Division5), while Article II. Noise, and Article III. Smoking, list definitions at the beginning of the sections. Consistency in official documents is important to making the document more reader-friendly. Defining terms upfront is more common, but either placement works, as long as placement is consistent throughout the entire document.	Move definitions to beginning of the Article.	
Sidewalks and Driveways	Sec 18-30	18-30 Sidewalks and driveways Are homeowners responsible for maintaining the structural integrity of sidewalks? Isn't that the County's responsibility? Please clarify this section.		Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Santa Fe, Albuquerque, Alamogordo, Globe AZ, and Golden CO place responsibility for sidewalk maintenance and repairs on property owner within Streets/Public Improvements section of their codes. Las Cruces places sidewalk repair responsibility on the municipality and includes procedures for repair cost recovery from property owners. This recommendation has raised public concern. The project team needs direction from CDAB and Council on this particular issue.
Obstructive Vegetation	Sec 18-31	18-31 Obstructive Vegetation Although I would have preferred to have "weeds" retained in the ordinance, I understand that weeds were not a major concern of most respondents to the community survey. "Obstructive vegetation" seems to be a reasonable and enforceable approach to yard maintenance. Please consider adding a height limitation for vegetation in planting strips along streets. (Note that in White Rock, shrubs along Sherwood Blvd and Grand Canyon Ave are so tall that small children walking to and from Pinon School cannot be seen!)		The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term “weed” and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles. Vegetation within planting strips near intersections of streets or streets and driveways are regulated by the sight visibility triangles within Section 4-2(C)(IV) of the Chapter 16 Development Code. This section states “Landscaping, fences and walls, and shrubs shall not exceed 3 feet within the required sight visibility triangle. Signage and trees between 3 feet and 6 feet tall are prohibited within the required sight visibility triangle.”
Outdoor storage	Sec 18-34	18-34 Outdoor storage THANK YOU for including heavy equipment.		The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns



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				they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don't have garage to allow storage within covered carports for example.
Rodent harborage	Sec 18-35	18-35 Rodent harborage It shall be unlawful... No person shall be allowed to place, leave, dump or permit to accumulate . . . Please replace this awkward terminology throughout the document.	Revise language to read "It shall be unlawful for any person to <u>No personal shall</u> place, leave, dump, or permit to accumulate any water, garbage, rubbish, or trash in any structure or premises so that the same may afford food or harborage for rodents or pests."	
Inoperable or abandoned vehicles	Sec 18-38	18-38 Inoperable or abandoned vehicles Alternative for Personal Auto and Hobby Repair Please clarify that this restriction applies only to inoperable vehicles, and also include carports as allowable workspaces. Residences in older sections of LA do not have garages.	2 potential revisions are outlined below: Option 1: Remove the content under the heading of Alternative for Personal Auto and Hobby Repair on page 5. Option 2: Revise language as follows: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc. or when vehicles are actively being restored, as defined by this Article, by the owner or tenant of the premises. Any dismantled or inoperative vehicles, or parts thereof, actively being restored are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name and fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard." Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way. Add definition of actively restored to Division 5 to read: "Actively Restored means the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of the motor vehicle within the last 30 days. The burden shall be on the owner of the	This is an issue that was brought up related to inoperable vehicles being stored in public view for extended time periods for the sake of personal hobby repair. It was an issue that the project team was asked to consider during one of the CDAB presentations. This language was only intended to apply to the repair of inoperable vehicles. CDAB / Council guidance is needed on these issues; the language can be removed in its entirety, or the language could be revised, per the recommendations to the left, to provide clearer exemptions / standards for hobby repair.



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			vehicle to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last 6 months which have been installed on the vehicle."	
Swimming pools, spas, hot tubs	Sec 18-39	18-39 Swimming pools, spas, hot tubs It shall be unlawful... Any swimming pool or similar body of water shall not be allowed to stagnate . . .	Revise language to read " It shall be unlawful to <u>No person shall</u> allow any swimming pool or similar body of water to stagnate, and become polluted or unsafe for its intended use."	
Responsibility for property maintenance	Sec 18-70	18-70 Responsibility for property maintenance in a clean, sanitary, safe, and structurally sound condition . . . (See 18-2) "Clean" and "sanitary" are redundant.	Add definition for clean " <u>Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health.</u> " Add definition for sanitary " <u>Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or waste is present in such a manner that the condition might constitute a health hazard.</u> "	
Violations	Sec 18-71	18-71 Violations g) add commas before and after "however"	Nothing in this Article, however, shall in any way limit or prevent the County from taking any legal or equitable actions necessary to abate a public nuisance, taking immediate measures to prevent the imminent harm to or loss of life or property, or abating conditions that present an imminent danger to the health, safety, and welfare of the public.	
Administration and Enforcement	Section 18-73	18.73 Administration and enforcement procedures Flow chart: 3rd tier "Courtesy Letter" should be Courtesy Letter Staff sends courtesy notice of violation letter notifying of violation and requesting voluntary abatement (redundant)	Revise flowchart to address comments.	
Administration and Enforcement	Section 18-73	Priorities: Medium- and Low-Priority have the same timeframe for resolution. Suggest that Medium be 21 days and Low be 30 days.		Enforcement priorities are recommended to be adopted as an administrative procedure rather than being included in the code. Council and CDAB guidance is needed on this matter and to determine the appropriate timeframe.
Notice	Section 18-75	18.75 Notice (c) iv. The date and time of the Community Development Board Meeting. Delete. CDAB is an advisory board, not an appeals board. Should not be required to be included in the Notice.		The existing Code language in Section 18-36 Notice requires that the date and time of the CDAB meeting be included in the notice. The proposed language carries this forward. The purpose of including this information in the notice is to provide residents information on where any input on the Code Enforcement processes can be directed. Reference to CDAB within the notices can be removed if the County feels that it is inappropriate. Direction is needed on this particular issue.
	Division 5 Definitions	Division 5. Definitions Exterior property means the open space . . .	Revise language to read "Exterior property <u>means</u> the open space on the premises and on adjoining property under the control of owners	



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			or operators of such premises."	
	Division 5 Definitions	Infestation . . . signs of chewing., (comma, not period)	Revise infestation definition to read "Infestation means the presence, within or contiguous to, a structure or lot of insects, rodents, rats, vermin, or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by rodent harborage and long-term habitation by or frequent presence of pests, rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence. "	
	Division 5 Definitions	Inoperable vehicles (singular) . . Delete "or" before (d) and Add "or" before (e)	Revise Inoperable Vehicle definition to read "Inoperable vehicles means any vehicle, <u>including motorcycles,</u> meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: broken, shattered or missing windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; or (d) is on blocks or similar devices; or (e) is partially or wholly dismantled <u>and not under active repair.</u> "	
	Division 5 Definitions	Unsafe condition means unsafe conditions shall include	Revise language to read "Unsafe Condition means unsafe conditions shall that include, but shall not be limited to, any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures, or inoperable vehicles as defined herein, is or may be, an attractive nuisance to children or a danger to the life, premises, occupants, or safety of the public and any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation, or lack of maintenance is a hazard to the public."	
	Division 5 Definitions	Unsanitary condition means unsanitary conditions are those that pose . . . which may be evidence evidenced . . .	Revise language to read "Unsanitary Condition means unsanitary conditions are those that pose or may pose a threat, hazard, or nuisance to human health which may be evidenced by one or more of the following conditions: (1) fire or water damage; (2) infestation by rodents or other pests; (3) excessive amounts of litter or junk on the property; (4) abandoned pools or deposits of water that have been polluted; or (5) unclean animal enclosures."	
General	Division 5 Definitions	General comment: Some definitions use numbers for lists, others use letters. Should be consistent. See Inoperable vehicles, Rodent harborage, Unsanitary condition.		The draft will undergo additional proofing to make numbering or lettering for lists consistent.
Noise and Smoking	Article II Noise and Article III Smoking	ARTICLE II. NOISE 18-92 Prohibited noise; decibel provisions. "It shall be a violation" and "It will be a violation" are used interchangeably in this		Article II Noise and Article III Smoking are not included within the scope of this update.



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		<p>Article. Please be consistent. Preferably rewrite to eliminate the phrase(s).</p> <p>Sec 18-94 Application for special permit. (a) and (b) Clarify which "manager". Also, change "he finds" and "he deems" to gender-neutral terms.</p> <p>ARTICLE III. SMOKING</p> <p>"It is unlawful" is used throughout this Article. Consider replacing with "No person shall."</p> <p>Thank you for considering these suggestions.</p>		