



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

BCC Agenda - Final

LOS ALAMOS Community Development Advisory Board

Chair, Aaron D. Walker; Vice Chair John Gustafson: Anna Dillane; Denise Derkacs; and Andrea Pistone, Members

Monday, November 16, 2020

5:30 PM

ZOOM

Due to COVID-19 Concerns, the meeting will be conducted remotely.

I. ADMINISTRATIVE ACTIONS

You are invited to a Zoom webinar.

When: November 16, 2020

5:30 PM Mountain Time (US and Canada)

Topic: Community Development Advisory Board Meeting

To attend and/or give public comment, the link to join the webinar is:

<https://zoom.us/j/92630619951?pwd=VFFmNCt3ZTZhRXk2cXROUDdXL0FmUT09>

Any questions, please email: barbara.lai@lacnm.us

A. Call to Order/Introductions

B. Approval of Today's Agenda

C. Review/Approval of Meeting Minutes

1. [13551-20](#) Minutes from the Community Development Advisory Board Meeting on September 21, 2020 and October 19, 2020.

Presenters: Community Development Advisory Board

Attachments: [A - DRAFT CDAB September 21, 2020 Minutes](#)
[B - DRAFT CDAB October 19, 2020 Minutes](#)

D. Public Comment for Items Not on the Agenda

II. PRESENTATIONS AND DISCUSSION ITEMS (Action May be Taken on These Items)

A. Review of Cases

B. Work Group Reports

1. Public Outreach and Communication (Ms. Derkacs and Ms. Dillane)
2. Voluntary Community Resources (Mr. Gustafson and Ms. Pistone)

III. REPORTS AND UPDATES

A. Chair Report

1. Information for RFP Consultant

[13568-20](#)

Information for RFP Consultant

Presenters: Community Development Advisory Board

Attachments:

[A - Ordinances Weeds NM](#)

[B - Ordinances Weeds AZ](#)

[C - Ordinances Nuisance NM](#)

[D - Ordinances Nuisance AZ](#)

[E - Ordinance Research Overview](#)

[F - CDAB at Farmers Market](#)

[G - Article XV. Community Development Advisory Board](#)

[H - CDAB Ord 02-285](#)

[I - Resolution Moratorium](#)

[J - Property Maintenance Presentation](#)

[K - Code Ordinance No. 02-286](#)

[L - Code presentation 9-2018](#)

[M - Nov. 19 CDAB Code Discussed Prelim Recommendations](#)

[N - Dec. 17 Discussion of Codes](#)

[O - County Council Presentation Sept 2019](#)

[P - Citizens in Action Presentation](#)

[Q - LAC Common Violations](#)

[R - CDAB Path Forward Presentation](#)

2. Outcomes of Council meeting Nov. 10

3. CDAB Opportunities While Ch. 18 Rewrite Ongoing

Resource list for people struggling & education opportunities

4. CDAB Outlook for 2021

B. Board Liaison Reports

C. Council Liaison Report

D. Staff Report

IV. PUBLIC COMMENT

V. NEXT MEETING(S)/FUTURE AGENDA ITEMS

The next meeting is December 22, 2020 at 5:30 pm.

VI. ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

**Community Development Advisory Board Meeting
DRAFT September 21, 2020 Minutes**

I. ADMINISTRATIVE ACTIONS

Members Present: Aaron Walker, Chair; John Gustafson, Vice Chair; Anna Dillane, Andrea Pistone, and Denise Derkacs, members

Council Liaison Present: Councilor James Robinson

Others Present: Paul Andrus, County Liaison; Katie Thwaites, Assistant County Attorney; Michael Arellano, CDD Building Safety Manager; David Martinez Code Enforcement Supervisor; Barbara Lai, CDD.

A. Call to Order/Introductions

Meeting called to order at 5:31 pm by Chair Walker

B. Approval of Today's Agenda

Member Dillane moved to approve the agenda and Member Derkacs seconded. The agenda was approved (5-0).

C. Approval of Minutes of August 17, 2020 meeting.

Member Gustafson moved to approve the minutes from the August 17 meeting with revisions. Member Dillane seconded. The minutes were approved (5-0).

D. Public Comment

No public comment.

II. PRESENTATIONS AND DISCUSSION ITEMS (Action May be Taken on These Items)

A. Review of Cases

Chair Walker asked the members for questions or comments on the cases. Vice Chair Gustafson commented that he appreciated having access to the cases on such a timely basis. He also said that he drove around with the Code Inspectors, Mr. Ortiz, Ms. Padilla, and the Building Safety Manager, Mr. Arellano, and found the experience very helpful.

He also said that Ms. Padilla was very responsive and worked with a resident to remove harmful chemicals from public access.

Member Dillane commented that, even after hours of assistance from IT staff, she still does not have access to CDAB Team documents.

Chair Walker said that the goal of code enforcement should be to reduce the yearly number of cases. He noted that there are the same number of weed violation cases

this year as last year and wanted to know what might be done to reduce the number in the future. Mr. Andrus and board members discussed various ideas to address the weed problem, including additional public education programs regarding the ordinance.

B. Selection of Board Member to Recommend for the RFP Review Committee

Chair Walker asked Councilor Robinson to address the recommendation to include a board member on the RFP Review Committee with Council. Councilor Robinson said that the council already discussed the idea of appointing a CDAB member to the RFP committee at their last council meeting and he recommended that the board nominate and vote on a CDAB member to recommend for participation on the RFP Committee to Mr. Andrus.

Chair Walker opened the floor for nominations of a CDAB member to be appointed to the RFP committee. Member Derkacs nominated John Gustafson. The vote to nominate Mr. Gustafson to the RFP Committee was 5-0. Mr. Andrus discussed the RFP and public-outreach processes and will inform Mr. Gustafson when the committee will meet.

C. Discussion of Items to Provide to Consultants

The board voted to reopen the discussion on what information should be provided to the consultants. The information includes the following: research by other communities; community feedback; early CDAB meetings wherein the code was discussed; poster boards of codes issues; presentations the CDAB chairs have presented to Council, County survey including codes issues; citizen presentations to council; Councilor Robinson's Path Forward presentation (pending approval of council); and the CDAB charter.

Mr. Gustafson moved to approve the information packet to the consultants, seconded by Anna Pistone. Motion passed 5-0.

D. Discussion of Involving PEEC/Master Gardeners for Input on Weeds

Mr. Gustafson and board members discussed various issues involving weeds, wild life habitats, fire danger, and other issues. Mr. Gustafson suggested that Ms. Lai contact Carlos Valdez, NM Extension, to see if he can present an overview of weed definitions and issues to the board at the October meeting.

III. REPORTS AND UPDATES

A. Chair Report

Chair Walker announced that the Path Forward presentation should be on the council agenda end of October or early November.

B. Work Group Reports

Ms. Lai will research the creation and membership of the working groups and forward the information to the Chair.

C. Board Member Reports

No reports.

D. Council Liaison Report

Councilor Robinson reported that the council will discuss the bear issue at the September 22 County Council meeting.

E. Staff Report

Mr. Andrus responded to Ms. Pistone's question regarding code complaints. He stated that staff will work on a report for the board members.

IV. PUBLIC COMMENT

No public comment.

V. NEXT MEETING/FUTURE AGENDA ITEMS

The next meeting will be on October 19, 2020 and will be conducted remotely.
Future Agenda Items: weeds presentation, and a quarterly report.

VI. ADJOURN

Chair Walker adjourned the meeting at 6:58 pm.

**Community Development Advisory Board Meeting
DRAFT October 19, 2020 Minutes**

I. ADMINISTRATIVE ACTIONS

Members Present: Aaron Walker, Chair; John Gustafson, Vice Chair; Andrea Pistone, and Denise Derkacs,

Member Absent: Anne Dillane

Council Liaison Not Present: Councilor James Robinson

Others Present: Wendy Survey, Fire Marshall; Carlos Valdez, County Program Director, Cooperative Extension; Katie Thwaits, Assistant County Attorney; Michael Arellano, CDD Building Safety Manager; David Martinez Code Enforcement Supervisor; Barbara Lai, CDD.

A. Call to Order/Introductions

Meeting called to order at 5:39 pm by Chair Walker

B. Approval of Today's Agenda

Member Gustafson moved to approve the agenda and Member Derkacs seconded. The agenda was approved (3-0). (Member

C. Approval of Minutes

Chair Walker announced that the minutes will be brought to the November meeting for approval.

D. Public Comment

No public comment.

II. PRESENTATIONS AND DISCUSSION ITEMS (Action May be Taken on These Items)

A. Presentation by Carlos Valdez, County Program Director, Cooperative Extension

Mr. Valdez presented a discussion regarding the definitions of weeds to the board. Discussion followed with board members asking questions of Mr. Valdez.

Ms. Survey said that the fire code does not mandate weeds in the County, but does make recommendations on safe fire mitigation around a house. Board members thanked Mr. Valdez and Ms. Survey for their presentation to the board.

B. Review of Cases

Ms. Derkacs asked about the status of the case regarding the garden box installed by the North Mesa school. Mr. Arellano reported that codes issued a letter requiring that the box be taken down. Board members commented on other cases in a general discussion.

C. Working Groups Discussion

Chair Walker clarified questions that have arisen with regard to how many working groups and which members serve on which group. The board decided on two groups: Public Outreach and Communication group is Ms. Derkacs and Ms. Dillane; Voluntary Community Resources group is Mr. Gustafson and Ms. Pistone.

III. REPORTS AND UPDATES

A. Chair Report

Chair Walker reported that an interview is scheduled with an applicant for the board.

B. Board Liaison Reports

No reports.

C. Council Liaison Report

No report.

D. Staff Report

Michael Arellano reported on the status of the RFP for a consultant.

IV. PUBLIC COMMENT

No public comment.

V. NEXT MEETING/FUTURE AGENDA ITEMS

The next meeting will be on November 16, 2020, and will be conducted remotely.

VI. ADJOURN

Chair Walker adjourned the meeting at 6:33 pm.



County of Los Alamos

Staff Report

November 16, 2020

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters: Community Development Advisory Board

Legislative File: 13568-20

Title

Information for RFP Consultant

Attachments

- A - Ordinances Weeds NM
- B - Ordinances Weeds AZ
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- Q - LAC Common Violations
- R - Path Forward Presentation

New Mexico Ordinance Research—Weeds

Source	Weed Height	Text				
International Property Maintenance Code	n/a	<p>Preface: . . . This code is intended to establish provisions that adequately protect public health, safety and welfare. . . .</p> <p>302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.</p> <p>Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.</p>				
Troublesome Weeds of New Mexico (NMSU)	n/a	<table><tr><td>Noxious – any foreign plant (not native to the U.S.) that has the potential to be harmful to crops, livestock, other useful plants and animals, agricultural interests, or public health.</td><td></td></tr><tr><td>Found in Los Alamos County: Bull thistle / <i>Cirsium vulgare</i> Canada thistle / <i>Cirsium arvense</i> Musk thistle / <i>Carduus nutans</i> Russian knapweed / <i>Acroptilon repens</i> Saltcedar / <i>Tamarix</i> spp. Russian olive <i>Elaeagnus angustifolia</i> Yellow toadflax / <i>Linaria vulgaris</i> Cheatgrass / <i>Bromus tectorum</i> Hoary cress / <i>Cardaria</i> spp. Perennial pepperweed / <i>Lepidium latifolium</i> Siberian elm / <i>Ulmus pumila</i> Tree of heaven / <i>Ailanthus altissima</i> Chicory / <i>Cichorium intybus</i></td><td>Found in Adjacent Counties: Black henbane / <i>Hyoscyamus niger</i> Diffuse knapweed / <i>Centaurea diffusa</i> Eurasian watermilfoil / <i>Myriophyllum spicatum</i> Purple loosestrife <i>Lythrum salicaria</i> Scotch thistle / <i>Onopordum acanthium</i> Spotted knapweed / <i>Centaurea biebersteinii</i> Dalmatian toadflax / <i>Linaria dalmatica</i> Dyers woad / <i>Isatis tinctoria</i> Leafy spurge / <i>Euphorbia esula</i> Yellow starthistle <i>Centaurea solstitialis</i> Giant cane / <i>Arundo donax</i> Halogeton / <i>Halogeton glomeratus</i> Hydrilla / <i>Hydrilla verticillata</i> Jointed goatgrass / <i>Aegilops cylindrical</i> Oxeye daisy / <i>Leucanthemum vulgare</i> Pampasgrass / <i>Cortaderia selloana</i> Poison hemlock / <i>Conium maculatum</i> Quackgrass / <i>Elytrigia repens</i></td></tr></table>	Noxious – any foreign plant (not native to the U.S.) that has the potential to be harmful to crops, livestock, other useful plants and animals, agricultural interests, or public health.		Found in Los Alamos County: Bull thistle / <i>Cirsium vulgare</i> Canada thistle / <i>Cirsium arvense</i> Musk thistle / <i>Carduus nutans</i> Russian knapweed / <i>Acroptilon repens</i> Saltcedar / <i>Tamarix</i> spp. Russian olive <i>Elaeagnus angustifolia</i> Yellow toadflax / <i>Linaria vulgaris</i> Cheatgrass / <i>Bromus tectorum</i> Hoary cress / <i>Cardaria</i> spp. Perennial pepperweed / <i>Lepidium latifolium</i> Siberian elm / <i>Ulmus pumila</i> Tree of heaven / <i>Ailanthus altissima</i> Chicory / <i>Cichorium intybus</i>	Found in Adjacent Counties: Black henbane / <i>Hyoscyamus niger</i> Diffuse knapweed / <i>Centaurea diffusa</i> Eurasian watermilfoil / <i>Myriophyllum spicatum</i> Purple loosestrife <i>Lythrum salicaria</i> Scotch thistle / <i>Onopordum acanthium</i> Spotted knapweed / <i>Centaurea biebersteinii</i> Dalmatian toadflax / <i>Linaria dalmatica</i> Dyers woad / <i>Isatis tinctoria</i> Leafy spurge / <i>Euphorbia esula</i> Yellow starthistle <i>Centaurea solstitialis</i> Giant cane / <i>Arundo donax</i> Halogeton / <i>Halogeton glomeratus</i> Hydrilla / <i>Hydrilla verticillata</i> Jointed goatgrass / <i>Aegilops cylindrical</i> Oxeye daisy / <i>Leucanthemum vulgare</i> Pampasgrass / <i>Cortaderia selloana</i> Poison hemlock / <i>Conium maculatum</i> Quackgrass / <i>Elytrigia repens</i>
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Oxford Reference	n/a	<p>Rank Vegetation: Grasses and those weeds and growing vegetation which are excessively vigorous in growth, shockingly conspicuous, malodorous, and/or flagrant, or tend to overgrow or choke out plants that are more desirable.</p>				

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
New Mexico		
Los Alamos	18	<p>18-42. Weeds, brush piles, refuse and rubbish.</p> <p>(a) All weeds, brush piles, refuse and rubbish on a property within the county are hereby declared to be a nuisance and a menace to the health and safety of the inhabitants of the county. The accumulation of weeds, grasses, refuse and rubbish which constitutes or create a fire, health or safety hazard is unlawful and is hereby declared to be a nuisance. It is unlawful for the owner or occupants of any property to permit refuse, rubbish or brush piles to accumulate on any part of the property.</p> <p>(b) All premises and exterior property shall be maintained free from weeds or plant growth in excess of 18 inches. Weeds shall be deemed as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Allegations that weeds upon a property constitute a nuisance pursuant to this section shall set forth with particularity which plants are deemed weeds, why, and the abatement measures required, all of which shall be included in the notice issued pursuant to this chapter 18.</p>
Alamogordo	6	<p>Chapter 26 - VEGETATION</p> <p>26-03. - WEEDS</p> <p>26-03-010. - Definitions.</p> <p><i>Lot</i> shall mean any occupied or unoccupied piece of land of one-half (½) acre or less which is located within one-quarter (¼) of a mile of an occupied structure.</p> <p><i>Tract</i> shall mean any piece of occupied or unoccupied land with an area of more than one-half (½) acre.</p> <p><i>Weeds</i> shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants: Pigweed (Amaranthus retroflexus), Russian Thistle (Salsola pestifer), Ragweeds (Ambrosia spp.), Lambsquarter (Kenopodium spp.), Kochia.</p> <p>26-03-020. - Manager's authority to put plants on list of weeds.</p> <p>The city manager is hereby authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or unsightly attributes or consequences, should be placed on the list of weeds as defined in this article and shall put such plants on such list if it appears that such plants do come within the meaning of the term weeds as herein defined.</p> <p>26-03-030. - Unlawful growth or accumulation on lots.</p> <p>It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height than six (6) inches, or any other accumulation of weeds. It shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text																
		<p>26-03-040. - Unlawful growth or accumulation on tracts.</p> <p>It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having charge or control of any tract within the city to permit or maintain on any such tract, including the area located between the property line and the middle of the alley adjacent to the property line and curb and the area located ten (10) feet outside the property line where there is no curb, any accumulation of weeds, which in the opinion of the code enforcement supervisor is a fire hazard; it shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets and from all property lines. If a tract has been completely cleared, it must be kept in the same condition as a lot thereafter.</p>																
Albuquerque	4	<p>Chapter 9: HEALTH, SAFETY, AND SANITATION</p> <p>9-8-3 DEFINITIONS.</p> <p><i>WEEDS.</i> All rank, noxious, poisonous, harmful, unhealthful vegetation, deleterious to health, and shall include but is not limited to the following named plants: (Note: Webpage shows photos of the 16 specific noxious weeds.)</p> <table><tr><td>(1) Pigweed (<i>Amaranthus retroflexus</i>).</td><td>(9) Spurge.</td></tr><tr><td>(2) Russian Thistle (<i>Salsola pestifer</i>).</td><td>(10) Silverleaf Nightshade (<i>Solanum elaeagnifolium</i>).</td></tr><tr><td>(3) Ragweeds (<i>Ambrosia spp.</i>).</td><td>(11) Puncture Vine.</td></tr><tr><td>(4) Lambsquarter. (<i>Kenopodium spp.</i>).</td><td>(12) Field Bind Weed (<i>Convolvulus arvensis</i>).</td></tr><tr><td>(5) Kochia.</td><td>(13) Purslane.</td></tr><tr><td>(6) London Rocket (<i>Sisymbrium irio</i>).</td><td>(14) Hoary Cress.</td></tr><tr><td>(7) Flix Weed (<i>Descurainia sophia</i>).</td><td>(15) Yellow Foxtail (<i>Setaria glauca</i>).</td></tr><tr><td>(8) Tansy Mustard (<i>Descurainia pinnata</i>).</td><td>(16) Green Foxtail (<i>Setaria Viridis</i>).</td></tr></table> <p>The Mayor is hereby authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or dangerous attributes or consequences, should be placed on the list of weeds as defined herein and shall put such plants on said list if, after a hearing based on the evidence before him it appears that such plants do come within the meaning of the term weeds as hereinbefore set out.</p> <p>9-8-4. GROWTH OR ACCUMULATION OF WEEDS AND LITTER.</p> <p>It shall be unlawful for any owner of any occupied or unoccupied lot or tract of land within the city to permit or maintain on any such lot or tract of land, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, the area of any curbs or sidewalks located on the property, and the area located ten feet outside the property line where there is no curb, any growth of weeds whose height, width or spread is greater than four inches, or any accumulation of weeds and/or litter.</p> <p>9-8-5. DUTY OF OWNER, LESSEE, OR OCCUPANT.</p> <p>It shall be the duty of any owner of any occupied or unoccupied lot or tract of land to cut the weeds and remove the cuttings or any accumulation of weeds to be removed as often as necessary in order to comply with the provisions set out in § 9-8-4.</p>	(1) Pigweed (<i>Amaranthus retroflexus</i>).	(9) Spurge.	(2) Russian Thistle (<i>Salsola pestifer</i>).	(10) Silverleaf Nightshade (<i>Solanum elaeagnifolium</i>).	(3) Ragweeds (<i>Ambrosia spp.</i>).	(11) Puncture Vine.	(4) Lambsquarter. (<i>Kenopodium spp.</i>).	(12) Field Bind Weed (<i>Convolvulus arvensis</i>).	(5) Kochia.	(13) Purslane.	(6) London Rocket (<i>Sisymbrium irio</i>).	(14) Hoary Cress.	(7) Flix Weed (<i>Descurainia sophia</i>).	(15) Yellow Foxtail (<i>Setaria glauca</i>).	(8) Tansy Mustard (<i>Descurainia pinnata</i>).	(16) Green Foxtail (<i>Setaria Viridis</i>).
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New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text																														
Artesia	18	<p>5-1F-1: PUBLIC NUISANCE PROHIBITED AND DEFINED: It is unlawful to commit public nuisance. Public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either injurious to public health, safety, morals or welfare, or interferes with the exercise and enjoyment of public rights including the right to use public property.</p> <p>5-1F-2: NUISANCES DECLARED: B. Hazardous Premises: It shall be unlawful for any person to permit in or about his premises weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic. C. Weeds: 1. Definition: "Weeds", as used in this subsection, shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive nature or which is deleterious to health and safety. 2. Height Restrictions; Accumulation Prohibited: It shall be unlawful for any owner, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet (10') outside the property line where there is no curb, any growth of weeds to a greater height than eighteen inches (18"), or any accumulation of weeds which may constitute a fire hazard or public nuisance. 3. Duty Of Owner To Remove: It shall be the duty of the owner to cut the weeds and remove the cuttings or any accumulation of weeds or cause the weeds to be cut and cause the cuttings of any accumulation of weeds to be removed as often as necessary in order to comply with the provisions set out in subsection D2 of this section. 4. Methods Of Controlling Weeds: The approved methods of controlling weeds shall be mowing, cutting, digging or other methods designed to remove the weeds but not disturb other vegetation or unnecessarily disturb the soil.</p>																														
Aztec	n/a	<p>14-3-8. Weeds, Responsibility of Owner. It shall be unlawful for any owner, agent, lessee, or occupant of any lots, tracts or parcels of land within the city to allow weeds to be planted, lie, grow or be located upon any such property or along any street adjoining the same between the property line and the curb line thereof. Weeds include, but are not limited to:</p> <table> <tr> <td>A-H</td><td>I-P</td><td>Q-Z</td></tr> <tr> <td>Absinth Wormwood</td><td>Jointed Goatgrass</td><td>Ragweed</td></tr> <tr> <td>Alfombrilla</td><td>Kochia</td><td>Ravenna grass</td></tr> <tr> <td>African Rue</td><td>Lambsquarter</td><td>Russian Knapweed</td></tr> <tr> <td>Black Henbane</td><td>Leafy Spurge</td><td>Russian Olive</td></tr> <tr> <td>Bull Thistle</td><td>London Rocket Mustard</td><td>Russian Thistle</td></tr> <tr> <td>Camelthorn</td><td>Malta Starthistle</td><td>Saltcedar</td></tr> <tr> <td>Canada Thistle</td><td>Musk Thistle</td><td>Sandbur</td></tr> <tr> <td>Cheatgrass</td><td>Mustard Weeds</td><td>Scotch Thistle</td></tr> <tr> <td>Chicory</td><td>Myrtle spurge</td><td>Siberian Elm</td></tr> </table>	A-H	I-P	Q-Z	Absinth Wormwood	Jointed Goatgrass	Ragweed	Alfombrilla	Kochia	Ravenna grass	African Rue	Lambsquarter	Russian Knapweed	Black Henbane	Leafy Spurge	Russian Olive	Bull Thistle	London Rocket Mustard	Russian Thistle	Camelthorn	Malta Starthistle	Saltcedar	Canada Thistle	Musk Thistle	Sandbur	Cheatgrass	Mustard Weeds	Scotch Thistle	Chicory	Myrtle spurge	Siberian Elm
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New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<div> <div> Cypress Spurge Dalmation Toadflax Diffuse Knapweed Dyer's Woad Eurasian Watermilfoil Field Bindweed Flix Weed Giant Salvinia Halogeton Green Foxtail Hoary Cress </div> <div> Oxeye Daisy Parrotfeather Perennial Pepperweed Pigweed Plumeless Thistle Poison Hemlock Puncture Vine Purple Loosestrife Purple Starthistle Purslane </div> <div> Silverleaf Nightshade Spotted Knapweed Spurge Tansy Mustard Teasel Tree of Heaven Tumble Weeds Yellow Foxtail Yellow Starthistle Yellow Toadflax </div> </div>
		<p>14-3-9. Invasive Species and Noxious Weeds, Planting Prohibited</p> <p>It shall be unlawful for any owner, agent, lessee, or occupant of any lots, tracts or parcels of land within the city to allow invasive species or noxious weeds to be planted upon any such property. Invasive Species and Noxious Weeds include, but are not limited to: (List is same as in § 14-3-8).</p>
Carlsbad	12	<p>ARTICLE III. WEEDS</p> <p>22-62. DEFINITIONS.</p> <p>The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:</p> <p><i>Lot</i> shall mean those occupied or unoccupied pieces of land of one-half acre or less which are located within one-quarter mile of occupied structures.</p> <p><i>Owner</i> shall mean the person who has legal title to a lot or tract or the person who leases or occupies a lot or tract. "Owner" shall also mean any agent, servant, representative or employee of such owner, lessee or occupant.</p> <p><i>Tract</i> shall mean any piece of occupied or unoccupied land with an area of more than one-half acre.</p> <p><i>Weeds</i> shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation or any growth whatsoever of an offensive nature or which is deleterious to health, and shall include but not be limited to the following named plants: (1) Pigweed (<i>Amaranthus retroflexus</i>). (2) Russian Thistle (<i>Salsola pestifer</i>). (3) Ragweeds (<i>Ambrosia</i> spp.). (4) Lambsquarter (<i>Kenopodium</i> spp.). (5) Kochia. The city administrator is hereby authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or dangerous attributes or consequences, should be placed on the above list of weeds and shall put such plants on such list if, after a hearing based on the evidence before him, it appears that such plants do come within the meaning of the term "weeds" as set out in this definition.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<p>22-64. GROWTH OR ACUMULATION—LOTS. It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.</p> <p>22-65. GROWTH OR ACULULATION—TRACTS. It shall be unlawful for any owner having charge or control of any tract within the city to permit or maintain on any such tract, including the area located between the property line and the middle of the alley adjacent to the property and the area located between the property line and the curb and the area located ten feet outside the property line where there is no curb, any accumulation of weeds, which in the opinion of the city administrator, constitutes a fire hazard.</p>
Clovis	12	<p>8.16.010 - Findings. . . . The protection of health, safety and welfare of the citizens of the city requires that the city enact provisions to bring all properties within the city into compliance with regulations on weeds, debris, rubbish, brush, and other objectionable, unsightly or unsanitary matter. Keeping the city free of weeds, debris, rubbish, brush and other objectionable, unsightly or unsanitary matter will improve the quality of life of city citizens by improving the aesthetics of the city, by eliminating harbor for rodents, by decreasing illegal dumping and littering, by eliminating fire hazards and by deterring crime by increasing visibility and access. Keeping the city free from weeds, debris, rubbish, brush, and other objectionable, unsightly or unsanitary matter will promote the development and beautification of the city.</p> <p>8.16.020 - Definitions. B. Nuisance. Whatsoever is dangerous to human life or health, whatsoever renders the ground, the water, or the air a hazard injurious to human life or health or that is offensive to the senses or that is detrimental to the public health is hereby declared to be a nuisance or any condition which provides harborage for rats, mice, snakes, and other vermin. E. "Weeds" means vegetation that because of its height is objectionable, unsightly or unsanitary, but excluding shrubs, bushes, trees, cultivated flowers, and cultivated crops.</p> <p>8.16.030 - General regulations. A. Nuisance. It is unlawful for an owner, or any person(s) having supervision or control of any lot, tract, parcel of land, occupied or unoccupied, improved or unimproved, within the corporate limits of the city, to suffer or permit a nuisance upon the premises or otherwise in, along, upon or across the adjacent sidewalk, street or alley to exist. B. Weeds. It is unlawful for any owner or any person(s) having supervision or control of any lot, tract, parcel of land, occupied or unoccupied, improved or unimproved, within the corporate limits of the city, to suffer or permit grass, weeds or any plant that is not cultivated to grow to a greater height than twelve inches on the individual lot, tract or parcel or to grow in profusion upon the premises or otherwise, in, along, upon or across the adjacent sidewalk, street or alley to a height greater than twelve inches.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Deming	12	4-1-1: DEFINITIONS
		WEEDS: All rank, noxious, poisonous, harmful, unhealthful vegetation, deleterious to the health, and shall include, but is not limited to, the following named plants: pigweed (<i>Amaranthus retroflexus</i>), Russian thistle (<i>Salsola pestifer</i>), ragweeds (<i>Ambrosia</i> spp.), lambsquarter (<i>Kenopodium</i> spp.), Kochia.
		4-1-2: REMOVAL OF WEEDS
		It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having charge or control of any occupied or unoccupied lot or tract of land within the city to permit or maintain on any such lot or tract of land, including the area located between the property line and the middle of the alley adjacent to the alley, and the area located between the property line and the curb, the area of any curbs or sidewalks located on the property and the area located ten feet (10') outside the property line where there is no curb, any growth of weeds to a greater height of twelve inches (12") or any accumulation of weeds.
Eddy County	12	VEGETATION NUISANCE O-16-84
		4.0 Definitions
		4.7 "Nuisance Vegetation" as used in this ordinance shall mean, but not be limited to, vegetation/plants more than 12 inches in height; whether living, dead, or dying; that are a health hazard or a fire hazard if and/or when wind collected; or any vegetation that is a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of public right-of-way. This definition does not include agricultural crops, rangeland grasses, and plants that do not constitute a fire hazard or traffic hazard and ornamental grasses or plants commonly used for landscaping or xeriscaping which do not constitute a fire hazard or a traffic hazard.
		5.0 Growth or Accumulation--Lot
		It shall be unlawful for any owner, having charge or control of any lot within the County to permit or maintain on any such lot any growth of nuisance vegetation to a greater height than twelve (12) inches, or any accumulation of nuisance vegetation. However, this section shall not require the cutting or removal of nuisance vegetation more than 300 feet from any occupied structure on any lot greater than three acres.
		6.0 Duties of Owner
		It shall be the duty of the owner to cut or cause to be cut nuisance vegetation in order to comply with the provisions set out in Section 5 of this Ordinance. It shall be the duty of the owner to remove or cause to be removed the accumulation of nuisance vegetation to comply with the provisions set out in Section 5 of this Ordinance.

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Elephant Butte	12	<p>95.02 DEFINITIONS.</p> <p>PROPERTY. Any real property within the city. When a portion of the property abuts on a public right-of-way or easement, the responsibility of the person in control for purposes of this section shall extend to the center of the public alley or easement, or back of street curb line, or edge of pavement, or at the edge of dirt roads; however, this shall not restrict in any manner, the maintenance of the right-of-way or easement by the city.</p> <p>PUBLIC RIGHT-OF-WAY. Any dedicated highway, street, road or alley designated and maintained for public vehicular and/or pedestrian use.</p> <p>WEEDS. As used in this chapter, shall include but not be limited to all plant growth at any stage of maturity which:</p> <ol style="list-style-type: none"> (1) Exceeds 12 inches in height, except healthy shrubs, healthy native vegetation flowers, herbs or produce for human consumption grown in a tended and cultivated garden; unless the vegetation by its density or location, constitutes a detriment to the health, benefit and welfare of the public and community, or a hazard to traffic, or creates a fire hazard, or otherwise interferes with the removal of weeds; (2) Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash; (3) Gives off unpleasant or noxious odors; and (4) Is dead or diseased. WEEDS do not include indigenous vegetation which remains in an undisturbed state on undeveloped lots or large parcels of land. <p>95.03 GROWTH OF WEEDS.</p> <p>It shall be unlawful for any occupant, owner, or person in control of any lot or tract of land in the city to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding 12 inches anywhere in the city. Any such plants or weeds exceeding the heights are hereby declared to be a nuisance, health hazard, and a fire hazard. Vegetation that creates a hazard by interfering with visibility at an intersection shall be removed.</p> <p>95.04 WEEDS; DUTY TO REMOVE.</p> <p>It shall be the duty of any occupant, owner, or person in control to forthwith cut and remove the weeds from the property owned by him or her or under his or her control.</p>
Espanola	8	<p>254-1 NUISANCE</p> <p>Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:</p> <ol style="list-style-type: none"> A. Injures or endangers the comfort, repose, health or safety of others; B. Offends decency; C. Is offensive to the senses; D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; E. In any way renders other persons insecure in life or the use of property; or F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of [EIGHT (8) INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.
Estancia	n/a	SECTION 4. PURPOSE. A. It is the purpose of this ordinance to protect the health, safety, morals or welfare of the residents of the Town by eliminating public nuisances and protecting property from blight and deteriorating conditions by establishing minimum standards governing the maintenance, appearance, and condition of all residential and non-residential premises.
		SECTION 5. DEFINITIONS. F. Public Nuisance. As specified in NMSA 1978, § 30-8-1 (1963), a public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: (i) injurious to public health, safety, morals or welfare; or (ii) interferes with the exercise and enjoyment of public rights, including the right to use public property.
		SECTION 7. NUISANCES DECLARED. The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions, or actions, is declared to be and constitute a public nuisance: A. Overgrown vegetation that impedes passage of or endangers vehicular or pedestrian traffic on public rights of way, that creates a fire hazard, that produces dangerous or noxious branches, thorns, seeds, or other growth that may be blown or otherwise distributed onto neighboring property, or that otherwise endangers the health, safety and welfare of the public; C. Any condition that provides harbor for rats, mice, snakes, or other vermin, except for the natural activity of bees, rabbits, or other insects and animals except as otherwise provided herein;
Farmington	n/a	ARTICLE 2. NUISANCES
		DIVISION 2. WEEDS AND DEBRIS 12-2-26. - Duty of property owner. It shall be unlawful and a violation of this Code for the owner, agent, lessee or occupant of any lot, tract or parcel of land within the city to allow weeds, bushes or deleterious, noxious or unhealthful growths to lie, grow or be located upon any such property or along any street or avenue adjoining the property between the property line and the curbline thereof or on or along any alley adjoining the property between the property line and the center of such alley. . . .

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Gallup	8	<p>4-5-1: DEFINITIONS:</p> <p>A. General Definitions: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:</p> <p>PUBLIC PLACE: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, sources, spaces, grounds and buildings.</p> <p>WEEDS: All rank, noxious, poisonous, harmful, unhealthful vegetation, deleterious to health, and shall include, but is not limited to, the following named plant families: Mustard weeds (Brassicaceae), Pigweeds (Amaranthaceae), Russian thistle (Chenopodiaceae), Ragweeds (Asteraceae), Kochia (Chenopodiaceae)</p>
		<p>B. Power To Add Additional Plants To Definition: The city manager is hereby authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or dangerous attributes or consequences, should be placed on the list of "weeds" as defined herein and shall put such plants on said list if, after a hearing based on the evidence before him, it appears that such plants do come within the meaning of the term weeds as hereinbefore set out.</p>
		<p>4-5-2: GROWTH OR ACCUMULATION</p> <p>It shall be unlawful for any owner of any occupied or unoccupied lot or tract of land within the city to permit or maintain on any such lot or tract of land, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, the area of any curbs or sidewalks located on the property line where there is no curb, any growth of weeds to a greater height than eight inches (8"), or any accumulation of weeds.</p>
		<p>4-5-3: DUTY OF OWNER, LESSEE OR OCCUPANT</p> <p>It shall be the duty of any owner of any occupied or unoccupied lot or tract of land to cut the weeds and remove the cuttings or any accumulation of weeds to be removed as often as necessary in order to comply with the provisions set out in section 4-5-2 of this chapter.</p>
		<p>4-5-7: EXCEPTIONS:</p> <p>Any lot or tract of land within the city which has never been scraped or tilled and left in a natural state with native vegetation shall not be considered "weeds" as defined in section 4-5-1 of this chapter. If a lot or tract of land which has been scraped, tilled or otherwise disturbed is successfully reseeded and replanted with native grasses, shrubs and trees and the city is notified of such action, the city shall not consider such reclamation efforts as weeds.</p>
Hatch	n/a	<p>8.16.020: NUISANCES DESIGNATED</p> <p>B. Unsanitary Premises: It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents; and which in the opinion of the Sanitation Officer is unsanitary, or injurious to public health. The accumulation of building materials, pipes, lumber or boxes may be maintained on the premises if the accumulation is evenly piled and stacked for a reasonable length of time to be determined by the Sanitation Officer.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Hobbs	12/20	8.40 WEED CONTROL
		8.40.020 Purpose. This chapter is intended to promote the general health, safety and welfare of the people of the City by prohibiting the maintenance or accumulation of those plants determined to provide harborage for insects and rodents, or which constitute a fire hazard, whether wind collected or not, or which otherwise present a hazard or nuisance to inhabitants of the City. Further, this chapter is intended to promote the growth of native and other grasses and plants whose root structures tend to aid in stabilizing the soil and to reduce dust.
		8.40.030 Definitions. "Weeds" means all rank, noxious, poisonous, harmful, unhealthful vegetation, deleterious to health, and shall include, but is not limited to, the following named plants: 1. Pigweed (<i>Amaranthus retroflexus</i>). 2. Russian thistle (<i>Salsola pestifer</i>). 3. Ragweed (<i>Ambrosia</i> spp.). 4. Lambsquarter (<i>Kenopodium</i> spp.). 5. Kochia. 6. Prickly lettuce (<i>Lactuca sativa</i>). 7. London Rocket mustard (<i>Sisymbrium</i> irio). 8. Canadian thistle (<i>Cirsium arvense</i>). 9. Johnson grass (<i>Sorghum halepense</i>). "Weeds" shall not be construed to mean such vegetation occurring on undisturbed tracts of land or vacant lots, which shall be considered "climax vegetation" for the ecological zone in which the City is located. Such climax vegetation shall consist primarily of natural grasses, mesquite and/or shiner oak. The City Manager is authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or dangerous attributes or consequences, should be placed on the list of weeds as defined herein, and shall put such plants on such list if, after a hearing based on the evidence before him or her, it appears that such plants do come within the meaning of the term "weeds" as hereinbefore set out.
		8.40.040 Growth or accumulation—Occupied or unoccupied lots or tracts. It is unlawful for any owner, lessee or occupant having charge or control of any occupied or unoccupied lot or tract of land within the City to permit or maintain any growth of weeds to a greater height than twelve (12) inches, or any accumulation of weeds, on any such lot or tract of land, including any curb, gutter and sidewalks and the area located between the property line and the middle of the alley adjacent to any such lot or tract of land.
		8.40.050 Growth or accumulation—Large unimproved lots. It is unlawful for any owner or lessee having charge or control of those vacant parcels of land, platted yet unimproved, consisting of two (2) or more contiguous lots or parcels exceeding one-half (1 /2) acre in size, to permit or maintain any growth of weeds to a greater height than twenty (20) inches.
		8.40.060 Growth or accumulations—Duty of owner, lessee or occupant. It shall be the duty of any owner, lessee, occupant or person in charge of or in control of any occupied or unoccupied lot or tract of land to cut the weeds and remove the cuttings or any accumulation of weeds as often as is necessary in order to comply with the provisions set out in Section 8.40.040 or 8.40.050.

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Las Cruces	n/a	<p>18-1. - Definitions. <i>Nuisance</i> means any person doing an unlawful act, omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:</p> <ol style="list-style-type: none"> (1) Injures or endangers the comfort, repose, health or safety of others; (2) Offends decency; (3) Is offensive to the senses; (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; (5) In any way renders other persons insecure in life or the use of property; or (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. <p>Any nuisance is a <i>major nuisance</i> when that nuisance in any way negatively affects the public health and safety and includes, but is not limited to, nuisances that necessitate police, fire, and rescue services.</p> <p>18-2. - Illustrative enumeration. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitute a nuisance, provided that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:</p> <ol style="list-style-type: none"> (1) Noxious weeds and other rank vegetation. (2) Accumulations of rubbish, trash, refuse, litter, junk and other abandoned materials, metals, lumber or other things. (3) Any condition which provides harborage for rats, mice, snakes and other vermin. . . .
Las Vegas	n/a	<p>301-6. Nuisance Declared</p> <p>B. Unsanitary premises. It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents; or which is unsanitary, or injurious to public health.</p> <p>C. Hazardous premises. It shall be unlawful for any person to permit in or about his premises weeds, briars, brush or any other rubble, wreckage, or debris, to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.</p>
Los Lunas	n/a	<p>Chapter 9.24 - NUISANCES</p> <p>9.24.010 - Public nuisance prohibited.</p> <p>It is unlawful to commit public nuisance. Public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: injurious to public health, safety, morals or welfare, or interferes with the exercises and enjoyment of public rights including the right to use public property.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<p>9.24.020 - Nuisances designated.</p> <p>. . . The following are declared to be a public nuisance:</p> <p>B. Unsanitary Premises. It is unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, waste water or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents; and which in the opinion of the zoning enforcement officer is unsanitary, or injurious to public health. . . .</p> <p>C. Hazardous Premises. It is unlawful for any person to permit in or about his premises weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.</p>
Peralta	18	<p>WEED CONTROL ORDINANCE 2015-03</p> <p>DEFINITIONS</p> <p>"Weeds" means all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature as defined by "Weeds of the West"</p> <p>OWNER RESPONSIBILITY</p> <p>The person in charge of the real property is required and responsible to take the appropriate action for the control of weeds in conformance with the ordinance:</p> <ol style="list-style-type: none"> 1. On the real property owned or occupied by him; and 2. In the alley abutting such real property to its center line; and 3. In the area between such real property and the edge of any abutting street right-of-way. <p>Each person in charge of property shall destroy, cut, control, and remove such weeds as often as growth and condition of such weeds may require, to maintain a maximum height of eighteen inches (18").</p>
Portales	10	<p>Chapter 16 - NUISANCES</p> <p>Sec. 16-1. - Definitions.</p> <p><i>Weeds</i> shall mean all rank, noxious, poisonous, harmful, unhealthy vegetation, or any growth whatsoever of an offensive or unsightly nature or which is deleterious to health, and shall include, but is not limited to, the following named plants: Pigusweed (<i>Amaranthus retroflexus</i>), Russian Thistle (<i>Salsola pestifer</i>), Ragweeds (<i>Ambrosia</i> ssp.), Lambsquarter (<i>kenopodium</i> ssp.), Kochia.</p> <p>Sec. 16-5. - Unlawful growth or accumulation on lots.</p> <p>It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area between the property line and the curb, and the area where there is no curb, to the street, any growth or weeds to a greater height than ten (10) inches, or any other accumulation of weeds.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<p>Sec. 16-6. - Unlawful accumulation on tracts.</p> <p>It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of an such owner, lessee, or occupant having charge or control of any tract within the city to permit or maintain on any such tract, including the area located between the property line and the middle of the alley adjacent to the property line and curb and the area where there is no curb, to the property line, any accumulation of weeds, which in the opinion of the code enforcement officer is a fire hazard; it shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than ten (10) inches on the curbs and sidewalks and streets and from all property lines. If a tract has been completely cleared, it must be kept in the same condition as a lot thereafter. Property zoned for the consistently being utilized in the growing of agricultural crops is exempt.</p>
Raton	12	<p>94.01 DEFINITIONS.</p> <p>NUISANCE.</p> <p>(1) Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing in the city either:</p> <ul style="list-style-type: none"> (a) Injures or endangers the comfort, repose, health, safety, morals, and welfare of others; (b) Interferes with the exercise and enjoyment of public rights, including the right to use public property; (c) Offends decency; (d) Is offensive to the human senses of sight, sound, or smell; (e) Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; and/or (f) Interferes with the security or comfortable enjoyment of life and property. <p>(2) Any definition of declaration by the City Commission of a <i>NUISANCE</i> or “public nuisance” in any provision of this code or other ordinance of the city shall be included within the definition of the word <i>NUISANCE</i>, for the purpose.</p> <p>94.03 PROHIBITED NUISANCES.</p> <p>(A) <i>Weeds/trees</i>. Any owner, his or her agent, lessee, or occupant planting or allowing weeds or other plant growth higher than 12 inches and existing unkempt in ungroomed condition or exhibiting a fire hazard on: their parcel of ground; land areas abutting the parcel extending to the curb or edge of the traveled roadway in cases where there is no curb; and/or to the center line of the abutting alley(s). Trees in the described areas shall be kept neatly trimmed by the abutting property owner(s) or occupants so as not to obstruct traffic or pedestrians. The trees shall be located no closer than 5 feet to the back of the curb or ditch line to accommodate sidewalks and so as not to block the motorists view of pedestrians near the curbs. Sidewalks located in the abutting areas shall be kept safe and in good repair at all times by the owner, his or her agent, lessee, or occupant.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Rio Communities	20	<p>A. Purpose. Weed Control, specifically, controlling the infestation of non-indigenous (noxious) weeds is critical to reducing fire danger, maintaining a balanced ecosystem for native plants and animals and reducing soil erosion, soil salinity, contaminates to ground water and the severe effects of flooding. At the very least, the uncontrolled infestation of “weeds” on residential and public properties is an eyesore and at worst, a financial burden to the City if not properly controlled and maintained.</p> <p>B. Goal It shall be the goal of the City of Rio Communities to develop and institute an Integrated Weed Management System (IWMS) that promotes the cultivation of native free-flowing native plants and forbs while controlling and mitigating the effects of invasive and noxious plants that are unsightly, damaging and hazardous to our ecology and public health.</p> <p>C. Authority is granted pursuant to the Noxious Weed Control Act, NMSA 1978, § § 76-7-1 through 30.</p> <p>D. Definitions. For the purpose of this Section, the following meanings shall apply:</p> <p>“Forb” means any broad-leaved herbaceous plant that is not a grass, especially one that grows in a prairie or meadow.</p> <p>“Highly-flammable” plant means a plant species that has characteristics that make it more volatile by encouraging easy ignition and the spread of fire through its foliage due to low moisture content, dense dry leaves, needles, grass-like leaves, or volatile resins and oils.</p> <p>“Indigenous Plants” means those species of plants naturally occurring within a specific habitat or bio-geographical region prior to significant human impacts.</p> <p>“Invasive Noxious Plant” means a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality.</p> <p>“Native Plant” means those species of plants occurring within the city boundaries prior to European contact, according to best scientific and historical documentation. More specifically, it includes those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape.</p> <p>“Native Vegetation” means vegetation found in the natural community that is suited to the soil, topography, hydrology, and wildfire risk of a particular site.</p> <p>“Noxious weed” means any weed or plant which the board of county commissioners acting as the governing body of the district, and with the advice of the county agent, declares to be harmful or to possess noxious characteristics. NMSA 1979, § 76-7-2.</p> <p>“Weed” means a non-native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. Its presence deteriorates the health of the site. It is an invasive species that requires a concerted effort of manpower and resources to remove from its current location, if it can be removed at all. WEEDS shall also mean plants that, by reason of abandonment, lack of care or lack of maintenance, choke out growth of other plant material in the area.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<p>E. New Mexico Noxious Weed List The New Mexico Department of Agriculture has determined the following noxious weeds as the most common for control or eradication: 1. Salt cedar 2. African rue 3. Russian knapweed 4. Yellow and purple star thistle 5. Camelthorn 6. Yellow toadflax 7. Onion weed</p> <p>For a comprehensive list noxious weed as classified by the New Mexico Department of Agriculture see http://www.nmda.nmsu.edu/apr/noxious-weedinformation/.</p>
		<p>F. Growth and Accumulation</p> <p>It is unlawful for any owner, lessee or occupant having charge or control of any occupied, unoccupied or unimproved lot or tract of land within the City to permit or maintain any growth of weeds or vegetation that are highly flammable or attain a height greater than twenty (20) inches or any accumulation of weeds on any such lot or tract of land, including any curb, gutter and sidewalks and the area located between the property line and the middle of the alley adjacent to any such lot or tract of land.</p>
		<p>G. Duty of Owner</p> <p>It shall be the duty of any owner, lessee, occupant or person in charge of or in control of any occupied, unoccupied or unimproved lot or tract of land to either cut or eradicate the accumulation of weeds and remove and lawfully dispose of any cuttings as often as is necessary in order to comply with this provision.</p>
Rio Rancho	12	<p>91.05 Vegetation.</p> <p>(A) All exterior property areas which have been altered from their natural state or developed in any way, shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area or which may harbor insect or rodent infestations, and dry vegetation which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. This requirement shall apply to the road right-of-way that abuts the property line on any side of any lot.</p> <p>(B) The premises shall be free from weeds higher than 12 inches tall. All vegetation shall be kept from becoming overgrown and unsightly so as to constitute a public nuisance to any adjoining property.</p> <p>(C) The approved methods of controlling weeds shall be mowing, cutting, digging or other methods designed to remove the weeds but not disturb other vegetation or unnecessarily disturb the soil. The grading and tillage of lots is prohibited unless written permission of the City Engineer has been obtained.</p> <p>(D) The city shall be responsible for weed control on dedicated open space, drainage rights-of-way and improved right-of-way of arterial and collector roads, unless responsibility has otherwise been delegated, e.g., via a development agreement, development plan, zone map amendment, and the like.</p> <p>91.02 Definitions.</p> <p>Weeds. Pigweed (<i>lamaranthus retroflexus</i>), Russian thistle (<i>salsola pestifer</i>), or ragweed (<i>ambrosia</i> spp.) commonly referred to as tumbleweeds. For the purpose of this subchapter, WEEDS shall also mean plants that, by reason of abandonment, lack of care or lack of maintenance, choke out growth of other plant material in the area, and dead, dying or unattended plant life, named or unnamed, which is abandoned or overgrown.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Roswell	12	<p>16-2. Public Nuisances, generally. It shall be unlawful for any person to commit public nuisance, consisting of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:</p> <ul style="list-style-type: none"> (1) Injurious to public health, safety, morals, or welfare; or (2) Interferes with the exercise and enjoyment of public rights, including the right to use public property. <p>16-4. Weeds.</p> <ul style="list-style-type: none"> (a) Weeds are defined as any plant of no value usually displaying rank growth and includes but not limited to brush, briars, tree sprouts and unsightly growth. This subsection shall not be construed to apply to alfalfa or other agricultural crops, farm or garden produce or other cultivated products. (b) No owner, lessee or occupant or the agent, servant, representative or employee of such owner, lessee or occupant, having control of any lot, tract or parcel of land or any part thereof within the city shall allow, permit or maintain, on any such lot, tract or parcel of land, any growth of weeds to a height of over one foot. This subsection shall not be construed to apply to alfalfa or other agricultural crops, farm or garden produce or other cultivated products. (c) It shall be unlawful for any person to permit or cause to remain in or about his premises any weeds which emit odors or serve as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the code enforcement officer, is unsanitary or injurious to public health. (d) It shall be unlawful for any person to permit, in or about his premises any weeds to become hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic. (e) Any weeds found in violation of this section are hereby declared to be a nuisance.
Ruidoso	12	<p>Chapter 38. ENVIRONMENT</p> <p>ARTICLE III. NUISANCES</p> <p>38-62. Property nuisances.</p> <ul style="list-style-type: none"> (a) <i>Prohibited conditions.</i> It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the village to maintain or to allow to be maintained such property in a manner where any of the following conditions are found to exist thereon. . . . (5) Growth of weeds and grasses which: <ul style="list-style-type: none"> a. Are likely to harbor flies, insects, rodents or vermin; b. Are dangerous to public health, safety and welfare; c. Are obstructing a necessary view of drivers on public streets, roads or driveways; d. Are anything on the New Mexico Noxious Weeds List (of particular concern is the Musk Thistle) that have not been either killed or removed; e. Are plants typically classified as common weeds and grasses that have been allowed to grow taller than one foot in height and are within 50 feet of the edge of pavement surface along State Highways 48 and 70, or within 30 feet of any all-weather surface along any other roads; or f. Are not common wild flowers that may also be classified as weeds but do not appear on the noxious weeds list that have been allowed to mature without obstructing visibility entering a public roadway;

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<p>(6) Hazardous trees and forest debris as follows:</p> <ul style="list-style-type: none"> a. Forest debris not in accordance with section 42-80, where forest debris is defined as cut forest material resulting from fuels management activity. b. Trees, live or dead, leaning toward a target (i.e., a structure, etc.) on adjoining property which pose a clear and present threat to health and/or property; c. Trees, live or dead, and/or portions thereof that possess significant structural damage, which pose a clear and present threat to health and/or property;
Santa Fe	12	<p>10-3.3 - Definitions. <i>Weeds</i> means weeds, grass, brush or other vegetation which is in excess of twelve inches (12") in height, which has a stem diameter of less than two inches (2") and also includes bindweed, Canada thistle, perennial sowthistle, Russian knapweed, common ragweed, milkweed, dandelion, Russian thistle (tumbleweed), fire weeds, mustards, sandburs, hairy stickweed, and weeds include grass and any other growth that is injurious to the public health, welfare and safety. Weeds do not include flower gardens, plots of shrubbery, vegetable gardens, native vegetation used for landscaping or small grain plots.</p> <p>10-3.4 - Growth or accumulation of weeds prohibited. It is unlawful for any owner, lessee, agent, occupant, or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof within the municipal boundaries to permit or maintain on any such lot or tract of land, or along the sidewalk, street or alley adjacent to the same:</p> <ul style="list-style-type: none"> A. Any growth of weeds to a height greater than twelve inches (12") and which have a stem diameter of less than two inches (2"); or B. Any weeds which because of their dry condition or dense growth constitute a fire hazard or danger to the public health, welfare or safety.
Silver City	n/a	<p>32-1. Public Nuisance.</p> <ul style="list-style-type: none"> a. Defined. A public nuisance consists of creating, performing or maintaining anything affecting any number of citizens without lawful authority, which is either: <ul style="list-style-type: none"> (1) Injurious to public health, safety, morals or welfare; or (2) Interferes with the exercise and enjoyment of public rights, including the right to use public property. b. Penalty. Whoever commits a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a municipal offense. <p>32-5. Accumulation of rubbish, weeds, etc.</p> <ul style="list-style-type: none"> (a) Prohibited. It shall be unlawful for any owner of any lot, place or area within the town, the agent of such owner or anyone who occupies the premises, to permit to grow or accumulate on such premises or on any town easement or right-of-way abutting the premises including sidewalks thereon, any weed, or any rubbish, brush, trash or any other matter liable to produce disease, or otherwise endanger the public health, safety or welfare.

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		(b) Hardship procedure. If a hardship is created by the requirement to prevent nuisances on any town easement or right-of-way abutting the premises, the owner, agent thereof, or occupier of such premises shall make an application to the town manager with proof of hardship, and if the town manager determines that a hardship is created thereby, the town manager may waive the requirement with regard to the effect of this section as to the town easement or right-of-way abutting the premises.
Taos	n/a	<p>8.28.010: DEFINITIONS</p> <p>A. For the purposes of this chapter the word "nuisance" is defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing in the town either:</p> <ol style="list-style-type: none"> 1. Injures or endangers the comfort, repose, health or safety of others; or 2. Offends decency; or 3. Is offensive to the senses; or 4. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or 5. In any way renders other persons insecure in life or the use of property; or 6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
		<p>8.28.020: ENUMERATION OF NUISANCE ITEMS</p> <p>A. Noxious weeds and other rank vegetation;</p> <p>B. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things;</p> <p>C. Any condition which provides harborage for rats, mice, snakes and other vermin;</p>
		<p>8.28.030: NUISANCES PROHIBITED</p> <p>It is unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance. Any violation of this section shall be subject to the criminal penalties set forth in section 8.28.120 of this chapter.</p>
		<p>8.28.040: RESPONSIBILITY OF PROPERTY OWNER:</p> <p>Each property owner within the town, whether a natural person or other legal entity, shall be responsible under the provisions of this chapter for each individual tract of property owned and his responsibility established herein will extend to abutment of other adjoining property lines. When any portion of the property abuts on a public road or alley the property owner's responsibility shall extend to the center of the road or alley; provided, however, that this section shall not restrict in any manner the maintenance of the full alley and street by the street department.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Truth or Consequences	n/a	ARTICLE VI. WEEDS, ALLEYS, JUNK, TRASH AND REFUSE
		6-74. Unsanitary premises. It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, garbage, rubbish, weeds, automobiles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents, and which is unsanitary or injurious to public health.
		6-75. Hazardous premises. It shall be unlawful for any person to permit in or about his premises trees, weeds, briars, brush, shrubs, machinery, appliances, scrap metal, lumber, logs, pilings, open pits, quarry, cistern, well or other excavation without barriers, or any other waste, rubbish, or debris to become, in any way, hazardous or injurious to public health, to create a fire danger, or to obstruct pedestrian or vehicular traffic.
		6-78. Weeds, responsibility of owner. It shall be unlawful for any owner, agent, lessee, or occupant of any lots, tracts or parcels of land within the City to allow weeds to be planted, lie, grow or be located upon any such property or along any street adjoining the same between the property line and the curb line thereof. Weeds include, but are not limited to: <div style="display: flex; flex-wrap: wrap;"> <div style="flex: 50%;"> African Rue/Peganum Harmala Arundo/Arundo Donax Black Henbane/Hyoscyamus Niger Bull Thistle/Cirsium Vulgare Camelthorn/Alhagi Maurorum Canada Thistle/Cirsium Arvense Cheatgrass/Bromus Tectorum Crimson Fountaingrass/Pennisetum Setaceum Dalmatian Toadflax/Linaria Dalmatica Diffuse Knapweed/Centaurea Diffusa Dryers Woad/Isatis Tinctoria Eurasian Watermilfoil/Myriophyllum Spicatum Giant Salvinia/Salvinia Molesta Halogeton/Halogeton Glomeratus Hoary Cress/Caldaria Spp. Hydrillia/Hydrilla Verticillata Leafy Spurge/Euphorbia Esula Malta Starthistle/Centaurea Melitensis Meadow Knapweed/Centaurea Pratensis </div> <div style="flex: 50%;"> Musk Thistle/Carduus Nutans Onionweed/Asphodelus Fistulosus Oxeye Daisy/Leucanthemum Vulgare Parrotfeather/Myriophyllum Aquaticum Perennial Pepperweed/Lepidium Latifolium Poison Hemlock/Conium Maculatum Purple Loosestrife/Lythrum Salicaria Purple Starthistle/Lythrum Salicaria Quackgrass/Elytrigia Repens Russian Knapweed/Acroptilon Repens Russian Olive/Elaeagnus Angustifolia L. Sahara Mustard/Brassica Tournefortii Salt Cedar/Tamarix Spp. Scotch Thistle/Onoprodum Acanthium Siberian Elm/Ulmus Pumila Spotted Knapweed/Centaurea Biebersteinii Yellow Starthistle/Centaurea Solstitialis Yellow Toadflax/Linaria Vulgaris </div> </div>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
Tucumcari	12	<p>Title 7 - NUISANCES</p> <p>7.04.010 - Definitions.</p> <p>"Weeds" includes, but is not limited to, all vegetation at any stage of maturity which:</p> <ol style="list-style-type: none"> 1. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden, unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community, or a hazard to traffic, or create a fire hazard to the property, or otherwise interfere with the mowing of the weeds; 2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash; 3. Gives off unpleasant or noxious odors; 4. Constitutes a fire or traffic hazard; or 5. Is dead or diseased. <p>The term "weed" does not include tended crops grown for agricultural use, which are planted more than sixty (60) feet from a parcel, used for other than agricultural uses. The "approved methods" of controlling weeds are mowing, cutting, digging or other methods designed to remove the weeds but not disturb other vegetation or unnecessarily disturb the soil.</p> <p>7.04.020 - Illustrative Enumeration.</p> <p>The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:</p> <ol style="list-style-type: none"> 1. Noxious weeds and other rank vegetation;
Tularosa	6	<p>90.35 DEFINITIONS</p> <p>LOT. Any occupied or unoccupied piece of land of one-half acre or less which is located within one-quarter mile, 1,320 feet, of an occupied structure.</p> <p>TRACT. Any piece of occupied or unoccupied land with an area of more than one-half acre.</p> <p>WEEDS. All rank, noxious, poisonous, harmful, unhealthful vegetation or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include, but is not limited to the following named plants: Pigusweed (<i>Amaranthus retroflexus</i>), Russian Thistle (<i>Salsola pestifer</i>), Ragweed (<i>Ambrosia</i> spp.), Lambsquarter (<i>Kenopodium</i> spp.), Kochia.</p> <p>90.36 UNLAWFUL GROWTH OR ACCUMULATION ON LOTS.</p> <p>It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having charge or control of any lot within the village to permit or maintain on any lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than six inches, or any other accumulation of weeds.</p>

New Mexico Ordinance Research — Weeds

Community	Weed Height	Ordinance Text
		<p>It shall also be unlawful for a person having charge or control of any tract within the village to allow any growth of weeds to a greater height than four inches on curbs and sidewalks located on their property as well as the area adjacent to and five feet back of the curbs, sidewalks and streets.</p> <p>90.37 UNLAWFUL GROWTH OR ACCUMULATION ON TRACTS.</p> <p>It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having charge or control of any tract within the village to permit or maintain on any tract, including the area located between the property line and the middle of the alley adjacent to, the property line and curb and the area located ten feet outside the property line where there is no curb, any accumulation of weeds, which in the opinion of the Police Chief constitute a fire hazard. It shall also be unlawful for a person having charge or control of any tract within the village to allow any growth of weeds to a greater height than four inches on curbs and sidewalks located on their property as well as the area adjacent to and five feet back of the curbs, sidewalks and streets.</p>
Williamsburg	12	<p>90.060 FINDINGS.</p> <p>The Governing Body of the village hereby finds that a substantial number of citizens of the village have moved to the village because of respiratory problems which are complicated by the uncontrolled growth of weeds within the village; that the uncontrolled growth of weeds in the village constitutes a fire hazard; and that the uncontrolled growth of weeds in the village is detrimental to the health and safety of the citizens of the village.</p> <p>90.062 GROWTH OF WEEDS.</p> <p>It shall be unlawful for persons to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding 12 inches anywhere in the village; any plants or weeds exceeding the height are hereby declared to be a nuisance.</p> <p>90.063 WEEDS; DUTY TO REMOVE.</p> <p>It is unlawful for any person, or the agent or employee of any person, owning or controlling property within the corporate limits of the village to permit the growth of weeds on the property to a height of more than 12 inches, and it shall be the duty of any person, firm or corporation to forthwith cut and remove the same from the property owned by him, her or them or under his, her or their control, within ten days after being notified by the village officials to remove the same.</p>

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
Arizona Revised Statute	n/a	<p>Section 3-201(4):</p> <p>"Noxious weed" means any species of plant that is, or is liable to be, detrimental or destructive and difficult to control or eradicate and shall include any species that the director, after investigation and hearing, shall determine to be a noxious weed.</p>
Bullhead City	n/a	<p>Section 8.08.010:</p> <p>A. The purpose of this chapter is to promote the health, safety, and welfare of the citizens of Bullhead City and to protect the community from deterioration and decline by establishing minimum standards for the use and maintenance of all buildings, structures, premises and vacant land.</p> <p>B. The acts, conditions, and omissions, and things in or upon any land or structure in the city, as described in this chapter constitute public nuisances, the existence of which are prohibited and declared to be unlawful.</p> <hr/> <p>Section 8.08.030:</p> <p>Z. "Weeds" means any vegetation, which is, or is liable to be, detrimental, destructive or unsightly and difficult to control or eradicate. Without limiting the foregoing, the term "weeds" include any and all weeds that have been determined to be a noxious weed in accordance with Arizona Revised Statute Section 3-2101 and the rules and regulations promulgated thereunder.</p> <hr/> <p>Section 8.08.095:</p> <p>A. It shall be the responsibility of any person or responsible party to keep their real property free from visual blight caused by the presence of weeds that are unsightly and difficult to control or eradicate.</p> <p>B. It shall be the responsibility of any person or responsible party to keep their real property free from growth that may present a potential fire hazard as determined or defined by the Bullhead fire department.</p> <p>C. This section shall not apply to real property, which meets all of the criteria listed below.</p> <ol style="list-style-type: none"> 1. The parcel is undeveloped. 2. The parcel is maintained in its natural vegetative state. 3. The parcel is located more than thirty feet from any structure or development. <p>D. It is unlawful for any person or responsible party to fail to comply with the terms of this section.</p>
Chandler	6	<p>Section 30-2:</p> <p>In addition to those noxious weeds defined in A.R.S. § 3-201, weeds include, but are not limited to, bull thistle, cocklebur, foxtail, horseweed, lambs quarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, tumbleweed, shepherds purse, sowthistle, white horsenettle, and willow weed, regardless of whether an owner or occupant regards the plant growth as desirable. In addition, any vegetation, in excess of six (6) inches, growing in an uncontrolled manner, which will, if not cut or destroyed, become a fire hazard or menace to adjacent property is for the purpose of this chapter a weed.</p> <hr/>

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
		<p>Section 30-3.2(D):</p> <ol style="list-style-type: none"> 1. All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or dry vegetation which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. 2. The responsible person shall remove, restore or repair any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; including but not limited to uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than six (6) inches; or any dead trees, bushes, shrubs or portions thereof, stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground. 3. The responsible person must trim all overhanging vegetation to provide a thirteen-foot six-inch minimum height clearance in all streets and alleys, a seven-foot minimum height clearance on all sidewalks, and shall not allow vegetation to protrude more than one (1) foot six (6) inches into the alleyway. 4. The responsible person shall remove any material growing along a public or private right-of-way, access drive, fire lane or utility easement, which by reason of its size, manner of growth or location, constitutes an obstruction, impairs visibility or otherwise endangers any person, improvement or structure..
Flagstaff	6	<p>Section 13-18-009-0010</p> <p>"Noxious weeds" are specified by law or regulation to be particularly undesirable, destructive, and difficult to control.</p> <p>"Weeds" are plants that are competitive, persistent, and pernicious or interfere with human activities and as a result are undesirable.</p> <hr/> <p>Section 13-18-005-002</p> <p>A. Maintenance shall be performed on an ongoing basis as needed.</p> <p>B. Required maintenance includes irrigation, weeding, mowing, pruning, replacement of dead or diseased plants, cleaning, raking, snow removal, pest control, and otherwise caring for and repairing all the landscape materials, including sidewalks and street trees. Required maintenance also includes removal of wildfire fuels such as dead plants and limbs, thinning of tree and shrub densities, and weed control.</p> <p>E. Maintenance of plant materials, specifically including trimming and pruning, shall conform to applicable horticulture and arboriculture standards.</p> <p>F. General weeds shall not be permitted to exceed a height of six (6) inches.</p> <ol style="list-style-type: none"> 1. Noxious weeds shall be entirely removed. 2. Cut or otherwise removed weeds shall be collected and properly disposed of and shall not be left on the ground.

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
Glendale	6	<p>Section 25.21(d): No owner or occupant of any property shall allow or permit any trees, shrubs, or other plant growth on the property to impede, obstruct or interfere with the free passage upon any public street, sidewalk, or alleyway; or obstruct the visibility of drivers; or interfere with any traffic control device; or signs or street lighting. Tree limbs must be maintained to hang no lower than twelve (12) feet above any public street or alleyway and seven (7) feet above any public sidewalk. Trees below seven (7) feet, shrubs or other plant growth must be maintained one (1) foot from any public sidewalk.</p> <p>Section 25.21(g): No person owning or occupying any property fronting on any street, alleyway, or public place in the city including the area between the property line of such property and the street shall allow thereon grass or weeds to exceed a height over six (6) inches when such conditions create a blighting condition or may harbor infestations or are likely to become a hazard to the public health or safety.</p> <p>Section 25.21(h): No person owning any vacant building or vacant property within the city shall allow thereon grass or weeds to exceed a height over six (6) inches or allow the accumulation of discarded construction materials, construction waste, trash or any other debris when such conditions create a blighting condition, or may harbor infestations or are likely to become a hazard to the public health or safety.</p> <p>Section 25.21(k): No person shall allow any palm tree to have an excessive accumulation of dead or dry fronds that descend downward from the base of the lowest living frond more than four (4) feet or dry fronds longer than four (4) feet and closer than seven (7) feet to the ground that may result in insect or other infestations or result in other conditions that adversely affect the public health or safety.</p>
Globe	10	<p>Section 10-4-1(M): Litter: Means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety, and shall include all putrescible and nonputrescible solid wastes including garbage, trash, ashes, street cleaning, dead animals, abandoned or junk vehicles or appliances, and industrial waste; any deposit, accumulation, pile, or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever. The term “litter” shall also include any growth of weeds, brush, grass, or other vegetable growth of a height and condition which causes a high risk of fire or a breeding place for rodents or other unhealthy or unsanitary animals.</p>

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
		<p>Section 10-4-1(DD): Weeds or Grass: Johnson grass, Bermuda grass, Rye grass, White horse nettle, any type of plant growth defined as a noxious weed by State law regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable, and any other similar species or subspecies of weeds or grass of any kind.</p> <hr/> <p>Section 10-4-8(A)(3): All persons owning or occupying land or places of business within the City shall keep the sidewalk or public places fronting or bordering their property free of garbage, junk, obstructions, and weeds or grass in excess of ten (10) inches, provided, however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection consistent with this Chapter.</p>
Holbrook	6	<p>Section 3-1-2 VEGETATION: Any plant growth, whether living or dead, including, but not limited to, grass, weeds, bushes, cactus and trees.</p> <hr/> <p>Section 3-1-7 4. Weeds, bushes, trees and other vegetation. A. All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or dry vegetation which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. B. The owner shall remove, restore or repair any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; including but not limited to uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than six (6) inches; or any dead trees, bushes, shrubs or portions thereof, or stumps. C. The owner must trim all overhanging vegetation to provide a thirteen (13) foot six (6) inch minimum height clearance in all streets and alleys, a seven (7) foot minimum height clearance on all sidewalks, and shall not allow vegetation to protrude more than one (1) foot six (6) inches into the alleyway.</p>
Mesa	9/12	<p>Section 8-6-2: WEEDS: Bull thistle, cocklebur, foxtail, horseweed, lambs quarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, shepardspurse, sowthistle, white horsenettle, willow weed, and those types of plant growth defined as noxious weeds in A.R.S. §3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable.</p> <hr/>

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
		<p>Section 8-6-3(D), (E):</p> <p>The responsible party of any property shall not allow or permit trees, shrubs, or plants on land adjacent to sidewalks or public places fronting or bordering their property to grow in a manner that impedes, obstructs, or interferes with the passage on any street, sidewalk, alley or other passageway within the city or that limits the visibility of any traffic control device or signal. Vegetation must be trimmed a minimum of 8 feet over the sidewalk and 14 feet over the street or alley.</p> <p>The responsible party of any property within the city shall not allow plant material to remain on a property that is dead, diseased, dying or so dry as to be readily flammable or combustible that may constitute a fire hazard or other threat to the public health or safety.</p> <hr/> <p>Section 8-6-3(O):</p> <p>The responsible party of a parcel of land within the City shall not allow thereon weeds or grass which occupy more than 10 percent or 50 square feet, in total area of a developed parcel to attain a predominant height in excess of 9 inches, or more than 10 percent of the area of an undeveloped parcel to attain a predominant height in excess of 12 inches. . . .</p>
Miami	10/24	<p>Section 8.16.080:</p> <p>It is unlawful and a public nuisance for any owner, occupant or person in control of property to permit upon his property:</p> <ul style="list-style-type: none"> A. The growth of poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing or otherwise), weeds, tall grass, uncultivated shrubs or growth higher than 24 inches or which present a fire hazard; or B. Plants or other material, which are dead, dormant or so dry as to be readily flammable or combustible on such land that may constitute a fire hazard or other threat to the public health or safety. <hr/> <p>Section 8.20.040:</p> <p>All person owning or occupying land or places of business shall keep the sidewalk or public places fronting or bordering their property free of garbage, junk, obstructions and weeds or grass in excess of ten (10) inches in height.</p>
Page	n/a	<p>Section 91.02:</p> <p>WEEDS. Any vegetation which is, or is likely to be, detrimental, destructive or unsightly and difficult to control or eradicate, including, but not limited to, bull thistle, cocklebur, foxtail, horseweed, lambsquarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, goat heads, tumble weeds, sheperdspurse, sow thistle, White Horse-nettle, willow-weed and those types of plant growth defined as noxious weeds by A.R.S. § 3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this code regards the growth as desirable.</p> <hr/>

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
		<p>Section 91.05(H), (I):</p> <p>No owner or occupant of land, whether improved or unimproved, shall allow trees, shrubs or plant growth on that land to encroach upon or impede, obstruct or interfere with passage on, any street, sidewalk, easement or alley within the city or to obstruct visibility of any traffic control device or signal, or dead, decayed, diseased or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition or which is likely to harbor rats, vermin or other pests. This section does not apply to properly maintained compost bins.</p> <p>No owner or occupant of land, whether improved or unimproved, except on land designated as parks/open space or future development, shall allow, maintain, or accumulate weeds, grass or other plant growth that are dead, dormant, sticker, or due to height or dryness, constitute a hazard as deemed by the Fire Marshal. When in the opinion of the Fire Marshal, the large size or terrain of property makes the cutting of all weeds or grasses impractical, the Fire Marshal, or designee, may, by written order, allow and limit the required cutting of weeds and grasses to a firebreak of not less than 15 feet in width cut around the complete perimeter of the property and around any structures existing upon the property, unless the Fire Marshal, or designee determines that a firebreak of a lesser width will provide adequate protection against fire spread at the particular location. Nothing in this chapter shall prohibit plant or weed growth, with the exception of noxious weeds, utilized for grazing on land designated as residential estate.</p>
Phoenix	6	<p>Section 39-7:</p> <p><i>Weeds, bushes, trees and other vegetation.</i> All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations and dry vegetation, or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants. The premises shall be free from visual blight; potential fire hazards; dead trees and branches; dead palm fronds within ten (10) feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown; lawn grass higher than six (6) inches; tumbleweeds; or weeds higher than six (6) inches tall.</p> <hr/> <p>Section 39-9:</p> <p>A. Male mulberry trees (<i>Morus alba</i>) and olive trees (<i>Olea europea</i>) produce large amounts of allergenic, airborne pollens which are noxious and contribute to human disease and health problems.</p> <p>B. No male mulberry tree (<i>Morus alba</i>) or olive tree (<i>Olea europea</i>) shall be sold or planted in the City of Phoenix.</p> <p>C. The sale or planting of male mulberry trees (<i>Morus alba</i>) or olive trees (<i>Olea europea</i>) shall constitute a public nuisance.</p> <p>D. The prohibitions set forth in this section shall specifically exclude pollenless varieties of olive and male mulberry trees.</p> <hr/>

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
Prescott	12	<p><i>Section 7-5-2</i></p> <p>WEEDS: A useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth.</p> <hr/> <p><i>Section 7-5-4(C)</i></p> <p>Weeds, Bushes, Trees and Other Vegetation: All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or which is or may likely become a fire hazard or otherwise threaten the health and safety or the economic welfare of adjacent property owners or occupants. It is the responsibility of the owner or occupant to cut or remove grass and weeds in excess of twelve inches (12") high throughout the property, unless the Community Development Director, in consultation with the Prescott Fire Chief or his designee, determines that it is not practical to do so on some or all of the property.</p> <hr/> <p><i>Section 8-3-1(A)</i></p> <p>All persons owning or occupying any building, grounds or premises within the City are hereby required to remove therefrom all dirt, debris, rubbish, garbage, weeds and brush and said persons are also required to remove therefrom all dirt, debris, rubbish, garbage, weeds and brush and maintain all sidewalks, driveway culverts and street parkways adjacent to said building, grounds or premises.</p>
Scottsdale	6	<p><i>Sec. 18-2.</i></p> <p><i>Plant growth</i> means vegetation, whether living or dead, including, but not limited to, grass, flowers, weeds, vines, bushes, shrubs, cacti or trees.</p> <p><i>Weed</i> means any uncultivated plant growth, including, but not limited to, bull thistle, cocklebur, foxtail, horseweed, lambs quarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, tumbleweed, shepherds purse, sowthistle, white horsenettle, willow weed, and plant growth defined as noxious weeds in state statutes regardless of whether an owner or occupant regards the plant growth as desirable.</p> <hr/> <p><i>Sec. 18-9.</i></p> <p>(a) The owner and/or occupant of land shall maintain the land free of:</p> <ol style="list-style-type: none"> (1) Blight, garbage, litter or debris; (2) Noxious exhalations and other airborne irritations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors, or other annoyances; (3) Plant growth, infestation and any other condition that encourages infestation or otherwise adversely affects the aesthetic or general welfare of individuals or the public. (4) Grass higher than six (6) inches, poison oak, poison ivy, and weeds; or plant growth that is dead, dry, uncultivated or overgrown.

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
		(b) In addition to the requirements of subsection 18-9(a) above, the owner and/or occupant of land shall also maintain the following areas free of grass higher than six (6) inches, poison oak, poison ivy, weeds, blight, garbage, litter and debris: adjacent rights-of-way from the back of the curb or edge of paving in the street, through the owner's and/or occupant's land, to the centerline of any adjacent alley or right-of-way.
Tempe	12	<p>Section 21-1: <i>Landscaping</i> means the combination of elements such as trees, shrubs, ground covers, vines and other organic and inorganic material for the express purpose of creating an attractive and pleasing environment.</p> <hr/> <p>Section 21-3(b)(8): A nuisance includes...Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.</p>
Tucson	6	<p>Section 16-3: Weeds includes but is not limited to untended or uncultivated plants, invasive plants, aggressively seeding plants, Russian thistle, ragweed, and plants generally accepted as having no value and frequently of uncontrolled growth.</p> <hr/> <p>Section 16-13(a): Accumulation of vegetation prohibited. Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of the accumulation or untended growth of vegetation. The accumulation or untended growth of vegetation means the presence of plants on property that create a fire, safety or health hazard, or that attract vermin either on the property, on neighboring properties, or on both, and includes but is not limited to:</p> <ol style="list-style-type: none"> (1) Any lawn grass that exceeds six (6) inches in height. (2) All weeds that exceed six (6) inches in height. (3) Dead trees or dead shrubs. (4) Dead palm fronds within ten (10) feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown; (5) Any tree, shrub, or other form of vegetation of any kind on the property or on the adjoining right-of-way, street, or alley that extends over or under the sidewalk space or roadway in a manner that may interfere with the reasonable use of the street, sidewalk, or alley for pedestrian or vehicular traffic of any kind or that may obstruct the view or light distribution of traffic-control devices or luminaries. Vegetation must be trimmed and maintained to provide an unobstructed pedestrian path a minimum of forty eight (48) inches in width and eighty (80) inches in height from grade.

ARIZONA ORDINANCE RESEARCH - WEEDS

Community	Weed Height	Ordinance Text
		<p><i>Section 16-13(d):</i></p> <p>Duty to remove weeds, debris and refuse from abutting sidewalks, streets and alleys upon notice. Upon receipt of notice served pursuant to section 16-45, the owner, lessee, tenant or occupant of any premises shall remove from the premises and the abutting portions of contiguous sidewalks, streets and alleys, all weeds, garbage, debris or other refuse which may endanger the health, safety or welfare of the persons in the vicinity of such premises. This duty extends to and includes any abutting sidewalk area and one-half (1/2) the width of abutting alleys, from the property line to the center line of the alley.</p> <hr/> <p><i>Section 16-14(b)(1):</i></p> <p>Duty to clean, secure and prohibit trespass. The owner or responsible party of a vacant building or structure shall remove any accumulation of weeds, combustible waste, or refuse from the interior of the building or structure and the surrounding yards; and shall secure all doors, windows, and other openings to prevent unauthorized entry. The owner or responsible party also shall post both the structure and the exterior premises with signs to provide conspicuous and reasonable notice prohibiting entry (i.e., "No Trespassing" signs).</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
International Property Maintenance Code	Preface: . . . This code is intended to establish provisions that adequately protect public health, safety and welfare. . . .
	302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
	302.5 Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
	302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
	302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
New Mexico Statute	30-8-1. Public Nuisance. A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: A. injurious to public health, safety, morals or welfare; or B. interferes with the exercise and enjoyment of public rights, including the right to use public property. Whoever commits a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a petty misdemeanor.
	State statute provides that “A municipality may by ordinance . . . define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist. . . .” Under New Mexico law, a petty misdemeanor is the very least serious crime for which a person can be sentenced to time in jail.
New Mexico Statute	66 Motor Vehicles
	66-11-2. Definitions For the purposes of this act: A. “collector” means the owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades or disposes of these vehicles or parts thereof for his own use in order to preserve, restore and maintain a vehicle for hobby purposes; B. “parts car” means a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts that are usually nonobtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of historic or special interest; and C. “historic or special interest vehicle” means a vehicle of any age which, because of its significance, is being collected, preserved, restored or maintained by a hobbyist as a leisure pursuit.
	66-11-3. Storage Provisions 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.

New Mexico Ordinance Research — Other

Community	Ordinance Text
Alamogordo	14-01-140. GENERALLY—OUTDOOR AUTOMOTIVE STORAGE.
	<p>(a) Definitions.</p> <p><i>Dismantled or partially dismantled vehicle</i> means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.</p> <p><i>Inoperable motor vehicle</i> means any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled by its own power and/or any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates.</p> <p><i>Motor vehicle</i> means any wheeled vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, recreational vehicles and trailers.</p> <p>(b) Declared nuisance. The presence of a dismantled, partially dismantled, or inoperable vehicle or motor vehicle or parts thereof on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance.</p> <p>(c) Prohibited acts. It is unlawful for any person, firm or corporation to store on, or permit to be stored or placed on, or allow to remain on any public or private property or street or highway within the city limits a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle unless such vehicle is in an enclosed building or on property which is enclosed with a fence or wall and such vehicle is not visible from adjoining or surrounding property or from the street or streets or public ways. This section shall not apply to a vehicle or vehicles on the premises of a duly licensed business in zones where such activity is within the contemplated purposes of such duly licensed business under the provisions of the zoning ordinance of the city.</p> <p>(d) Exceptions. An owner or tenant may store, permit to be stored or allow to remain upon his premises any dismantled, partially dismantled, or inoperable motor vehicle or parts thereof for a period not to exceed sixty (60) days upon receipt of a permit from the city clerk if such motor vehicle is registered in his name.</p> <p>(e) Permit. Upon application by the registered owner of a motor vehicle covered by this section, and upon the proof of hardship, the city clerk is hereby authorized to issue the permit provided by this section and shall require the payment of sixty dollars (\$60.00) for each permit issued.</p> <p>(f) Removal of vehicle. Upon the later of the expiration of a permit referenced in sub-section (d) or notification of the violation, the department of public safety may, after giving written notice to both the person responsible for the property and the vehicle's last known owner, order the vehicle towed from the premises.</p>
	4-01-150. OUTDOOR STORAGE
	<p>(a) Definitions.</p> <p><i>Junk</i> means any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state. This shall include by way of illustration only and without limitation wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste, concrete, rubble, boxes, crates, building materials, or machinery parts.</p> <p><i>Fence</i> or wall means of solid construction of boards, brick or other similar materials, not less than eight (8) feet in height above the level of the ground and maintained in a sightly, safe, and secure condition.</p> <p><i>Junk or automobile salvage yard</i> shall mean any premises, area or piece or parcel of land which is exposed to the weather and which displays junk as defined in section 14-01-150(a)1.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text										
	<p>(b) Declared nuisance. The presence of junk on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance.</p> <p>(c) Prohibited acts. It is unlawful for any person, firm, or corporation to store, or permit to be stored or placed, or allow to remain on any public or private property or street or highway within the city limits any junk unless such junk is in an enclosed fence or wall and such junk is not visible from adjoining or surrounding property or from the street or streets or public ways. It shall be unlawful for any person to allow any vehicle regardless of condition to be left unattended on jacks or blocks for any length of time. Such activity shall be considered a public nuisance and a danger to the public welfare.</p> <p>(d) The department of public safety may, after giving notice to both the person responsible for the property and any identified owner of junk, order the junk removed from the premises.</p>										
Albuquerque	<p>CHAPTER 8: TRAFFIC CODE</p> <p>8-5-2-3. Abandoned and Inoperable Vehicles.</p> <p>(A) A vehicle is abandoned if:</p> <ol style="list-style-type: none"> (1) The vehicle is parked on or along any street, alley or public way and the vehicle displays no current license plate and validating sticker; or (2) The vehicle is left unattended on or along any public property, street, alley or public way in the same place for a period of 36 hours without a valid police sticker as defined in division (B) of this section; (3) The vehicle is left on private property without the consent of the property owner, tenant, or occupant for a period of 24 hours; or (4) At a private residence, any vehicle which is not lawfully parked on a driveway for a period of at least 36 hours. <p>(B) The Chief may issue a sticker temporarily permitting street storage, upon application of any owner or agent of an owner for any vehicle which is operable and has a current license plate. Stickers shall expire 15 days after issuance. No owner, whether an individual, business, corporation, organization, partnership or trust, is entitled to more than four stickers at any time.</p> <p>(C) Any inoperable vehicle, or any part thereof, left on any public property or on any private property, without the consent of the property owner, tenant or occupant, is a public nuisance. Any abandoned vehicle, or any part thereof, is a public nuisance.</p> <p>(D) When a vehicle is abandoned or is an inoperable vehicle on or along any public property, a street, alley or public way or is an abandoned or inoperable vehicle on private property without the consent of the property owner, tenant or occupant under circumstances which do not allow summary removal or relocation pursuant to §8-5-2-4, a notification tag shall be attached to the vehicle in a manner which is readily visible . . .</p> <p>PARKING in Low-Density Residential Development Section 5-5(F)(2)(1)1 – May 2018</p> <table border="0"> <tr> <td>The area of the front yard that can be improved for driveways and parking areas in all residential zones except RA zone shall be</td> <td></td> </tr> <tr> <td>Lot size</td> <td>Maximum Front Yard Parking Area</td> </tr> <tr> <td>>5,000 square feet</td> <td>400 square feet or up to 60%, whichever is greater.</td> </tr> <tr> <td><5,000 square feet and >2,200 square feet</td> <td>400 square feet or up to 75%, whichever is greater.</td> </tr> <tr> <td><2,200 square feet</td> <td>400 square feet or up to 85%, whichever is greater.</td> </tr> </table>	The area of the front yard that can be improved for driveways and parking areas in all residential zones except RA zone shall be		Lot size	Maximum Front Yard Parking Area	>5,000 square feet	400 square feet or up to 60%, whichever is greater.	<5,000 square feet and >2,200 square feet	400 square feet or up to 75%, whichever is greater.	<2,200 square feet	400 square feet or up to 85%, whichever is greater.
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New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>CHAPTER 9: HEALTH, SAFETY AND SANITATION</p> <p>9-7-2 DEFINITIONS. <i>INSECT AND RODENT HARBORAGE.</i> Any condition which provides shelter or protection for insects and rodents; thus, favoring their multiplication and continued existence in, under, outside a structure or premise.</p> <p>9-7-6. HARBORAGE NOT PERMITTED. (A) All buildings, lots, and premises shall be kept free of infestation or harborage. The person in control shall not allow the accumulation of water, refuse, garbage, or other harborage. (B) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.</p>
Artesia	<p>ARTICLE F: NUISANCES</p> <p>5-1F-1: PUBLIC NUISANCE PROHIBITED AND DEFINED: It is unlawful to commit public nuisance. Public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either injurious to public health, safety, morals or welfare, or interferes with the exercise and enjoyment of public rights including the right to use public property.</p> <p>5-1F-2: NUISANCES DECLARED: In the interest of the inhabitants of the city, it is necessary to prohibit the accumulation of junk, trash, weeds and refuse on property within the corporate limits of the city by declaring such accumulation a nuisance. The following are declared to be a public nuisance: A. Unsanitary Premises: It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof which emits odors or serves as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the police department, building inspector/code enforcement officer or fire marshal is unsanitary or injurious to public health. The accumulation of building materials, pipes, lumber or boxes may be maintained on the premises if the accumulation is evenly piled and stacked for a reasonable length of time to be determined by the building inspector/code enforcement officer. B. Hazardous Premises: It shall be unlawful for any person to permit in or about his premises weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.</p> <p>8-1-8: PROPERTY MAINTENANCE CODE: The city adopts by this section the international property maintenance code, 2009, all amendments thereto, and revisions, modifications and recompilations thereof, with exception only to the following specific sections: Section 103.5 is deleted. Section 106.4 wherein the words "state or local laws" appear is hereby replaced by the words "the Artesia city code". Subsection 5 of section 107.2 is deleted. Section 111 in its entirety is deleted.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Aztec	ARTICLE II. MOTOR VEHICLES
	Sec. 14-2-2. Prohibited. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled condition, whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled vehicle or parts thereof on private or public property is hereby declared to be a public nuisance which may be abated as such in accordance with the provisions of this article.
	Sec. 14-2-3. Exceptions. 1. This section shall not apply to any vehicle enclosed within a building or behind a privacy fence on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the City and properly operated in an appropriate business zone, pursuant to the zoning laws of the City. 2. Any Hobby Stock Vehicle maintained in track-operable condition or regularly used for racing purposes. 3. Any Antique Motor Vehicle retained by the owner for antique collection purposes. 4. Any Special Interest Vehicle retained by the owner for vehicle collection purposes.
	Sec. 14-2-4. Unhitched Trailers. No person shall leave any type of trailer unhitched upon any street, public right-of way or public parking area.
	ARTICLE III. WEEDS, ALLEYS, JUNK, TRASH AND REFUSE
	Sec. 14-3-7. Storage on Private Property. It shall be unlawful for any person to leave outside any building or dwelling in the City any dilapidated furniture, appliances, machinery, equipment, building material, junk, or other items which are either wrecked, junked, dismantled or in inoperative condition, and which are not completely enclosed within a building or dwelling, or behind a privacy fence. All fences must be permitted and constructed as provided in Chapter 26 – Land Use.
Carlsbad	CHAPTER 8. BUILDINGS AND BUILDING REGULATIONS
	8-53. - Amendments. 1. Care of premises. (a) It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, motor vehicle parts, ice box, refrigerators, stoves, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including, but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the building official. (b) For the purpose of this section, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power. 2. Extermination. (a) Every occupant of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents or other pests within the building or premises. (b) In the case of a rental, single dwelling building, the owner shall be responsible for renting or leasing, such a residential property, free of insects, rodents, or other pests.

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>CHAPTER 56. ZONING</p> <p>56-42. Use regulations.</p> <p>(i) Carport</p> <p>Carports shall be open on at least three sides and designed to shelter no more than two vehicles. A carport may be attached on one side to a garage, dwelling unit, or commercial building. A carport may not be placed or built within the required front side or rear setback without the granting of a Variance from the Planning and Zoning Commission. A carport shall not encroach into the public right-of-way. There shall be no storage of any tools, materials, containers, or other similar items within a carport. Carports shall not include structures designed and built for the storage of Recreational Vehicles (RV). A Building Permit shall be required for any and all carports, whether site built or prefabricated, in addition to engineered plans from the manufacturer for all prefabricated or metal structures. A carport may be placed within the front setback without an approved Variance from the Planning and Zoning Commission, but must fully comply with all other regulations concerning carports found within this ordinance. See Sec. 56-70(d)(4) for further regulations.</p>
Cloudcroft	<p>4-2-1: NUISANCE DECLARED:</p> <p>In the interest of the inhabitants of the Village, it is necessary to prohibit the accumulation of junk, trash and refuse on property within the corporate limits of the Village by declaring such accumulation a nuisance.</p> <p>A. Junk, Trash And Refuse: Junk, trash and refuse and any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the aesthetics of the Village, and is specifically intended to include, but not limited to, worn out, wrecked, inoperative, damaged or abandoned automobiles, motorcycles, trucks, tractors, machinery of any kind or any parts thereof, old ice boxes, refrigerators, stoves, furniture, mechanical equipment, construction materials, tree trimmings or any other matter produced during land clearing, but shall not include firewood cut into lengths not in excess of three feet (3') and stacked for storage.</p> <p>B. Storage Of Junk, Trash And Refuse: The storing of junk, trash, refuse or the storing or parking of inoperative automobiles, or trucks on private property within the corporate limits of the Village, except upon application in writing to the Board of Trustees for an exemption in areas specifically designated by the Board of Trustees in writing for a period not to exceed one year, renewable from year to year at the discretion of a majority of the Board of Trustees, is hereby declared a nuisance. Any exemption so granted shall be nontransferable, except upon written application to the Board of Trustees and approved by a majority of the Board of Trustees in writing, upon terms and conditions as the Board of Trustees may decide.</p> <p>4-2-2: NOTICE OF NUISANCE:</p> <p>Any Village Public Safety Officer, Mayor or Trustee, upon observing any violation of this Chapter, shall issue a notice directed to the owner of record of the property on which the nuisance occurs, or to the occupant or tenant of the property, or both. The notice shall describe the violation and shall establish a reasonable time limit for abatement thereof by the owner or occupant or tenants, which limit shall be not less than two (2) days, nor more than thirty (30) days after service of the notice. The notice may be served either personally or by registered mail at the owner's or occupant's last known address upon deposit in the postal registry.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Clovis	CHAPTER 8.08 - PUBLIC NUISANCES
	<p>B. "Public nuisances" shall include but not be limited to the following acts, conduct, omissions, conditions or things:</p> <ol style="list-style-type: none"> 1. Accumulations of garbage in any manner in which flies, mosquitoes, disease carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed; 2. Accumulations of refuse in which disease carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed. For purposes of this chapter, "refuse" means all solid waste; including garbage, rubbish, debris, abandoned or inoperable household appliances, moveable furniture not designed for or modified to withstand the elements and outdoor use; trash, or any other material of any kind that has been discarded, rejected, cast aside or thrown away as worthless; old lumber and construction debris; junk; abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable; worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood property values, health, safety or general welfare;
	CHAPTER 10.08 - ABANDONED VEHICLES
	<p>10.08.010 - Definitions.</p> <p><i>Junked vehicle</i> means any motor vehicle as defined in the Motor Vehicle Code, Section 66-1-1 et seq., NMSA 1978, as amended, which:</p> <ol style="list-style-type: none"> A. Is partially dismantled or wrecked; or B. Cannot safely and legally be operated on the public streets and highways; or C. Remains inoperable for a continuous period of thirty days.
Deming	10.08.020 - Location or Presence of Junked Vehicles City Deemed Public Nuisance, Exceptions.
	<p>The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance and it is unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to:</p> <ol style="list-style-type: none"> (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner, where it is not visible from the street or other public or private property; (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard; or (c) unlicensed inoperable vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view beyond the building set back line. <p>Screening must completely obscure the vehicle from public view. Tarps and car covers do not constitute screening.</p>
	TITLE 4: PUBLIC HEALTH AND SAFETY
	CHAPTER 1: WEEDS AND RUBBISH
	<p>4-1-1: DEFINITIONS:</p> <p><i>Rubbish</i>: Shall include, but not be limited to, all nonputrescible solid waste, including ashes, such as vehicle bodies and solid or combustible or noncombustible waste such as paper, cardboard, cans, wood, leaves, dirt, glass, bedding, crockery and similar materials.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>4-1-3: UNAUTHORIZED ACCUMULATIONS, NUISANCE:</p> <p>A. Allowing Accumulation: It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having charge or control of any occupied or unoccupied lot or tract of land within the city to allow any rubbish to collect or accumulate on any lot or premises within the city.</p> <p>B. Nuisance Declared: Any such unauthorized accumulation or collection is hereby declared to be a nuisance and is prohibited.</p> <p>C. Removal By City; Costs A Lien: In the event such person fails or refuses to remove such accumulation or collection of rubbish, the city may cause the same to be removed at the expense of such person and the charge thereof shall be a lien upon the property.</p>
	TITLE 7: MOTOR VEHICLES AND TRAFFIC
	7-2-3: RESTRICTED PARKING:
	<p>F. Vehicles Prohibited On Public Property:</p> <p>1. It is unlawful for any person to cause or permit a motor vehicle to be parked on public property in any residential zone within the city, where such motor vehicle is greater than twenty two feet (22') in length, or where such motor vehicle is greater than ninety eight inches (98") in width. As used in this subsection "motor vehicle" is defined as any vehicle that is designed to be self-propelled and is designed to travel along the ground, and shall include, but not be limited to, automobiles, trucks, tractors, sport utility vehicles, campers and recreational vehicles. Regardless of size, it shall be unlawful for any person to cause or permit a camper or recreational vehicle to be parked on public property in any residential zone within the city. As used in this subsection, "residential zone" is defined as an A single-family district, A-1 single-family district, A-3 single-family district, A-4 single-family district, A-5 single-family district, B multiple dwelling district, B-1 dwelling district, B-2 dwelling district, B-3 dwelling district, T use district, and T-2 use district as defined in Title 12 of this code.</p> <p>2. It is unlawful for any person to cause or permit the parking of any type of trailer hitched or unhitched on any public property in any "residential zone" as defined in subsection F1 of this section. As used in this subsection "trailer" is defined as any vehicle without motive power of its own, designed to be drawn or towed by another vehicle.</p>
	7-2-6: VEHICLES OCCUPIED OVERNIGHT ON STREETS:
	<p>A. Restriction: It shall be hereafter unlawful for any person to occupy any vehicle or to allow the same to be occupied, including any motor vehicle, trailer or mobile home overnight on the streets, alleys or other public property of the city, except those mobile homes or RV units that have self-contained sanitary facilities.</p>
Eddy County	<p>JUNK OR ABANDONED MOTOR VEHICLES O-91-18</p> <p>VII. Storage of Non-Operating or Junked Vehicles</p> <p>It shall be unlawful for any person in charge or control of any property within the County, whether as owner, tenant, occupant, lessee or otherwise, to allow any partially dismantled, non-operating, wrecked junked or discarded vehicle to remain on such property for a period exceeding 120 hours, except as otherwise qualified below; and no person shall leave any such vehicle on any county road, highway, right-of-way or other public property for a period exceeding 48 hours. Except as otherwise provided herein for health or safety reasons, this restriction shall not apply with regard to a vehicle which is in an enclosed building or otherwise screened from public view. . . .</p> <p>VIX. Resolution for Removal</p> <p>It shall be unlawful for any person to maintain buildings or structures on his property or store debris, rubbish, automobile parts, tires, trash, dead trees, garbage or other material in a manner inconsistent with the Uniform Housing Code, or environmental Improvement Division regulations, or as would otherwise be a menace to public comfort, health, peace or safety.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Espanola	CHAPTER 254 NUISANCES
	254-1 DEFINITIONS NUISANCE Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either: A. Injures or endangers the comfort, repose, health or safety of others; B. Offends decency; C. Is offensive to the senses; D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; E. In any way renders other persons insecure in life or the use of property; or F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
	254-1 NUISANCES ENUMERATED The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive: A. Any owner or occupant planting or allowing to grow weeds and noxious vegetable growth on the owner's or occupant's lot or parcel of ground, or on the sidewalks and lawn-strips or land areas abutting such lot or parcel of ground. B. Accumulation of rubbish, trash, refuse, litter, junk and other abandoned materials, metals, lumber or other things. C. Any condition which provides harborage for rats, mice, snakes and other vermin. D. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located; any condition that is attractive and dangerous to children, such as a vacant accessible building, excavation, dilapidated wall and fences and barbed wire fences along public ways, wood piles and debris on vacant lots which may constitute a hazard to the health and welfare of children who may not be able to recognize those dangers. E. The infestation of trees or shrubbery by the cocoon (bags) . . . F. All unnecessary or unauthorized noises and annoying vibrations . . . G. All disagreeable or obnoxious odors and stenches . . . H. The carcasses of animals or fowl not disposed of within a reasonable time after death. I. The pollution of any public well or cistern, stream, lake, canal or body of water . . . J. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted . . . K. Any accumulation of stagnant water . . . L. The keeping of honey bees and hives and the keeping of hornets. M. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
	CHAPTER 275 PROPERTY MAINTENANCE
	275-1 ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

New Mexico Ordinance Research — Other

Community	Ordinance Text
	CHAPTER 350 ZONING AND DEVELOPMENT
	VI USE REGULATIONS
	<p>610 Inoperable Vehicles</p> <p>A. Findings. The City Council, through this chapter, finds that the existence of numerous inoperable vehicles is aesthetically unpleasing and creates a nuisance condition that can lead to lower property values, and so imposes the following conditions:</p> <p>(1) In all districts, the storage of inoperable vehicles is not permitted. However, they may be stored in an enclosed building in a rear yard and a maximum of three inoperable vehicles may be stored in a combination of the rear yard and side yard; provided, however, that they are kept within a sight-obscuring fence six feet in height or that each is covered with an opaque cover designed to fit the motor vehicle.</p> <p>(2) In all residential districts, storage of inoperable vehicles is not permitted within the area between the front property line and the front of the main structure; except if the lot, because of topography or shape, and/or the structures located on the lot, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no visual safety hazard, one 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>(3) Within commercial and industrial districts, storage of inoperable vehicles is permitted, as part of a permitted or special use and provided that it complies with all use requirements of the district and all conditions, if any, imposed by the Planning Commission or City Council.</p> <p>(4) Inoperable vehicles are prohibited in the public right-of-way or from encroaching upon the public right-of-way.</p>
Estancia	<p>NUISANCE ORDINANCE</p> <p>SECTION 4. PURPOSE.</p> <p>A. It is the purpose of this ordinance to protect the health, safety, morals or welfare of the residents of the Town by eliminating public nuisances and protecting property from blight and deteriorating conditions by establishing minimum standards governing the maintenance, appearance, and condition of all residential and non-residential premises.</p> <p>SECTION 5. DEFINITIONS.</p> <p>D. Inoperable Vehicle. Any motor vehicle that by reasons of dismantling, disrepair, or other cause, is incapable of being propelled under its own power.</p> <p>F. Public Nuisance. As specified in NMSA 1978, § 30-8-1 (1963), a public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: (i) injurious to public health, safety, morals or welfare; or (ii) interferes with the exercise and enjoyment of public rights, including the right to use public property.</p> <p>SECTION 7. NUISANCES DECLARED.</p> <p>The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions, or actions, is declared to be and constitute a public nuisance:</p> <p>A. Overgrown vegetation that impedes passage of or endangers vehicular or pedestrian traffic on public rights of way, that creates a fire hazard, that produces dangerous or noxious branches, thorns, seeds, or other growth that may be blown or otherwise distributed onto neighboring property, or that otherwise endangers the health, safety and welfare of the public;</p> <p>B. Accumulations of rubbish, trash, refuse, litter, junk, or abandoned materials;</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>C. Any condition that provides harbor for rats, mice, snakes, or other vermin, except for the natural activity of bees, rabbits, or other insects and animals except as otherwise provided herein;</p> <p>D. Any building or other structure that is in such dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health, safety or welfare, or that constitutes a fire hazard;</p> <p>E. Any condition that is attractive and dangerous to children, such as a vacant and accessible building, uncovered excavation, dilapidated or unsafe wall or fence, or poorly secured stack of wood or other materials;</p> <p>SECTION 8. DUTY TO MAINTAIN.</p> <p>A. In General. Every person having an immediate possessory interest in a residence or other private property within the Town shall maintain, manage, and supervise the property and all persons thereon in a manner so as to avoid creating a public nuisance.</p> <p>B. Building and Structures. All structures, and all exposed exterior surfaces, shall be kept safe, structurally sound, and maintained so that they do not constitute a hazard, blight, condition of disrepair, and therefore constitute a public nuisance. . . .</p> <p>C. Exterior Premises and Vacant Land.</p> <ol style="list-style-type: none"> 1. General, land. All land, including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of debris or blight, which includes, but is not limited to, graffiti on walls, fences, or mail boxes, accumulation of litter, rubbish, refuse, waste material, bottles, paper, glass, cans, organic or inorganic material, inoperable or disabled vehicles, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, lumber not neatly piled or stored in front yards, scrap iron, tin, and other metal not neatly piled, or anything whatsoever in which insects, rodents, snakes, or other harmful pests may live, breed, or multiply, or which may otherwise create a health hazard. 2. Streets, alleys, and sidewalks. Land abutting a sidewalk, alley, or street shall be maintained the same in the same manner as provided in the previous paragraph. 3. Solid waste receptacles. All solid waste receptacles shall be maintained in a clean and sanitary condition by the owner or person using the receptacle, emptied regularly, and shall be located only in places as shall be readily accessible for removing and emptying the same, but shall not be placed in a place or position as may constitute a public nuisance or obstruction to vehicular or pedestrian traffic. 4. Unoccupied or Vacant Structures. An unoccupied or vacant building or structure, or any part thereof, shall be kept secured by the owner against unauthorized entry and water damage. <p>D. Ruined, Damaged, and Dilapidated Buildings and Structures. New Mexico Statutes Annotated (1978), Section 3-18-5 (1965, as amended), concerning the ability of a municipality to require the removal of a building or structure that is ruined, damaged, and dilapidated, shall be incorporated by reference into this Ordinance and considered to be a part hereof. . . .</p> <p>SECTION 9. VEHICLES.</p> <p>A. General prohibition. It shall be unlawful for any person to store on, place on, or permit to be stored or placed on, or allow to remain on any occupied or unoccupied land within the Town, a dismantled, partially dismantled, or inoperative motor vehicle, or any parts of a motor vehicle, except in areas where such activity is within the contemplated purposes of duly licensed and properly zoned businesses, or where such vehicles or parts are kept in wholly enclosed garages or structures. Vehicles shall not be used for storage unless enclosed within a garage or structure.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>B. Exceptions. The general prohibition against outdoor storage of inoperable or abandoned vehicles or parts thereof does not apply under the following circumstances:</p> <ol style="list-style-type: none"> 1. One (1) inoperable vehicle may be stored upon property within the Town when not in an enclosed structure, if fully covered and placed in a side or back yard. Such vehicle must be at least five (5) feet from any property line or permanent structure. 2. One (1) inoperable vehicle being repaired or awaiting repair may be stored without cover in a side or back yard on residential property within the Town for a period not to exceed two (2) weeks, if the vehicle is registered in the resident's name.
Farmington	ARTICLE 2. - NUISANCES
	DIVISION 2. WEEDS AND DEBRIS
	12-2-27. - Accumulation of refuse. It shall be unlawful and a violation of this Code for the owner, agent, lessee or occupant of any lot, tract or parcel of land within the city to allow refuse, rubbish, garbage, trash, solid waste or unsightly debris to accumulate upon such property.
	DIVISION 3. - WRECKED, JUNKED OR NONOPERABLE MOTOR VEHICLES
	Sec. 12-2-56. - Presumption. (a) Any motor vehicle that does not display a currently effective license plate, registration permit, or any motor vehicle that is dismantled, nonoperating, wrecked or junked, or that is on blocks, jacks or other supports is presumed to be nonoperating, within the meaning of Section 12-2-57. (b) Any motor vehicle, including one used for racing purposes, that does not conform to the equipment requirements of this Code and that shows visible body damage is presumed to be a wrecked vehicle for the purposes of Section 12-2-57.
	Sec. 12-2-57. - Leaving on street or private property.
	<p>(a) No person shall leave any partially dismantled, nonoperating, wrecked or junked motor vehicle on any street or highway within the city.</p> <p>(b) No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded motor vehicle to remain on such property longer than 48 hours, and no person shall leave any such vehicle on any property within the city for a longer time than 48 hours. However, this section shall not apply to the following:</p> <ol style="list-style-type: none"> (1) Any vehicle in an enclosed building, enclosed structure, or that is obscured by fencing, landscaping, screens, or that is covered with a tarp or car cover that makes the vehicle not visible from any other public or private property. (2) Vehicles upon the premises of a business enterprise operated in a lawful place and manner which are necessary to the operation of the business enterprise and which otherwise comply with parking provisions of the Unified Development Code, provided that such vehicles shall not remain on such property longer than a period of six months. (3) Vehicles located in an appropriate storage place or depository maintained in a lawful place and manner by the city. (4) Vehicles in an appropriate storage area authorized by the Unified Development Code or other similar city ordinances.

New Mexico Ordinance Research — Other

Community	Ordinance Text
Gallup	Chapter 1. NUISANCE ABATEMENT AND PROBLEM PROPERTY FORFEITURE
	<p>4-1-3: DEFINITIONS:</p> <p>Public Nuisance: Any parcel of real property, commercial or residential, any personal property, or any vehicle on or in which any of the following illegal activities occurs, or which is used to commit, conduct, promote, facilitate, or aid the commission of or flight from any of the following activities. For purposes of this definition, the illegal activity shall have the same definition as that contained in the section of the New Mexico Statutes Annotated, 1978 compilation, as amended, listed after the illegal activity:</p> <p>Q. The accumulation of junk, trash and refuse on property including the sweeping, placing or throwing of solid waste or other waste materials upon sidewalks, streets or alleys.</p> <p>R. The causing to remain in or about a premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors, or serves as a feeding or breeding place of flies, mosquitoes, insects or rodents, including the keeping of animals in such a manner or in such a number as to annoy others.</p>
	<p>4-1-4-1: PUBLIC NUISANCES PROHIBITED:</p> <p>A. It shall be unlawful for any owner, manager, tenant, lessee, occupant, or other person having any legal or equitable interest or right of possession in any real property, vehicle, or other personal property to intentionally, knowingly, recklessly, or negligently commit, conduct, promote, facilitate, permit, fail to prevent, or otherwise let happen, any public nuisance in, on or using any property in which they hold any legal or equitable interest or right of possession.</p>
	Chapter 2. URBAN STRUCTURE NUISANCE
	<p>Urban Nuisance: Any structure, property, building, site or incidental appurtenance which is not property maintained:</p> <p>A. Generally, the appearance and condition of the building or structure shall be maintained to present a safe and attractive streetscape to passersby;</p> <p>B. A maximum of ten percent (10%) of exterior facade may exhibit peeling paint, damaged stucco, or other deteriorated exterior visible surfaces;</p>
	<p>E. A building, property, site, structure or incidental appurtenance, because of its state of disrepair, is such that could reasonably cause injury, damage, harm, or inconvenience to a considerable portion of the community in the use and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities, tastes, and habits living in the community;</p>
	Chapter 3. PROPERTY MAINTENANCE
	9-3-1: ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE:
	<p>302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Hatch	8.16.020: NUISANCES DESIGNATED
	B. Unsanitary Premises: It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents; and which in the opinion of the Sanitation Officer is unsanitary, or injurious to public health. The accumulation of building materials, pipes, lumber or boxes may be maintained on the premises if the accumulation is evenly piled and stacked for a reasonable length of time to be determined by the Sanitation Officer.
	F. Outdoor Vehicle Storage; Prohibited Acts; Exceptions:
	1. Prohibited: It is unlawful for any person, firm or corporation to store on, place on, or permit to be stored or placed on, or allowed to remain on any occupied or unoccupied land within the Municipal limits, a dismantled, partially dismantled or inoperative motor vehicle, or any parts of a motor vehicle, except in areas where such activity is within the contemplated purposes of duly licensed businesses and are kept in a wholly enclosed garage or structure.
	2. Exceptions: Any person, being owner or tenant, may store, permit to be stored or allow to remain upon his premises, any dismantled, partially dismantled or inoperative motor vehicle, or parts thereof, for a period not to exceed one week if such motor vehicle is registered in his name; and provided further, that any such owner or tenant may, in the event of hardship, secure permission from the Municipality to extend such period of time.
Hobbs	3. Definitions: As used in this section, the following terms shall have the following meanings:
	a. Dismantled or Partially Dismantled Vehicle: Any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.
	b. Inoperative or Inoperable Motor Vehicle: Any motor vehicle which by reason of dismantling, disrepair or other case is incapable of being propelled under its own power.
	c. Motor Vehicle: Any wheeled vehicle which is self-propelled or intended to be self-propelled.
Hobbs	8.36.060 Unsanitary premises.
	It is unlawful for any person to permit or cause to remain in or about his or her premises any solid waste, weeds, automobiles not in operating condition, waste water or any conglomeration or residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents, and which, in the opinion of the Sanitation Officer, is unsanitary or injurious to public health. The accumulation of building materials, pipes, lumber or boxes may be maintained on such premises, if such accumulation is evenly piled and stacked for a reasonable length of time to be determined by the Sanitation Officer.

New Mexico Ordinance Research — Other

Community	Ordinance Text
Las Cruces	CHAPTER 18. NUISANCES
	ARTICLE I. IN GENERAL
	18-2. Illustrative enumeration. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitute a nuisance, provided that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
	(2) Accumulations of rubbish, trash, refuse, litter, junk and other abandoned materials, metals, lumber or other things.
	(3) Any condition which provides harborage for rats, mice, snakes and other vermin.
	(4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
Las Cruces	(5) Any condition that is attractive and dangerous to children, such as a vacant accessible building, excavation, dilapidated wall and fences and barbed wire fences along public ways, wood piles and debris on vacant lots which may constitute a hazard to health and welfare to children who may not be able to recognize these dangers.
	ARTICLE II. ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES
	Sec. 18-36. - Definitions. <i>Abandoned</i> means any motor vehicle that does not display a current license plate or valid police sticker as defined in section 12-12-18(F)(2) of the Uniform Traffic Ordinance in section 27-2 and is left unattended for a period exceeding 72 consecutive hours.
	<i>Dismantled</i> means any motor vehicle that has been disassembled to any degree which renders it inoperable.
	<i>Inoperable</i> means any motor vehicle incapable of operation upon any street or highway in compliance with the laws of this jurisdiction.
	Sec. 18-37. - Prohibited. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned or wrecked or dismantled or inoperative or partially dismantled condition, whether attended or not, upon any private or public property within the city for a period of time in excess of 72 hours. The presence of an abandoned or wrecked or dismantled or inoperative or partially dismantled vehicle or parts thereof (except such parts that have been reconstructed or converted for practical use) on public property or private property is declared a public nuisance which may be abated in accordance with this article. This section shall not apply to:
Las Vegas	(1) Any vehicle within an enclosed area and out of public view on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city; or
	(2) Any person who has obtained a permit for restoration of a motor vehicle pursuant to Section 18-38.
Las Vegas	301-6. NUISANCE DECLARED
	B. Unsanitary premises. It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents; or which is unsanitary, or injurious to public health.
	C. Hazardous premises. It shall be unlawful for any person to permit in or about his premises weeds, briars, brush or any other rubble, wreckage, or debris, to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.

New Mexico Ordinance Research — Other

Community	Ordinance Text
Los Lunas	<p>Chapter 9.24 - NUISANCES</p> <p>9.24.010 - Public nuisance prohibited.</p> <p>It is unlawful to commit public nuisance. Public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: injurious to public health, safety, morals or welfare, or interferes with the exercises and enjoyment of public rights including the right to use public property.</p> <p>9.24.020 - Nuisances designated.</p> <p>In the interest of the inhabitants of the municipality, it is necessary to prohibit the accumulation of junk, trash and refuse on property within the corporate limits of the municipality by declaring such accumulations a nuisance. The following are declared to be a public nuisance:</p> <p>A. Unoccupied Premises. It is unlawful for any reason for any person to sweep, place or throw, solid waste or other waste materials in or upon any sidewalk, street, alley or unoccupied premises.</p> <p>B. Unsanitary Premises. It is unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, waste water or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents; and which in the opinion of the zoning enforcement officer is unsanitary, or injurious to public health. . . .</p> <p>C. Hazardous Premises. It is unlawful for any person to permit in or about his premises weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.</p> <p>F. Outdoor Vehicle Storage—Prohibited Acts—Exceptions.</p> <ol style="list-style-type: none"> 1. It is unlawful for any person, firm or corporation to store on, place on, or permit to be stored or placed on, or allowed to remain on any occupied or unoccupied land within the municipal limits, a dismantled, partially dismantled or inoperative motor vehicle, or any parts of a motor vehicle, except in areas where such activity is within the contemplated purposes of duly licensed businesses and are kept in a wholly enclosed garage or structure. 2. Exceptions. Any person, being owner or tenant, may store, permit to be stored or allow to remain upon his premises, any dismantled, partially dismantled or inoperative motor vehicle, or parts thereof, for a period not to exceed one week if such motor vehicle is registered in his name; and provided further that any such owner or tenant may, in the event of hardship, secure permission from the municipality to extend such period of time. 3. Definitions. As used in this section the following terms shall have the following meanings: <ul style="list-style-type: none"> "Dismantled or partially dismantled vehicle" means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing. "Inoperative" or "inoperative motor vehicle" means any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. "Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled. 4. This section shall be construed as being supplementary to any sections of this code relating to rubbish, litter, refuse and shall not be construed to permit the parking or placing of dismantled, partially dismantled or inoperable motor vehicles on any public street.

New Mexico Ordinance Research — Other

Community	Ordinance Text
Peralta	PUBLIC NUISANCE ORDINANCE 2015-06
	DEFINITIONS
	“Inoperative Vehicle” means any vehicle which cannot be moved under its own power due to removal of, damage to, or deterioration of, or inoperative conditions of any component part of the lack of an engine, transmission, wheels, tires, doors, windshields or any other component part necessary for such movement. However, this definition excludes vehicles that are antique cars or parts cars as defined in this chapter, and which are stored in accordance with NMSA 1978, SS 66-11-1 to 66-11-5, as amended.
	“Nuisance” means notwithstanding any criteria otherwise provided by this chapter, a nuisance is an unreasonable and significant interference with another’s interest in the use and enjoyment of land. The location, character, and habits of the particular community within the Town’s limits are to taken into account in determining what is unreasonable and significant to an individual living in it. . . .
	25.6 SOLID WASTE B) Unauthorized Accumulation. It shall be unlawful to allow any solid waste to collect or accumulate on any lot or other premises within the Town’s municipal limits. Any such unauthorized accumulation or collection is hereby declared to be a nuisance and is prohibited.
	25.7 VERMIN NUISANCE A) All buildings, lots and premises shall be kept free of infestation of harborage or rodents, roaches, flies, mosquitoes, or other vermin of public health nuisance significance. The person in control shall not allow the accumulation of water, refuse, animal wastes, garbage, trash or other harborage. B) When any building, lot or premises is determined by investigation to be so infested the person in control shall utilize extermination measures as specified by the enforcing entity.
Portales	25.9 VEHICLE NUISANCE (A) Motor Vehicle Nuisances. Any motor vehicle left on or in private and/or public right-of-way after an enforcing entity has attached a red tag notice, in a conspicuous location, on said vehicle for a period of time of twenty-four (24) hours or longer is hereby declared to be a nuisance and subject to forfeiture pursuant to the provisions of NMSA SS 66-3-127, as amended, and related statutory sections. . . .
	Chapter 16 - NUISANCES
	ARTICLE I - IN GENERAL
	16-1. - Definitions. <i>Nuisance</i> is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist; which act, omission, condition or thing either: (a) Injures or endangers the comfort, repose, health or safety of others; or (b) Offends decency; or (c) Is offensive to the sense; or (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage; or (e) In any way renders other persons insecure in life or the use of property; or (f) Essentially interferes with the comfortable enjoyment of life and property. Or tends to depreciate the value of the property of others.

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>16-2. - Illustrative enumerations.</p> <p>The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private lot or tract on any of the following items, conditions, or actions are hereby declared to be and constitute a nuisance; provided, however, these enumerations shall not be deemed or construed to be conclusive, limiting or restrictive:</p> <ul style="list-style-type: none"> (a) Weeds as detailed in sections 16-4 and 16-5. (b) Accumulation of trash. (c) Any condition which provides harborage for rats, mice, snakes and other vermin. (d) All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench. (e) The carcasses of animals or fowl not disposed of within a reasonable time after death. (f) Any accumulation of stagnant water permitted or maintained on any lot or tract. (g) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
	<p>16-4. - Display of certain items prohibited.</p> <p>It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any residential lot within the city to allow any of the following items to remain on such lot, for longer than forty-eight (48) hours, in any location outside which can be viewed from a ground location off the lot: appliances, bedding, bottles, boxes, broken glass, cans, cardboard, cartons, furniture manufactured for indoor use only, household appliances, jars, lumber and building supply materials that are not neatly stacked, machine parts, motor vehicle parts, pallets, paper, plumbing fixtures, rags, scrap metal, tire rims, tires, water heaters. Properly permitted construction sites will be exempt.</p>
	<p>ARTICLE II. - OUTDOOR AUTOMOTIVE STORAGE</p>
	<p>16-21. - Definitions.</p> <p><i>Dismantled or partially dismantled vehicle</i> means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.</p> <p><i>Inoperable vehicle</i> is any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.</p>
	<p>16-25. - Prohibited on streets.</p> <p>No person shall leave any partially dismantled, inoperable, wrecked, junked or discarded vehicle on any street or highway within the city.</p>
	<p>Sec. 16-26. - Prohibited on property.</p> <p>No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked or discarded vehicle to remain on such property longer than fifteen (15) days; and no person shall leave any such vehicle on any property within the city for longer than fifteen (15) days; except that this chapter shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Raton	<p>CHAPTER 94: NUISANCES</p> <p>94.01 DEFINITIONS</p> <p><i>ABANDONED VEHICLES.</i> Any vehicle left upon a street, alley, or other way of the city longer than 96 hours, incapable of moving under its own power, not bearing current license plates or having 1 or more flat tires, or partially dismantled shall be presumed to have been “abandoned.”</p> <p><i>JUNK.</i> Any worn-out, discarded, or abandoned materials, including, but not limited to, refuse, rubbish, old rags, metals, rubber, glass, parts of machines and vehicles, refrigerators, waste paper, cloth, and textiles having only salvage value. An accumulation of 1 or more partially dismantled or wrecked automobiles or portions thereof not capable of moving under their own power, plainly not under repair for a period of more than 48 hours or not bearing license plates of the current year, shall be prima facie considered</p> <p>NUISANCE.</p> <p>(1) Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing in the city either:</p> <ul style="list-style-type: none"> (a) Injures or endangers the comfort, repose, health, safety, morals, and welfare of others; (b) Interferes with the exercise and enjoyment of public rights, including the right to use public property; (c) Offends decency; (d) Is offensive to the human senses of sight, sound, or smell; (e) Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; and/or (f) Interferes with the security or comfortable enjoyment of life and property. <p>(2) Any definition of declaration by the City Commission of a <i>NUISANCE</i> or “public nuisance” in any provision of this code or other ordinance of the city shall be included within the definition of the word <i>NUISANCE</i>, for the purpose.</p> <p>94.03 PROHIBITED NUISANCES.</p> <p>(B) <i>Other.</i></p> <ul style="list-style-type: none"> (1) Accumulation of rubbish, trash, refuse, litter, junk, and other abandoned materials, metals, lumber, or other things; (2) Unsheltered junk; (3) Abandoned vehicles; (4) Dangerous containers; (5) Any condition which provides harborage for rats, mice, snakes, and other vermin; (6) Any building or other structure which is in a dilapidated condition that it is unfit for human habitation, or kept in an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located. (7) Any condition that is unattractive and dangerous to the public, such as a vacant accessible building, excavation, dilapidated wall, and fences and barbed wire fences along public ways, woodpiles, and debris on vacant lots which may constitute a hazard to health and welfare to the public who may not be able to recognize those dangers; (8) All unnecessary or unauthorized noises and annoying vibrations, including animal noises; (9) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of the odors and stenches

New Mexico Ordinance Research — Other

Community	Ordinance Text
Rio Rancho	<p>CHAPTER 91. NUISANCES; HEALTH AND SANITATION</p> <p>91.02 DEFINITIONS.</p> <p>ABANDONED VEHICLE. A motor vehicle which has remained for more than 48 hours in a condition described by one of the following:</p> <ol style="list-style-type: none"> (1) Without license plates or a temporary registration conspicuously displayed thereon; or (2) With license plates which have an expiration date more than 90 days prior to the date of inspection. <p>BLIGHT or BLIGHTED. Unsightly conditions including the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged and any other similar conditions of disrepair and deterioration regardless of other properties in the area.</p> <p>DEBRIS. Any substance of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten inches in diameter, including but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned or neglected equipment, or the scattered remains of items.</p> <p>DETERIORATION. The condition or appearance of a building, structure or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.</p> <p>91.20 UNLAWFUL ACTIVITY.</p> <p>It is unlawful to commit public nuisance. Public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either injurious to public health, safety, morals or welfare, or interferes with the exercise and enjoyment of public rights including the right to use public property.</p> <p>91.21 NUISANCES DECLARED. (General)</p> <p>In the interest of the inhabitants of the municipality, it is necessary to prohibit the accumulation of junk, trash and refuse on property within the corporate limits of the municipality by declaring the accumulation a nuisance. The following are hereby declared to be a public nuisance.</p> <ol style="list-style-type: none"> (A) <i>Unoccupied premises.</i> It shall be unlawful for any reason for any person to sweep, place or throw solid waste or other waste materials in or upon any sidewalk, street, alley or unoccupied premises. (B) <i>Unsanitary premises.</i> It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, waste water or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents. The accumulation of building materials, pipes, lumber or boxes may be maintained on the premises if the accumulation is evenly piled and stacked for a reasonable length of time. (C) <i>Hazardous premises.</i> It shall be unlawful for any person to permit in or about his premises weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic. (E) <i>Accumulation of solid waste.</i> <ol style="list-style-type: none"> (1) It shall be unlawful for any person to allow any solid waste to accumulate upon premises, owned, leased, rented or occupied by him during intervals between collection thereof, except in the manner herein provided. (2) It shall be unlawful to deposit any solid waste in or upon the streets, alleys, sidewalks, gutters, curbing, storm sewers, parkways or vacant lots within the municipality, except in the manner and in the receptacles or container as provided herein.

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>91.21 NUISANCES DECLARED. (Motor Vehicles)</p> <p>(G) <i>Outdoor vehicle storage; prohibited acts; exceptions.</i></p> <p>(1) It is unlawful for any person, firm or corporation to store on, place on or permit to be stored or placed on, or allowed to remain on any occupied or unoccupied land within the municipal limits, a dismantled, partially dismantled, not properly registered, or inoperative motor vehicle, or any parts of a motor vehicle, except in areas where the activity is within the contemplated purposes of duly licensed businesses and are kept in a wholly enclosed garage or structure.</p> <p>(2) Any person, being owner or tenant, may store, permit to be stored or allow to remain upon his premises, any dismantled, partially dismantled or inoperative motor vehicle, or parts thereof, for a period not to exceed one week if the motor vehicle is registered in his name; and provided further that any owner or tenant may, in the event of hardship, secure permission from the municipality to extend the period of time.</p> <p>(3) As used in this section, the following terms shall have the following meanings:</p> <p>(a) “Dismantled or partially dismantled vehicle” means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.</p> <p>(b) “Inoperative” or “inoperable motor vehicle” means any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.</p> <p>(c) “Motor vehicle” means any wheeled vehicle which is self-propelled or intended to be self-propelled.</p> <p>(4) This section shall be construed as being supplementary to any sections of this subchapter relating to rubbish, litter, refuse and shall not be construed to permit the parking or placing of dismantled, partially dismantled or inoperable motor vehicles on any public street.</p>
Roswell	Chapter 16. NUISANCES:
	ARTICLE I. IN GENERAL
	16-2. Public nuisances, generally.
	It shall be unlawful for any person to commit public nuisance, consisting of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:
	(1) Injurious to public health, safety, morals, or welfare; or
	(2) Interferes with the exercise and enjoyment of public rights, including the right to use public property.
	16-6. Unsanitary or hazardous premises; certain solid wastes.
	(a) It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, automobiles not in operating condition, waste water or any conglomeration or residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the code enforcement officer, is unsanitary or injurious to public health.
	(b) The accumulation of building materials, pipes, lumber or boxes may be maintained on such premises if such accumulation is evenly piled and stacked for a period not to exceed 90 days as determined by the code enforcement officer.
	(c) It shall be unlawful for any person to permit, in or about his premises any solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian traffic.
	(d) It shall be unlawful for any person to permit in the area surrounding mechanically transported dumpsters and racks any, accumulation of weeds, tall grass, brush, briars, tree sprouts and solid waste scattered by reason of overturned dumpsters; and all persons shall keep the lids on the dumpsters closed at all times to prevent the scattering of solid waste.

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>16-7. Abandonment of dangerous containers.</p> <p>It shall be unlawful for any person to commit abandonment of dangerous containers, consisting of:</p> <ol style="list-style-type: none"> (1) Abandoning, discarding or keeping in any place accessible to children, any refrigerator, icebox, freezer, airtight container, cabinet or similar container, of a capacity of one and one-half cubic feet or more, which is no longer in use, without having the attached doors, hinges, lids or latches removed or without sealing the doors or other entrances so as to make it impossible for anyone to be imprisoned therein; or (2) Being the owner, lessee or manager of any premises, knowingly permitting any abandoned or discarded refrigerator, icebox, freezer, airtight container, cabinet or similar container of a capacity of one and one-half cubic feet or more to remain upon such premises in a condition whereby a child may be imprisoned therein. <p>ARTICLE III. STORAGE OR ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES</p> <p>16-36. Violation; nuisance; exceptions.</p> <p>No person shall park, store, leave or permit parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative or partially dismantled condition, whether attended or not, upon any private property or between a curb and sidewalk or between a curb or lateral line of a roadway, and the adjacent property line within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative or partially dismantled vehicle or parts thereof (except such parts which have been reconstructed or converted for practical use) on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this chapter. This section shall not apply to:</p> <ol style="list-style-type: none"> (1) Any vehicle within an enclosed area and out of public view on private property or any vehicle held in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate business zone pursuant to the zoning laws; (2) Any person who has obtained a permit for the restoration of a motor vehicle pursuant to this chapter while the vehicle is being restored or after restoration is complete. Proof of operable condition after restoration is required.
Ruidoso	<p>Chapter 38. ENVIRONMENT</p> <p>ARTICLE III. NUISANCES</p> <p>38-62. Property nuisances.</p> <p>(a) <i>Prohibited conditions.</i> It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the village to maintain or to allow to be maintained such property in a manner where any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law, including provisions of ordinances of the village:</p> <ol style="list-style-type: none"> (1) The accumulation of dirt or manmade trash; (2) The accumulation and/or storage of boxes, bins, containers, lumber, junk, trash, salvage materials or other similar materials without first providing proper and tight buildings, fences or screened containment areas for storage of such material; (3) Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, as well as hazardous pools, ponds and excavations and/or dangerous containers in violation of Section 58-51; (4) Broken or discarded furniture, household equipment and furnishings, or shopping carts; (5) Growth of weeds and grasses . . . (6) Hazardous trees and forest debris . . . (7) Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair;

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>(8) Inoperable or abandoned mobile homes, recreational vehicles, utility trailers, unmounted camper tops, boats, horse trailers, cars, trucks and airplanes or other vehicles that are parked or stored in violation of <u>section 82-36</u>;</p> <p>(9) Graffiti on the exterior of any building, fence or other structure;</p> <p>(10) Solid waste, automobiles not in operating condition, and wastewater, or any conglomeration of residue thereof which emits odors or serves as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the code enforcement officer, is unsightly or dangerous to public health, safety or welfare;</p> <p>(11) Unsafe buildings or other structures which are partially destroyed or collapsed, left in a state of partial construction, or open or abandoned; and</p> <p>(12) Driveways that are so constructed that dirt, gravel and debris wash onto the traveled roadway.</p>
Santa Fe	<p>10-5 - JUNK VEHICLES</p> <p>10-5.2 - Purpose and intent.</p> <p>A. The governing body finds and declares pursuant to Section 3-18-17(A) NMSA 1978, that junk vehicles which are located within the city of Santa Fe on any private lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved and which are visible from any private or public place, including, without limitation, public rights-of-way, parks, public buildings and their grounds, and private business or commercial property open to the public in the normal course of business are detrimental to the health, safety and welfare of the general public.</p> <p>B. Junk vehicles reduce the value of private property, invite vandalism, constitute fire hazards, and are attractive nuisances that pose a threat to the health and safety of children.</p> <p>C. Junk vehicles are detrimental to the economic welfare of the city by producing urban blight which is adverse to the continuing economic development of the city.</p> <p>D. Junk vehicles are determined to be public nuisances.</p> <p>10-5.3 - Definitions.</p> <p><i>Antique vehicle</i> means a passenger car or truck which is at least thirty-five (35) years old and is being preserved or restored by a collector for its historical value.</p> <p><i>Collector</i> means an individual, association, corporation, partnership or other legal entity which buys or otherwise acquires, maintains, shows, restores, sells, dismantles, or otherwise disposes of antique or special interest vehicles for the purpose of maintaining one (1) or more antique and/or special interest vehicles for reasons of historical interest.</p> <p><i>Junk vehicle</i> means any motor vehicle, other than antique or special interest vehicle which is:</p> <p>A. Inoperative; and</p> <p>B. Has been continuously inoperative for at least one hundred twenty (120) days or has been wrecked, dismantled, partially dismantled, or abandoned; and</p> <p>C. Does not bear a valid, unexpired license plate; and</p> <p>D. Does not meet minimum safety standards for operation on the public streets and highways of this state.</p> <p><i>Special interest vehicle</i> means a motor vehicle not less than twenty-five (25) years old which has not been altered or modified from original manufacturer's specifications, which is being preserved or restored by a collector for its historical value.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Taos	Chapter 8.28. NUISANCES GENERALLY
	<p>8.28.010: DEFINITION:</p> <p>A. For the purposes of this chapter the word "nuisance" is defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing in the town either:</p> <ol style="list-style-type: none"> 1. Injures or endangers the comfort, repose, health or safety of others; or 2. Offends decency; or 3. Is offensive to the senses; or 4. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or 5. In any way renders other persons insecure in life or the use of property; or 6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. <p>B. A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:</p> <ol style="list-style-type: none"> 1. Injurious to public health, safety, morals or welfare; or 2. Interferes with the exercise and enjoyment of public rights, including the right to use public property.
	<p>8.28.020: ENUMERATION OF NUISANCE ITEMS:</p> <p>The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property in the town of any of the following items, conditions or actions are defined and declared to be and found to constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:</p> <ol style="list-style-type: none"> A. Noxious weeds and other rank vegetation; B. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things; C. Any condition which provides harborage for rats, mice, snakes and other vermin; D. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
	Chapter 8.08. DISMANTLED AND INOPERATIVE VEHICLES
	<p>8.08.040: STORAGE RESTRICTED:</p> <p>A. It is unlawful for any person to store on, place on or permit to be stored or placed on, or allowed to remain on any occupied or unoccupied land within the town limits a dismantled, inoperable or wrecked motor vehicle, or any parts of a motor vehicle, except in zones where such activity is within the contemplated purposes of a duly licensed business under the provisions of the zoning ordinance, unless such articles shall be kept in a wholly enclosed garage or structure. No auto repair businesses shall keep, store or park any motor vehicle for more than thirty (30) days in any twelve (12) month period, unless vehicles are screened by use of a six foot (6') high solid fence or wall of which a limit of fifteen (15) vehicles will be allowed.</p>
	<p>8.08.050: EXCEPTIONS:</p> <p>An owner or occupant may store, permit to be stored or allow to remain upon his premises a dismantled, inoperable or wrecked motor vehicle, or parts thereof, for a period not to exceed seventy two (72) hours if such motor vehicle is registered in his name. Any such owner or occupant may, in the event of hardship, secure a permit from the code administrator to extend such period of seventy two (72) hours for an additional period not to exceed one week.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
	<p>8.08.080: PERMIT FOR VINTAGE, COLLECTOR OR RESTORATION:</p> <p>An owner or occupant may apply to the town for a permit to allow for the storing and restoration of a vintage vehicle, collector vehicle, or a vehicle owner or occupant intends to restore. Application for said permit shall be made to the code enforcement officer. The permit is valid for one year from the date of issuance but may be renewed at the discretion of the code enforcement officer upon a demonstration by the owner or occupant that the restoration is under way.</p>
Truth or Consequences	Chapter 6. HEALTH AND SANITATION
	ARTICLE V. MOTOR VEHICLES
	<p>6-52. - Prohibited.</p> <p>No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, junked or partially dismantled condition, whether attended or not, upon any public or private property within the City for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled vehicle or parts thereof on private or public property is hereby declared to be a public nuisance which may be abated as such in accordance with the provisions of this article.</p>
	ARTICLE VI. WEEDS, ALLEYS, JUNK, TRASH AND REFUSE
	<p>6-72. Declaration of nuisance; unlawful.</p> <p>In the interest of the inhabitants of the City, it is necessary to prohibit the accumulation of junk, trash, solid waste, debris, garbage and refuse on property within the corporate limits of the City by declaring such accumulation a nuisance. Violations of this article are a public nuisance.</p>
	<p>6-74. Unsanitary premises.</p> <p>It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, garbage, rubbish, weeds, automobiles not in operating condition, wastewater or any conglomeration of residue thereof, which emits odors or serves as a feeding or breeding place for flies, insects or rodents, and which is unsanitary or injurious to public health.</p>
	<p>6-75. Hazardous premises.</p> <p>It shall be unlawful for any person to permit in or about his premises trees, weeds, briars, brush, shrubs, machinery, appliances, scrap metal, lumber, logs, pilings, open pits, quarry, cistern, well or other excavation without barriers, or any other waste, rubbish, or debris to become, in any way, hazardous or injurious to public health, to create a fire danger, or to obstruct pedestrian or vehicular traffic.</p>
	<p>6-77. Storage on private property.</p> <p>It shall be unlawful for any person to leave outside any building or dwelling in the City any dilapidated furniture, appliances, machinery, equipment, building material, junk, or other items which are either wrecked, junked, dismantled or in inoperative condition, and which are not completely enclosed within a building or dwelling, or behind a privacy fence. All fences must be permitted and constructed as provided in chapter 26, land use.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Tucumcari	<p data-bbox="352 188 617 220">Title 7 - NUISANCES</p> <p data-bbox="352 220 617 253">7.04.010 - Definitions.</p> <p data-bbox="352 253 1934 358">"Blight" or "blighted" means unsightly conditions including the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged and any other similar conditions of disrepair and deterioration regardless of other properties in the area.</p> <p data-bbox="352 358 1934 464">"Debris" means any substance of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten (10) inches in diameter, including but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned or neglected equipment, or the scattered remains of items.</p> <p data-bbox="352 464 1934 537">"Inoperative or inoperable vehicle" means any motor vehicle which by reasons of dismantling, disrepair or other cause is incapable of being propelled under its own power.</p> <p data-bbox="352 537 1934 610">"Nuisance" is defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist; which act, omission, condition or thing either:</p> <ol data-bbox="352 610 1934 837" style="list-style-type: none"> <li data-bbox="352 610 1184 643">1. Injures or endangers the comfort, repose, health or safety of others; or <li data-bbox="352 643 617 675">2. Offends decency; or <li data-bbox="352 675 701 708">3. Is offensive to the sense; or <li data-bbox="352 708 1934 781">4. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or <li data-bbox="352 781 1226 813">5. In any way renders other persons insecure in life to the use of property; or <li data-bbox="352 813 1934 837">6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others. <p data-bbox="352 837 764 870">7.04.020 - Illustrative Enumeration.</p> <p data-bbox="352 870 1934 976">The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:</p> <ol data-bbox="352 976 1934 1146" style="list-style-type: none"> <li data-bbox="352 976 869 1008">1. Noxious weeds and other rank vegetation; <li data-bbox="352 1008 575 1040">2. Mesquite bushes; <li data-bbox="352 1040 1772 1073">3. Accumulation of rubbish, trash, refuse, litter, garbage, junk and other abandoned materials, metals, lumber or other things; <li data-bbox="352 1073 1289 1105">4. Any condition that provides harborage for rats, mice, snakes and other vermin; <li data-bbox="352 1105 1436 1146">5. All unnecessary or unauthorized noises and annoying vibrations, including animal noises . . . <p data-bbox="352 1146 869 1179">7.04.040 - Responsibility of Property Owner.</p> <p data-bbox="352 1179 1934 1349">Each property owner within the city, whether a natural person or a business entity, is responsible under the provisions of this chapter for each individual tract of property owned and his or her responsibility established herein will extend to abutment of other adjoining property lines. When any portion of the property abuts on a public road or alley the property owner's responsibility is from the back of the curb to the center of the alley; however, this shall not restrict in any manner the maintenance of the full alley by the city street department.</p>

New Mexico Ordinance Research — Other

Community	Ordinance Text
Tularosa	CHAPTER 90: HEALTH AND SANITATION; NUISANCES
	SPECIFIC NUISANCES
	90.15 ABANDONMENT OF DANGEROUS CONTAINERS. Abandonment of dangerous containers consists of any person: (A) Abandoning, discarding or keeping in any place accessible to children, ay refrigerator, icebox, freezer, airtight container, cabinet or similar container which is no longer in use, without having the attached doors, hinges, lids or latches removed or without sealing the doors or other entrances so as to make it impossible for anyone to be imprisoned therein; (B) Who, being the owner, lessee or manager of any premises, knowingly permits any abandoned or discarded refrigerator, icebox, freezer, airtight container, cabinet or similar container to remain upon the premises in a condition whereby anyone may be imprisoned therein.
	CHAPTER 93: ABANDONED VEHICLES
	93.01 VIOLATION. The presence of a dismantled, partially dismantled or inoperable vehicle or motor vehicle or parts thereof on any street, occupied or unoccupied land within the village limits in violation of the terms of this section is a public nuisance.
	93.03 PROHIBITED ACTS. It is unlawful for any person, firm or corporation to store on, or permit to be stored or placed on or allowed to remain on any public or private property or street or highway within the village limits a dismantled, partially dismantled, or inoperable motor vehicle or any parts of a motor vehicle unless the vehicle is in an enclosed building or on property which is enclosed with a fence or wall and the vehicle is not visible from adjoining or surrounding property or from the street or streets or public ways. This section shall not apply to a vehicle or vehicles on the premises of a duly licensed business in zones where the activity is within the contemplated purposes of the duly licensed business under the provisions of the zoning code of the village.

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
Arizona Revised Statute	<p>Section 13-2917</p> <p>A. It is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal, for anything:</p> <ol style="list-style-type: none"> 1. To be injurious to health, indecent, offensive to the senses or an obstruction to the free use of property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons. . . . <p>D. Any person who knowingly maintains or commits a public nuisance or who knowingly fails or refuses to perform any legal duty relating to the removal of a public nuisance is guilty of a class 2 misdemeanor.</p>
Bullhead City	<p>Section 8.08.010:</p> <p>A. The purpose of this chapter is to promote the health, safety, and welfare of the citizens of Bullhead City and to protect the community from deterioration and decline by establishing minimum standards for the use and maintenance of all buildings, structures, premises and vacant land.</p> <p>B. The acts, conditions, and omissions, and things in or upon any land or structure in the city, as described in this chapter constitute public nuisances, the existence of which are prohibited and declared to be unlawful.</p> <hr/> <p>Section 8.08.030:</p> <p>F. "Debris" means any litter or junk, including, but not limited to, appliances, cabinets, construction materials, furniture or parts thereof, mattresses, sinks, abandoned or neglected equipment, or the remains of something of little or no apparent economic value.</p> <p>J. "Inoperable vehicle" means a vehicle, which by reason of dismantling or other causes is incapable of being propelled under its own power or drawn upon a public highway or street.</p> <hr/> <p>Section 8.08.050:</p> <p>A. It is unlawful for any person or responsible party to place, park, or store an abandoned, junked, dismantled, or inoperable vehicle or parts thereof, in an unsheltered manner on any lot or area within the city.</p> <p>B. It is unlawful for any person or responsible party to keep, place, park, or store an abandoned, junked, dismantled, or inoperable vehicle or parts thereof, upon any city right-of-way, street, alley, or other city property.</p> <p>C. It is unlawful for any person or responsible party to park, or permit to be parked, any vehicle for sale upon any lot or area within the city. . . .</p> <hr/> <p>Section 8.08.080:</p> <p>A. It is unlawful for any person or responsible party to store or allow to accumulate, debris, junk, litter, rubbish, trash, and filth and all other abandoned material in an area that is not wholly enclosed and screened from public view as set forth below.</p> <p>B. It is unlawful for any person or responsible party to store or allow accumulations of any debris, junk, litter, refuse, rubbish, trash, or other material so as to become a public hazard.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
Chandler	<p>Section 30-3.2:</p> <ol style="list-style-type: none"> 1. All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of inoperable vehicles, discarded broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded broken or inoperable equipment, discarded or broken bicycles, bicycle or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire or safety hazard. 2. It is unlawful for any business, corporation, firm or person to fail to provide approved litter or trash receptacles for the containment of litter and trash generated within or upon their premises or to allow litter or trash from approved receptacles to become windblown and be disbursed about the area. 3. It is unlawful for any property owner, agent, or contractor in charge of any construction or demolition site to cause, maintain or permit the accumulation of any litter or debris on the site before, during, or after completion of the project except in a designated contained area, or to allow any such litter or debris to become windblown and carried or deposited upon any alley, street, public place or adjacent private property. <hr/> <p>Section 30-5.1</p> <p>Public nuisance designated. Anything which is injurious to health, safety or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons, or which unlawfully obstructs the free passage or use, in the customary manner, of any stream, public park, square, street or highway, is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.</p> <hr/> <p>Section 30-5.1(A)(2):</p> <p>Public nuisance includes . . . Any inoperable vehicle, or parts thereof, outside of or under a roof area not completely enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:</p> <ol style="list-style-type: none"> a. A vehicle undergoing minor vehicle repair, registered to the owner or resident of the property, provided that the vehicle under repair is not left unattended on jacks, jack stands, blocks or similar devices. b. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code. c. Lawful commercial activities involving vehicles as allowed by the zoning ordinance. d. Operable off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code.

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p><i>Section 30-5.1(A)(14)-(16), (18)-(21):</i> Public nuisance includes . . .</p> <ul style="list-style-type: none"> 14. Maintenance of premises, including buildings, so out of harmony or conformity with the maintenance standards of adjacent properties as to cause complaints and substantial diminution of the enjoyment, use or property values of such adjacent properties. 15. Any sign, cornice, parapet wall, mechanical screen or fence which has become deteriorated or so unstable that it constitutes a hazard to passers-by. 16. Any material, structure, fabrication or vehicle placed on, in or near any public or private right-of-way, sidewalk, access drive, fire lane or easement which prevents the free and unimpeded use thereof shall be considered a public nuisance. 18. Any material growing along a public or private right-of-way, access drive, fire lane or utility easement, which by reason of its size, manner of growth or location, constitutes an obstruction, impairs visibility or otherwise endangers any person, improvement or structure. 19. Abandoned, boarded-up or partially destroyed buildings and buildings left unreasonably in a state of partial construction without active construction occurring. 20. Buildings or structures exhibiting decay, dry rot, termite, rodent or vermin infestation. 21. Unsecured buildings or structures creating hazardous conditions.
Flagstaff	<p><i>Section 1-03-001-0002</i> NUISANCE: The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect, on the property of another person or to the community.</p> <hr/> <p><i>Section 6-07-001-0002</i> The unsheltered storage, parking, standing or placement of an abandoned or junked motor vehicle for a period of fifteen (15) days or more on any private property except where permitted by Title 10 of this Code relating to zoning, is hereby declared to be a nuisance and dangerous to the public safety.</p> <hr/> <p><i>Section 6-07-001-0002</i> A vehicle eligible for licensing pursuant to A.R.S. Section 28-341 et seq., Horseless Carriages, Classic Cars, and Historic Cars, or A.R.S. Section 28-380, Street Rods, shall not be considered an abandoned or junked vehicle and seized pursuant to this Chapter while such vehicle is stored or maintained on the vehicle owner's private property.</p>
Glendale	<p><i>Section 25-1:</i> <i>Abandoned or inoperable vehicle:</i> Any vehicle which is partially or wholly dismantled, discarded, wrecked; or on blocks, stands or similar devices; or stripped or scrapped; or inoperable due to mechanical disassembly; or with a deflated tire or tires, or physically incapable of operation; or other reasons that may include an expired license plate or the absence of a license affixed or assigned thereto. This term shall apply to any vehicle being repaired or restored when such repairs or restoration take fifteen days (15) or more.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p><i>Blight or blighted:</i> Unsightly conditions of a building, structure, accessory building, fence, landscaping or property characterized by neglect, lack of maintenance, damage or any other similar conditions of disrepair, or deterioration. Examples include but are not limited to the accumulation of debris, wood, scrap iron or other metal, boxes, paper, vehicle parts, tires, inoperable equipment or vehicles, discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning; buildings or structures exhibiting general disrepair or dilapidation including but not limited to deteriorated shingles, peeling paint, broken doors or windows or any other evidence of neglect or lack of maintenance.</p> <p><i>Deterioration:</i> A lowering in quality of the condition of a building, structure or parts thereof including but not limited to holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or lack of maintenance.</p> <p><i>Sound condition:</i> Free from decay or defects and capable of performing the task for which it was designed and in the manner it was intended.</p> <hr/> <p>Section 25-20:</p> <p>(a) <i>General.</i> All exterior property including yards, ground covers, trees, shrubs or other landscaping; and any exterior surfaces of any buildings or structures including but not limited to fences, walls, or roofs, or appurtenances including but not limited to windows, window frames, window screens, doors, door frames, canopies, awnings, cornices, porches, stairways, railings or similar items shall be properly maintained and shall not otherwise present a blighted or deteriorated appearance.</p> <p>(b) <i>Exterior windows, doors, and screens.</i> All exterior doors, door frames, windows and window frames shall be maintained in sound condition, securely fit in their frames, be substantially weather tight and shall not otherwise present a deteriorated or blighted appearance. Window screens, if present, shall be free from excessive tears or holes or bent or broken frames. Boarded window or door openings on an occupied structure are prohibited.</p> <p>(c) <i>Fences, screen walls, and retaining walls.</i> All fences, screen walls and retaining walls on the property shall be maintained in a safe and structurally sound condition; and shall not otherwise present a deteriorated or blighted appearance. This includes but is not limited to leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or blighted appearance. All materials shall be uniform, compatible, and consistent with the design thereof.</p> <p>(d) <i>Landscaping.</i> All property shall be free from any conditions that contribute to visual blight including but not limited to dirt yards, vegetation of any kind that is substantially dead or damaged or characterized by uncontrolled growth or lack of maintenance or any similar conditions. Ground cover consisting of crushed rock, gravel or similar materials shall be one quarter (¼) inch or larger in size and be maintained at a sufficient depth that covers all exposed areas of dirt.</p> <p>(e) <i>Protective treatment.</i> All exterior wood surfaces exposed to weather, except decay resistant woods, shall be protected with paint or other protective covering.</p> <p>(f) <i>Painted surfaces.</i> All exterior painted surfaces shall be maintained in sound condition. Painted surfaces that represent a blighted or deteriorated appearance including but not limited to excessive peeling, flaking, chipping, or cracking shall be eliminated and surfaces repainted.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>(g) <i>Roofs and roof coverings.</i> Roofs and all appurtenances shall be structurally sound and maintained in a safe condition. Roof coverings shall be substantially free from broken, rotted, split or curled materials and shall not otherwise present a deteriorated or blighted appearance. All materials shall be uniform, compatible and consistent with the design thereof.</p> <hr/> <p>Section 25-21(f), (j):</p> <p>No person shall place and/or store furniture, except furniture designed and placed for outdoor use, household equipment, appliances, construction or landscape material, cardboard material, plastic material, debris or any similar materials in a location that is visible to a person standing upon any public street or sidewalk.</p> <p>The storage of construction materials in unsheltered areas of the yard in which insects may breed or multiply or which provides harborage for rodents or which constitutes a hazard to the public health or safety is prohibited. This paragraph shall not apply to any construction material when a valid building permit exists for the property on which the construction material is located and the construction material is intended to be incorporated in the project for which the permit is issued.</p> <hr/> <p>Section 25-22:</p> <p>(a) No person shall park or permit to be parked any vehicle for the purpose of sale upon any public street or private property including vacant property except where the sale of a vehicle is customary and incidental to the principal use of the property and in accordance with the Zoning Ordinance of the City of Glendale, except as follows:</p> <p>(1) The display of one (1) vehicle for sale is permitted at a residence when the vehicle is titled to the owner or occupant of the property, is parked on an improved parking surface on the property and is not being sold in connection with an automobile sales business.</p> <p>(2) No more than three (3) vehicles may be displayed for sale at the same residence within a calendar year and only one (1) vehicle shall be displayed for sale at one (1) time.</p> <p>(b) No person shall park or permit to be parked any vehicle, including but not limited to semi-tractors, semi-tractor trailers, or limousines on any property or vacant property except where the parking of such vehicles is customary and incidental to the principal use of the property and in accordance with the Zoning Ordinance of the City of Glendale.</p> <p>(c) Vehicle covers placed on any vehicle that is visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any abandoned or inoperable vehicle as defined in this subsection is limited to a vehicle that is stored in a carport.</p> <p>(d) The unsheltered storage of any abandoned or inoperable vehicle, including any vehicle being repaired or restored, that is visible from any public street or sidewalk is prohibited except where the storage, repair or restoration is customary and incidental to the principal use of the property and in accordance with the Zoning Ordinance of the City of Glendale.</p> <p>(e) An abandoned or inoperable vehicle, including any vehicle being repaired or restored, may be stored in a carport if the vehicle is covered with a properly maintained vehicle cover made exclusively for covering vehicles . . .</p> <p>(f) Within any residentially zoned district, any vehicle undergoing repair must be titled to the owner or occupant of the property. No more than three (3) vehicles shall be repaired during any calendar year. Vehicle repair work shall be performed on no more than one (1) vehicle at one (1) time.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>(g) Within any residentially zoned district, no person shall park or store any vehicle such as but not limited to watercraft, camper shell, truck camper, or utility trailer in any portion of the side yard unless screened from the street or the surface area is improved with gravel, concrete, asphalt or paving bricks.</p> <p>(h) No person shall leave, place or park any abandoned vehicle or inoperable vehicle upon any public street, alleyway, parking lot or other city property.</p> <p>(i) Within any residentially zoned district, no person shall park or permit to be parked any vehicle within a front yard area except in accordance with the Zoning Ordinance of the City of Glendale.</p> <p>(j) A violation of any paragraph in this section shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00).</p>
Globe	<p>Section 10-4-1:</p> <p>Abandoned or Junk Vehicle: Means a vehicle or any major portion thereof, which is incapable of movement under its own power and will remain so without repair and/or reconstruction. It shall also mean a vehicle being repaired when such repairs take in excess of thirty (30) days. It shall be presumed the vehicle or part thereof is “abandoned” or is a “junk vehicle” if any of the following conditions exist for more than three (3) consecutive days:</p> <ol style="list-style-type: none"> 1. The vehicle cannot be started with its own battery, or 2. The vehicle is on blocks or similar devices, or 3. The vehicle has a deflated tire or tires, or 4. A wheel or tire has been removed on the vehicle, or 5. The vehicle does not have a current, fully paid registration from the State of Arizona; or 6. It is a partially or wholly dismantled vehicle. <p>Dilapidated Structure: Is a structure which has been reduced to, or fallen into, partial ruin or decay from fire, weather, age, wear, misuse or neglect. Dilapidated structure shall include any building or structure which has any, or all, of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are, or may be, endangered. . . .</p> <hr/> <p>Section 10-4-4:</p> <p>The owner and person in control of any private premises shall at all times maintain the premises free of litter, dilapidated structures, abandoned or junk vehicles or any public nuisance and in compliance with the Property Maintenance Code; provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.</p> <hr/> <p>Section 10-4-8:</p> <p>In residential areas and in business areas where the storage of a particular vehicle is not necessary for the operation of the business enterprise, all vehicles being restored or repaired, shall be stored safely within a lawful building or structure or behind a fence in such a manner as to not be visible from beyond the lot boundaries from adjacent public ways, or covered with a car cover made of opaque material if said repairs or restoration takes twenty (20) days or longer. Where the storage of a vehicle is necessary to the operation of a business enterprise, it shall be stored on the premises in accordance with the applicable provisions of this Code, including but not limited to the zoning Code.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
Holbrook	<p><i>Section 3-1-1</i></p> <p>A. Health and Welfare. The purpose of this Chapter is to promote the health, safety, economic, aesthetic and general welfare of the citizens of the City, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all buildings and structures of whatever kind, and by establishing requirements for the maintenance of all land, whether improved or unimproved.</p> <hr/> <p><i>Section 3-1-2</i></p> <p>ABANDONED OR JUNKED VEHICLE: Any vehicle without the current required license plate and tag; or that is inoperable, stripped, scrapped, junked, discarded, dismantled or wrecked.</p> <hr/> <p><i>Section 3-1-7</i></p> <p>1. General.</p> <p>A. All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of abandoned or junked vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, bicycle or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire or safety hazard.</p>
Mesa	<p><i>Section 8-6-1:</i></p> <p>The purpose of this Chapter is to promote the health, safety and welfare of the citizens of Mesa, Arizona by:</p> <ol style="list-style-type: none"> 1. Setting minimum standards necessary for the maintenance of improved lots and parcels, buildings, fences or walls, structures, and vacant or unimproved properties in order to safeguard against potential hazards, and reduce occurrences of blight and other influences considered to cause deteriorating conditions, unattractive neighborhoods, and potential loss of property value. <hr/> <p><i>Section 8-6-2:</i></p> <p>ABANDONED OR INOPERABLE VEHICLE: A vehicle physically incapable of its intended operation as evidenced by:</p> <ol style="list-style-type: none"> A. A condition of being partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or B. The presence of a deflated tire or tires or from which a wheel or tire has been removed; or C. Being inoperable due to mechanical failure or mechanical disassembly or other reasons which may be evidenced by the lack of a valid license plate lawfully affixed to the vehicle, or by the presence of an expired license plate affixed to the vehicle.

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>BLIGHT: Unsightly conditions including the accumulation of litter or debris; buildings or structures exhibiting holes, breaks, rot, crumbling, cracking, peeling or rusting materials; general damage to the integrity of the construction of a building or structure; uncontrolled growth of landscaping exhibited by lack of maintenance, untended damage to plant and landscape materials, the continued presence of dead or decaying plants; and any similar conditions of disrepair and deterioration regardless of the condition of other properties in the vicinity or neighborhood.</p> <p>DETERIORATION OR DISREPAIR: A decline of the general condition or appearance of a building, structure, or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, damage, neglect, or lack of maintenance.</p> <hr/> <p>Section 8-6-3:</p> <p>The following acts, omissions, conditions, and things in or upon any land or structure in the City constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful:</p> <p>(A) The responsible party of any property shall not cause or allow any abandoned, inoperable or unregistered vehicle, or parts of a vehicle thereof, to be parked or stored outside or under a carport or other roof area not enclosed by walls, doors or windows of any building on any lot for longer than 10 days, unless in complete conformance with the following terms:</p> <ol style="list-style-type: none"> 1. When an unregistered vehicle is operable and visible from the right-of-way, it shall be placed under a carport or other roof area of any building; 2. In the RS-6 and RS-7 zoning districts, a maximum of 3 inoperable or unregistered vehicles may be stored on a single lot. Such vehicles shall be stored within the side or rear yards and shall be screened by a 6' high opaque fence; 3. In the RS-9, RS-15 and RS-35 zoning districts, a maximum of 5 inoperable or unregistered vehicles may be stored on a single lot. Such vehicles shall be stored within the side or rear yards and shall be screened by a 6' high opaque fence; 4. In the RS-43 and RS-90 zoning districts, a maximum of 7 inoperable or unregistered vehicles may be stored on a single lot. Such vehicles shall be stored within the side or rear yards and shall be screened by a 6' high opaque fence; 5. Vehicles stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Mesa City Code where the storage of the vehicle is necessary to the operation of the business enterprise. <p>(B) The responsible party of any property shall not cause or allow the deposit, storage, or maintenance of any garbage or junk, or an accumulation of materials such as: vehicle parts, appliances, indoor furniture, boxes, crates, packing cases, mattresses, bedding, lumber, scrap iron, tin, and other metals, unless stored safely in compliance with all applicable ordinances and regulations, and within a lawful, enclosed building or structure, or screened by a lawful fence or within a trash receptacle in such a manner as to not be visible from beyond the lot boundaries, except as authorized for collection under Title 8, Chapter 3 of this Code.</p> <p>(C) The responsible party of any property or place of business within the city shall keep the sidewalk or public places fronting or bordering such property or place of business free of garbage, junk, obstructions, and weeds or grass; provided, however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection consistent with Chapter 3 of Title 8 of the Mesa City Code.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>Section 8-6-3(K):</p> <p>The responsible party of any property shall maintain, repair, replace or complete improvements to the exposed exterior surfaces of all buildings or structures including but not limited to exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches, and railings as visible from any rights-of-way so that such exterior surfaces do not exhibit deterioration or disrepair, damage or blight. The responsible party shall not allow the maintenance, repair, replacement, completion or use of materials, colors, or finishes that are incongruous with the predominant materials, colors, or finishes of such exposed exterior surface unless such incongruous materials, colors, or finishes are less than 20 contiguous square feet, or less than 10 percent of the area of any exposed individual plane surface unbroken by corners or angles. This Section is not intended to regulate signs as defined by Section 11-41-5 of the Mesa City Code, art, murals, architectural styles or color patterns and schemes as permitted or authorized in other titles of this Code.</p> <hr/> <p>Section 8-6-3(V), (W):</p> <p>The responsible party of improved property within the City shall maintain all buildings, additions, appendages, accessory structures or other structures and exposed exterior surfaces such as, but not limited to, exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches and railings, in a structurally sound condition that does not constitute a hazard and is impervious to moisture and weather elements.</p> <p>The responsible party of any property shall maintain:</p> <ol style="list-style-type: none"> 1. All improved landscaped yards visible from the adjacent rights of way so as not to exhibit deterioration, disrepair, or blight constituting more than 20 contiguous square feet, or more than 10 percent of the area and 2. All improved ground surfaces, such as but not limited to, private streets, drives, paving, concrete and asphalt so as not to exhibit deterioration, disrepair, or blight constituting an accumulation of pot holes, large surface cracks, or peeling, chipping away or disintegrating surface material.
Miami	<p>Section 8.01:</p> <p>"Abandoned vehicle" means a (I) vehicle or any major portion thereof, which is incapable of movement under its own power and will remain so without repair and/or reconstruction or (II) a vehicle being repaired when such repairs take more than thirty (30) days. It shall be presumed that a vehicle or part thereof is abandoned if any of the following conditions exist for more than three (3) consecutive days:</p> <ol style="list-style-type: none"> 1. The vehicle cannot be started with its own battery, or 2. The vehicle is on blocks or similar devices, or 3. The vehicle has a deflated tire or tires, or 4. A wheel or tire has been removed from the vehicle, and/or 5. The vehicle does not have a current, fully-paid registration from the State of Arizona; or 6. The vehicle is partially or wholly dismantled.

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>"Blight" or "blighted" means unsightly condition, including the accumulation of filth, weeds dilapidation and other similar conditions of disrepair and deterioration.</p> <p>"Blighted exteriors" means exterior surfaces deteriorated, so as to be a threat to health, safety or welfare.</p> <hr/> <p>Section 8.16.160:</p> <p>It is unlawful and a public nuisance to permit an abandoned, inoperable, stored or junked motor vehicle, or parts thereof, to remain on private property unless such vehicle, or parts thereof, are concealed from public view by fences or garages consistent with zoning ordinance requirement (except vehicles stored on commercial property that are actively repairing/restoring said vehicles).</p> <hr/> <p>Section 8.20.010:</p> <p>Purpose. The purpose of this chapter is to prevent public nuisances, promote the health, safety and welfare of the citizens of the town, and to protect neighborhoods against blighting and deteriorating influences by establishing and requiring minimum standards for the exterior condition of buildings and real property.</p> <hr/> <p>Section 8.20.020:</p> <p>It is the duty and responsibility of the owner, occupant or person in control of any premises to maintain the premises in a safe and sanitary manner, consistent and in compliance with the provisions of this chapter and to maintain the premises free of litter, dilapidated or unsafe structures, abandoned or junk vehicles, and all public nuisances. In addition to any other penalties which may be imposed, failure to maintain premises as required by this chapter is a public nuisance, subject to the abatement procedures set forth in Chapter 8.17.</p>
Page	<p>Section 91.02:</p> <p>Abandoned or Junk Vehicle. Any vehicle that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped or scrapped; or a vehicle with one or more deflated tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly or other reasons, whether currently registered or not. The absence of current registration or license plate lawfully assigned and affixed thereto or immobilization for 60 days shall be prima facie evidence of inoperability.</p> <hr/> <p>Section 91-05:</p> <p>The following acts, omissions, conditions and things in or upon any land or structure in the city, or the failure to comply with any of the following standards constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful; the provisions of this section are not exclusive and may be duplicative of other provisions, codes and regulations adopted by the city; all provisions, codes and regulations of the city, including those in this section, may be applied cumulatively or separately for purposes of enforcement.</p> <p>(A) It shall be unlawful to maintain any condition defined as or deemed to be a nuisance or hazard to the public health, safety or welfare by any statute of the state or any code or ordinance adopted by the city.</p> <p>(B) Any attractive nuisance, dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pool, hot tub or spa.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>(D) It shall be unlawful for any person to cause or allow the storage of any abandoned or junk vehicle, except where such storage is in complete compliance with this chapter and the City Zoning Code.</p> <p>(1) In residential areas, all abandoned or junk vehicles being stored, restored or repaired shall be kept safely within a lawful building or structure or behind a lawful fence in such a manner as to not be visible from beyond the lot boundaries.</p> <p>(2) Abandoned or junk vehicles shall not be stored on the premises of a business enterprise unless the enterprise is lawfully licensed under the city code for such purpose, or such storage is necessary to the operation of the business enterprise, and such storage is otherwise in conformance with the city code and zoning ordinance.</p> <p>(E) No person shall allow, deposit, store, accumulate or maintain garbage, trash, refuse, rubbish, litter or junk that is visible from beyond the lot boundaries, except for temporary storage of such materials in an authorized receptacle for collection in compliance with Chapter 50 of this code.</p> <p>(F) No person shall deposit, discard, store, maintain or knowingly permit to remain on land, under his or her control, in a place accessible to children, any icebox, refrigerator, ice chest or other airtight or semi-airtight container or appliance which has a capacity of one and one-half cubic feet or more and/or an opening of 20 square inches or more and which has a door or lid equipped with hinge, latch or other fastening device.</p> <p>(Q) In residential zones, it shall be unlawful for any person to park or store and for an owner or occupant of land to allow or permit any person to park or store on the owner's or occupant's land any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding 14,000 pounds, except that temporary parking is permitted for the purpose of delivery or the loading and unloading of household goods.</p>
Phoenix	<p>Section 39-6:</p> <p>A. <i>Exterior surfaces.</i> All exposed exterior surfaces, windows and doors shall be maintained so as to be free of deterioration that is a threat to health and safety, impervious to moisture and weather elements, or shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Any temporary securement of vacant structures must be done in accordance with City specifications. . . .</p> <p>B. <i>Fences, screen walls, and retaining walls.</i> All fences, screen walls, and retaining walls on the premises shall be safe, structurally sound and uniform or compatible in color and structure; they shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair include but are not limited to, leaning fences or walls, fences or walls that are missing slats or blocks, that exhibit rot, damage, graffiti, peeling paint, or deterioration of paint or materials.</p> <p>C. <i>Exterior insect, rodent and animal control.</i> All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any resident or residents of the area. . . .</p> <p>D. <i>Drainage.</i> All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to City-approved retention basins or other similar conditions. This exemption is not operable when actual and probable danger exists due to neglect.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>E. <i>Foundations, walls and roofs.</i> Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weathertight condition. The foundation elements shall adequately support the building at all points and shall also be free from deterioration. . . .</p> <p>F. <i>Outdoor stairs, porches, railings.</i> All outdoor stairs, porches, and hand railings shall be adequate for safety. Every stair and porch shall be maintained so as to be safe and in structurally sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch and any appendage thereto shall be maintained in safe condition and capable of supporting a load that normal use may place thereon. Required protective railing shall be located in the manner prescribed by the City of Phoenix Construction Code. Such handrails (or protective railings) shall be maintained in good condition and be capable of bearing normally imposed loads.</p> <p>G. Approved address numbers shall be provided for all new and existing buildings in such a manner as to be plainly visible and legible from the street or road fronting the property.</p> <hr/> <p>Section 39-7(A), (B), (H):</p> <p>A. <i>General.</i> All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any hazard or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of inoperable vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, an accumulation of vehicle, bicycle or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire hazard.</p> <p>A single inoperable vehicle in combination with any of the above described conditions shall be deemed a violation of this subsection. It is an affirmative defense to a violation of this subsection based on the presence of an inoperable vehicle that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed fifteen days. This affirmative defense may not be raised more than three times in any combination of civil or criminal proceedings in any one calendar year.</p> <p>B. <i>Streets, alleys, easements, and sidewalks abutting land.</i> The owner and any responsible party in control of any land abutting a sidewalk, alley, easement or street shall maintain the sidewalk, alley, easement or street in the same manner as provided in subsections A and D of this section. The areas required to be maintained pursuant to this subsection are as follows:</p> <ol style="list-style-type: none"> 1. Any portion of a street, which has been opened for public use, between the curbline and the abutting property line including sidewalks; provided, that the owner, lessee, or other person in control of any land utilized for single-family or multifamily dwelling(s) shall only be required to maintain areas not within major streets as shown on the minimum right-of-way standards map and which are within 25 feet of the abutting property line.

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>2. One-half of the width of abutting alleys from the property line to the centerline of the alley.</p> <p>3. Any portion of a street abutting the boundaries of a parcel of land, which street has not been opened for public use, shall be maintained by those persons who dedicated the street or their successors in interest, including lessees and other persons in control of the land abutting the street; provided, that if the abutting land on either side of such street is owned by different persons and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one-half of the width of the street abutting their land.</p> <p>H. The following outdoor storage on residential properties, which is visible from beyond the boundaries of the lot, is prohibited:</p> <ol style="list-style-type: none"> 1. Any building or landscaping materials. 2. Any machinery, appliances or parts. 3. Any inoperable vehicle visible from beyond the boundary of the property unless: <ol style="list-style-type: none"> a. The vehicle is undergoing repair, b. The total period during which the vehicle is inoperable does not exceed fifteen days, and c. No more than three incidences of inoperability of any vehicle may occur in any twelve-month period. 4. Any storage within the yard of personal property, including but not limited to any household goods, boxes, or furniture which is not placed for outdoor use, which is visible beyond the boundaries of the property. For purposes of this subsection only, yard does not include that portion of the yard behind the primary structure. <hr/> <p>Section 39-8(B):</p> <p>B. All buildings, structures and excavations are to be maintained so as not to pose a hazard. The maintenance of a building, structure or excavation that meets any of the following is a nuisance and constitutes a violation of this ordinance, and subjects the building, structure or excavation to demolition or other abatement measures upon expiration of required notice:</p> <ol style="list-style-type: none"> 1. The building's or structure's interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base. 2. The building or structure, exclusive of the foundation, has thirty-three percent or more damage or deterioration to the supporting member or members or structural assembly, or fifty percent damage or deterioration to the nonsupporting enclosing or outside walls or covering. 3. The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable. 4. The building, structure or excavation exhibits conditions that present actual hazards or dangers. 5. The building or structure has been vacant and unsecured for more than forty-eight hours on more than one occasion during a twelve-month period. 6. The excavation has been unsecured for more than forty-eight hours on more than one occasion during a twelve-month period. 7. The building, structure or excavation or their contents represents an imminent hazard. <hr/> <p>Brochures</p> <p>Outside Storage</p> <p>Outside storage on residentially zoned properties that can be seen from beyond the property line is not allowed. Generally, any equipment, building or landscaping materials; parts/auto parts; appliances or any scrap items may not be visible.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>Parking Areas Designated parking and maneuvering areas must be dust-proofed according to specifications. Parking or maneuvering vehicles anywhere other than these designated areas may be a violation. No more than 45 percent of the required front yard of a single family or duplex residential property may be used for parking or maneuvering.</p> <p>Inoperable Vehicles Inoperable vehicles must not be visible from beyond the property line. An inoperable vehicle is one that is not equipped with all parts that are required to legally and safely operate on public streets and/or cannot be driven under its own power. Car covers, tarps, bamboo, shades and other similar types of materials are not acceptable screening.</p>
Prescott	<p>Section 7-5-2 ABANDONED VEHICLE: Any vehicle, other than one falling within the categories enumerated by Arizona Revised Statutes sections 28-2482 et seq. and 28-4832 et seq. (i.e., horseless carriages, classic cars, historic vehicles, or street rod vehicles), which is without current license plates or tabs, or is inoperable, stripped, unclaimed, junked or discarded. This shall also mean vehicles, other than those categories enumerated above, being repaired, when such repairs take ninety (90) days or more. For purposes of this chapter, the term "abandoned vehicle" may also refer to trailers, and/or dismantled and/or partially dismantled motor vehicles which by reason of dismantling, disrepair, or other causes, are incapable of being propelled under their own power, in addition to the definition herein, except for those categories of motor vehicles specifically exempted herein.</p> <hr/> <p>Section 7-5-4 (A) General: All land, whether improved or unimproved, shall be maintained free from any structural nuisance, accumulation of filth, garbage or blighting condition, which includes, but is not limited to, graffiti on walls, fences, mailboxes, etc., accumulation of litter, rubbish, refuse, waste material, bottles, papers, glass, cans, organic or inorganic materials, abandoned vehicles, discarded appliances, discarded furniture, broken glass, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, hazardous wastes, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents, snakes, or other harmful pests or which may otherwise create a fire hazard, or health hazard.</p> <p>(F) Abandoned Vehicles and Refrigerators: All exterior premises shall be maintained free of all abandoned vehicles and refrigerators; provided, however, that this shall not prohibit the storage or location of not more than one abandoned vehicle on a parcel of property, provided that said vehicle is located and screened in accordance with subsection (H) of this section.</p> <p>(H) Storage and Maintenance of Motor Vehicles: Motor vehicles which are inoperable or dismantled may be stored, maintained, and kept on residential private property provided that such vehicles are not stored, maintained, or kept within the front yard portion of the residential lot and are adequately screened from public view by employment of one or more of those types of screening permitted by this chapter.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>For purposes of this subsection, the term "front yard" means that historic vehicles, owned by the occupants of the principal building on a residential lot, shall be stored and maintained only in locations permissible for accessory buildings, except such vehicles may be stored or maintained within the front one-half (1/2) of the lot provided they are located no nearer the front lot line than the required minimum front yard setback, which may be further reduced in accordance with section 2.7.3(D)(7) of the Prescott land development code.</p> <p>For purposes of this subsection, adequate screening consists of fences, walls, and hedges located in yard areas, which generally surround and/or screen a parked or stored historic vehicle from public view, provided, such does not exceed six feet (6') in height and, provided further, that if located in any front yard, such shall not exceed four feet (4') in height, or violate the provisions of section 6.3.10 of the Prescott land development code. No fence, wall, or hedge over four feet (4') in height used to screen a parked or stored historic vehicle may be erected on a corner lot so as to encroach within a triangular area formed by the property lines and a line connecting points thirty feet (30') from the intersection of the right of way lines. Adequate screening for purposes of this subsection may also consist of natural topographical features, trees, or like vegetation which generally screen parked or stored historic vehicles from public view.</p>
Scottsdale	<p>Sec. 18-1.</p> <p>a. The purposes of this chapter are:</p> <ol style="list-style-type: none"> (1) To promote the health, safety and general welfare of the citizens of the city by protecting neighborhoods against public nuisances, and (2) To protect neighborhoods from blight by establishing requirements for maintenance of all building exteriors and land. <hr/> <p>Sec. 18-2.</p> <p><i>Abandoned or junked vehicle</i> means a vehicle that is inoperative, stripped, scrapped, discarded, wrecked, on blocks or similar devices, or is without current license plates, or has deflated or missing tire(s).</p> <p><i>Blight</i> means unsightly, unsafe or unsanitary conditions including, but not limited to, the accumulation of litter or debris; buildings, accessory improvements and structures with holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaped areas that are characterized by bare dirt, dead, damaged or uncontrolled plant growth or lack of maintenance; and any other similar condition of neglect, excessive use, decay, degeneration, disrepair, deterioration or infestation that constitutes a fire hazard or may have an adverse effect upon the health, safety, aesthetic or general welfare of citizens.</p> <p><i>Debris</i> means junk, including, but not limited to, lumber, furniture, furniture parts, cabinets, refrigerators, stoves, sinks, abandoned or neglected equipment, abandoned or junked vehicles or parts thereof, or the remains of something of little or no apparent economic value.</p> <p><i>Infestation</i> means the presence or apparent presence of insects, rodents, birds, animals or other noxious pests of a kind or in a quantity that may have an adverse effect upon a building or structure or upon the health, safety, aesthetic or general welfare of citizens.</p> <hr/>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>Sec. 18-5. Except as otherwise permitted by law, each of the following conditions is a public nuisance on any land or in any building in the city and is unlawful, when the condition is or may be (i) discomforting or offensive to a reasonable person of normal sensitivity, or (ii) detrimental to the life, health or safety of individuals or the public:</p> <p>(3) A dumping ground or other land or building for depositing litter or debris, or wrecking, disassembling, rebuilding, repair, storage or accumulation of three (3) or more vehicles, or of machinery, or parts of vehicles or machinery.</p> <p>(6) Disposing of litter, debris, sawdust or other material in a manner that results in its unauthorized deposit on land or buildings.</p> <p>(9) An unsecured building that is vacant, abandoned, dilapidated, structurally unsound, partially destroyed or left partially constructed under a lapsed building permit for more than forty-eight (48) consecutive hours.</p> <p>(10) An abandoned, unattended or discarded icebox, refrigerator or other container that has an attached airtight door or lid, snaplock or other locking device that may not be released from the inside.</p> <hr/> <p>Sec. 18-7 Vehicles and watercraft.</p> <p>(a) An owner and/or occupant of land where an abandoned or junked vehicle, or a vehicle or watercraft being restored or undergoing major repair, is located, shall store the vehicle and watercraft in an enclosed area so that the vehicle and watercraft are not visible from any point outside the land. A vehicle or watercraft cover is not an enclosed area.</p> <p>(b) Except as otherwise permitted by law, an owner and/or occupant of land where a vehicle or watercraft is located shall park or store the vehicle and watercraft only on a dust free surface.</p> <p>(c) Except as otherwise permitted by law, no person shall display a vehicle or watercraft for sale on land.</p> <p>(d) No person shall park a vehicle or watercraft on any street or public place for the principal purpose of:</p> <p>(1) Displaying advertising or commercial exhibits, or</p> <p>(2) Washing, greasing or repairing the vehicle or watercraft, except repairs necessitated by an emergency.</p> <hr/> <p>Sec. 18-9.</p> <p>(a) The owner and/or occupant of land shall maintain the land free of:</p> <p>(1) Blight, garbage, litter or debris;</p> <p>(2) Noxious exhalations and other airborne irritations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors, or other annoyances;</p>
Tempe	<p>Section 21-1:</p> <p><i>Inoperable vehicle</i> means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.</p> <hr/>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>Section 21-2:</p> <p>The purpose of this chapter is to promote the health, safety and welfare of Tempe and its residents, and to protect neighborhoods against physical, visual and economic deterioration. To that end, it is a violation of this article to erect, maintain, use, place, deposit, cause, allow, leave or permit to remain on any property any conditions that:</p> <ol style="list-style-type: none"> (1) Contribute to or cause injury or endangerment to the health, safety or welfare of others; (2) Are contrary to community standards of decency; (3) Are offensive to the senses of any reasonable person of normal sensitiveness; (4) Unlawfully interfere with, obstruct or tend to obstruct or render dangerous the free passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street or highway in the City; (5) Obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by the public; or (6) Damage or contribute to the deterioration of property or improvements in the community. <hr/> <p>Section 21-3:</p> <p>A nuisance includes...</p> <ol style="list-style-type: none"> (1) Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City; (3) Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of: <ol style="list-style-type: none"> a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building; b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period; c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code; d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code.

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>(4) To leave or permit to remain exposed outside on any property, or within any unoccupied or abandoned building, dwelling or other structure or in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container that has an airtight door or lid, snaplock or other locking device that may not be released from the inside, without first removing such door or lid, snaplock or other locking device from such ice box, refrigerator or container;</p> <hr/> <p>Section 21-4: Other enumeration violations . . . For any residential property:</p> <ul style="list-style-type: none"> a. Any wood surfaces unprotected from the elements by paint or other protective treatment, except those naturally resistant to decay; b. Exterior painted surfaces with loose, cracked, scaling, chipping or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance; c. Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance; d. Replacement materials and paint used to repair or repaint exterior surfaces of a building shall be visually compatible with the remainder of the materials and paint on the exterior of the structure; e. Glazed areas not in sound condition or maintained free of missing, loose, cracked or broken glass; or f. Exterior doors, garage doors, door hardware and door frames not maintained in sound condition, or kept free from holes, breaks and cracks; or any exterior door incapable of functioning as intended by its design.
Tucson	<p>Section 16-3: <i>Debris</i> means a substance of little or no apparent economic value, including but not limited to, deteriorated lumber, old newspapers, furniture parts, appliance parts, discarded sinks, cabinets, discarded household fixtures, car parts, tires, discarded clothing, abandoned, broken or neglected equipment, or the scattered remains of items. <i>Dilapidated</i> means a condition relating to a structure and consisting of multiple violations of the Tucson Code such that the structure is in an obvious and serious state of disrepair. <i>Junked or inoperable vehicle</i> means any vehicle, including any motor vehicle and any other device in, upon or by which a person or property may be transported or drawn on a street, including but not limited to trailers and camper shells but excluding devices moved by human power, that exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, inoperative, inoperable, scrapped, or unable to be safely operated.</p> <hr/> <p>Section 16-13: (b) <i>Accumulation of refuse and debris prohibited.</i> Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of accumulated refuse and debris. Accumulated refuse and debris means contained or uncontained refuse and debris that is present on the property in a manner not authorized by the Tucson Code. Material recycling facilities meeting the requirements of section 15-24.7 are exempt from this prohibition. (e) <i>Exterior insect, rodent and animal control.</i> All premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.</p>

ARIZONA ORDINANCE RESEARCH - OTHER

Community	Ordinance Text
	<p>(g) <i>Exterior hazard or attractive nuisance.</i> All premises shall be kept free of any condition that constitutes a health hazard, imminent hazard, or attractive nuisance. Such prohibited conditions include, but are not limited to, the following:</p> <p>(1) <i>Abandoned refrigerators.</i> All premises shall be kept free of iceboxes, refrigerators or other containers with a capacity of one and one-half (1 1/2) cubic feet or greater that have an attached door or lid, snaplock or other locking device that may not be released from the inside and that are abandoned, discarded or no longer used for refrigeration and are in any place accessible to children. . . .</p> <hr/> <p>Section 16-14:</p> <p>(a) <i>Dilapidated structures.</i> Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in Article VI of this chapter.</p> <hr/> <p>Section 16-15:</p> <p>(a) <i>Prohibited storage.</i></p> <p>(1) No person owning or having custody of any junked or inoperable vehicle may store such vehicle on private property, or on any sidewalks, streets or alleys, within the city, except as otherwise permitted under this section;</p> <p>(2) No person owning, occupying or in control of any private property within the city may store any junked or inoperable vehicle on the owned or occupied property, or on any abutting sidewalks, streets or alleys, except as otherwise permitted under this section;</p> <p>(b) <i>Permitted storage.</i> This section shall not apply to any junked or inoperable vehicle stored on private property if the vehicle:</p> <p>(1) Is on the premises of a business enterprise operated in a lawful place and manner and licensed by the city under chapter 19 of the Tucson Code, and the storage of the vehicle is necessary to the operation of the business enterprise; or</p> <p>(2) Is lawfully enclosed within:</p> <p>a. An enclosed garage or other permanent building lawfully constructed of opaque materials without openings, holes or gaps other than doors and windows;</p> <p>b. A carport, and an opaque car cover designed for that purpose (and not including tarps, bed sheets, plastic sheeting, or similar materials) completely covers the body of the vehicle; or</p> <p>c. The rear yard or side yard and screened by any fence, wall or barrier, not less than five (5) feet in height, constructed of opaque materials which screens it from view from any adjacent properties and the public right-of-way, and is equipped with self-latching gates or doors. Such fence, wall or barrier must comply with section 16-12(e).</p>

Overview of Ordinance Research

April 2019

Our research into nuisance ordinances in municipalities in New Mexico and Arizona, 47 in all, focused primarily on weeds, inoperable vehicles, and storage of materials. We also researched relevant state statutes and sections of the International Property Management Code.

New Mexico and Arizona statutes define a public nuisance. New Mexico statute specifically authorizes municipalities to further define and abate a nuisance and to impose penalties on those who create or allow a nuisance to exist.

New Mexico statute and most municipalities frame a nuisance in terms of public health, safety, or welfare, or interference with public rights. Arizona statute frames a nuisance in terms of interference with the comfortable enjoyment of life or property by a community or neighborhood. Some municipalities make reference to aesthetics and property values in their definitions.

Most ordinances offer detailed definitions of weeds, specifying noxious weeds, rank vegetation, invasive plants, unhealthful/harmful plants, and/or uncultivated plants. Of the 47 municipalities we examined, 16 municipalities set maximum heights less than 12 inches, 15 set heights of 12 inches, and only 4 (including Los Alamos) set heights greater than 12 inches. Some (12) municipalities did not specify heights. A few (3) municipalities set different heights by property zoning or by property size.

Storage of inoperable vehicles (historic) on private property is governed by state statute in New Mexico. Most (44) municipalities (including Los Alamos) specify that inoperable vehicles must be covered or screened from public view. Many (21) municipalities limit the timeframe for inoperable vehicle storage. Some (8) municipalities (including Los Alamos) limit the number of inoperable vehicles that can be stored on a property. A few (2) municipalities (including Los Alamos) vary the vehicle limit by property zoning. A few (2) municipalities limit the size and/or type of any vehicles that can be parked on a property. One (1) municipality limits the percentage of front yard space that can be used for parking any vehicles on a property.

Outside storage of materials is considered a nuisance in most (44) municipalities (including Los Alamos) because of the potential for harborage of insects, rodents, snakes, and other vermin. Municipalities generally prohibit accumulation of debris, junk, garbage, litter, refuse, rubbish, trash, and solid waste, and more specifically prohibit bedding and indoor furniture, household appliances and equipment, and construction and landscape materials.

In summary, the nuisance ordinances in other municipalities generally are more detailed and provide a rich resource from which Los Alamos can draw to improve the content and language of our ordinances.

Denise Derkacs

Jaime Kennedy

CDAB at Farmers Market – Thursday 5/2/19

Notes

- Columbines?
- Not spraying certain chems for weed control (glyphosate/roundup)
- Overall positive experience – room in code for native landscaping
- Inoperable vehicles a concern – rusting away
- Lab sidewalks are kept clear and in ordinance
- Over enforced
- Not a county HOA
- Streamline inspections (building)
- More enforcement especially for sidewalk issues (brush, cracks)
- Over reaching, selective enforcement, health and safety issues
- Less outdoor storage (more enforcement)
- More objective – less complaint driven
- Priority vacant houses
- Big eye sores
- Live & let live
- Barranca School looks awful - shouldn't hold people across the street to higher standard
- Safety should be priority
- Unneeded cars
- Emphasis on vacant properties – even if they look good, someone should be living there
- Dilapidated structures are not ok
- I'm not concerned if people don't mow until 18-10", people don't mow at all ok
- Until and unless something really is impacting neighbors, county should stay out
- We should all have native grass that doesn't require water
- Not a fire hazard
- Trash looks vs wild look (native/xeric)
- Attitude should be "we're looking at what's best for the community," not a nasty letter
- Main concern is fire safety
- Houses where no one lives in – deteriorating
- Both carrot and stick – neighborhood helpers for people who need help
- Better code, clear and understandable for everyone
- Health and Safety priority – County shouldn't have anything to say about aesthetics
- Aesthetically unpleasing as to warrant intervene?? Will see health and safety hazard
- If its impacting the community, that shouldn't be allowed, but not going to force people to have nice landscaping
- Street sweepers could do better
- Trach pickup sometimes leaves a mess
- Sand and gravel from snow removal is a concern
- Once resident received a letter stating that "dirt from their yard was washed onto the sidewalk (this happens everywhere, even on county land)
- I want to pay someone to do my yard, weeds get taller as you're working
- County should have a list of people willing to help seniors

- Clear sidewalks – bushes, cars
- Some neighborhoods don't even have sidewalks
- Trash in the yards is a problem
- Need a little more leeway on weeds – can't get to them right away
- Are dandelions acceptable?
- Might have stayed in house instead of buying a condo – couldn't keep up with yard
- County can help maintain property values, aesthetics is part of that
- I live in a condo and don't have to worry about it, but my kids do
 - o They had to hire some to do yard work for code enforcement issues
 - o Luckily, they can afford it (both parents work)
- Hard for older people to keep up “those things” – need listing about what they need
- Obtaining quotes from stucco contractors. One won't do work in LA anymore if a permit is needed due to an issue with a past inspection and being told to do it [my way, this is my town] from an inspector
- If issues are impeding public space – then it is an issue
- Parking on sidewalk is an issue and can be dangerous for people
- County needs to set the example and clean up after themselves
- Sidewalks that should exist, but don't
- Blocking sidewalks
- Trash pickup leaving a mess in street – homeowners may not be home for hours and may get in trouble with the county for a mess they may not have made

ARTICLE XV. - COMMUNITY DEVELOPMENT ADVISORY BOARD

Sec. 8-301. - Purpose.

A community development advisory board is established in order to make recommendations to county council regarding the development, implementation, and enforcement of county property maintenance codes within the corporate boundaries of the county.

(Ord. No. 02-285, § 2, 5-15-2018)

Sec. 8-302. - Membership, terms and qualifications.

- (1) The community development advisory board shall be composed of seven citizens with an attempt to provide equal representation from both the Los Alamos townsite and the White Rock community. No board member shall be appointed that is an employee of the county, either as staff or by contractor. Members shall be appointed by the county council for staggered terms of three years. Three initial appointments shall expire after one year. The determination of which initial expiring appointments will be decided by the council chairperson at the time of appointment. Vacant board positions will be appointed by the county council. The remaining four members on the board will expire their term after two years and rotation of appointments shall continue. Board members can be reappointed for no more than two terms.
- (2) Each member of the community development advisory board shall file a complete list of real estate interests in the county held by the member and, to the extent possible, a complete list of real estate interests in the county held by any person related to the member within the third degree of consanguinity or affinity (natural or adopted children, parents, brothers, sisters, aunts, uncles, nieces, nephews, grandchildren, grandparents, great-grandchildren, great-grandparents). The list shall include participation in partnerships, limited partnerships, syndications, joint ventures, etc., for the purpose of investment in real estate interests. The list shall be filed during the month of April of each year with the county manager and retained as required by the state Public Records Act, NMSA 1978, 14-3-1 et seq. A member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the value of any real estate interests owned by the member or the real estate interests of any person related to the member within the third degree of consanguinity or affinity. Further, a member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the values of real estate interests owned by others with whom the member has a business or professional relationship with respect to the matter under consideration.

(Ord. No. 02-285, § 2, 5-15-2018)

Sec. 8-303. - Duties and responsibilities.

The community development advisory board shall serve in an advisory capacity to the county council and shall have the following functions, responsibilities and duties:

- (1) Making of recommendations to the county council regarding:
 - a. Policies for the development, implementation and enforcement of county property maintenance codes;
 - b. Recommend possible changes and definitions to the county code relating to CDD and Code Enforcement efforts; and
 - c. Recommend programs and policies for community development with regard to positive outreach activities, such as assistance programs, citizen volunteer groups, and county sponsored clean-up activities.

- (2) Receive and provide citizen input to staff and county council on ways and means for improving the county's property maintenance and code enforcement program. For this purpose, the community development advisory board shall gather public input in ways appropriate to the circumstances, which may include public meetings dedicated to specific topics.
- (3) Recommend ways to involve and educate the community on property maintenance issues.
- (4) Receive all monthly property maintenance code enforcement reports including issued notices of violation and citations and photographic evidence, and review as appropriate.
- (5) Report to county council as requested by council on community development advisory board findings, activities, and recommendations.
- (6) Such other activities, duties and responsibilities related to community development department activities as may be assigned by the county council.

(Ord. No. 02-285, § 2, 5-15-2018)

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-285**A CODE ORDINANCE AMENDING CHAPTER 8 TO ADD AN ARTICLE XV TO
CREATE A COMMUNITY DEVELOPMENT ADVISORY BOARD**

WHEREAS, the Incorporated County of Los Alamos ("County") is a home rule charter municipality, as allowed by N.M. Constitution, Article X, Section 6; and

WHEREAS, New Mexico Statutes, Chapter 3, Article 18, authorizes home rule municipalities to regulate, abate, and impose penalties upon persons who create and maintain a public nuisance; and

WHEREAS, a public nuisance is defined by State law in NMSA 1978, § 3-8-1, as knowingly creating, performing, or maintaining anything that affects any number of citizens without lawful authority that is injurious to public health, safety, morals or welfare, or interferes with the exercise and enjoyment of public rights, including the right to use public property; and

WHEREAS, Chapter 3, Article 21 of New Mexico statutes grants County the authority to zone and regulate land use by code ordinance within its jurisdiction, including the right to regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, County has enacted code ordinances that regulate the use of land within its jurisdiction, including the regulation of erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, such code ordinances are found in Chapter 10 (Buildings and Building Regulations), Chapter 16 (Development Code), and Chapter 18 (Environment) of the Los Alamos County Code of Ordinances ("Code"); and

WHEREAS, the County Council ("Council"), as part of its strategic goals in 2016 and 2017, directed the Community Development Department (CDD), through its Code Enforcement Division ("Code Enforcement"), to enhance its property maintenance inspections to remove blight within the County; and

WHEREAS, various citizens of the County have voiced concern that such enhanced enforcement of Chapters 10, 16, and 18, have not adequately taken into account the concerns of some affected citizens; and

WHEREAS, Council, in an effort to provide maximum public input to the process of Code Enforcement activities, hereby believes that it is in the public's health, safety and welfare to create a citizen board that can receive public input, review enforcement efforts by CDD Code Enforcement, and provide citizen concerns and possible informal resolution to the alleged violation(s) to Council, and provide recommendations to Council on the appropriate application of the Ordinance with regard to enforcement efforts; and

WHEREAS, the board will advise the Council for potential applicable changes to the Ordinance in clarity and content so as to address the needs of the community.



CO-02-285

05/15/2018

12:00 AM

Page(s): 4

Naomi D Maestas - County Clerk

Los Alamos County, NM

Victoria L Martinez - Deputy



BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, the Los Alamos County Code of Ordinances is hereby amended as follows:

Section 1. Article I, Chapter 8, Section 8-4 of the County Code is hereby amended as follows:

Sec. 8-4. Standing advisory boards or commissions; terms of existence.

- (a) The following standing boards or commissions are hereby continued or established although not all are governed by the provisions of this chapter: arts in public places board; board of public utilities; ~~Fuller Lodge/historic districts advisory board~~ historic preservation advisory board; labor management relations board; library board; lodger's tax advisory board; parks and recreation board; personnel board; planning and zoning commission; environmental sustainability board; transportation board; valuation protests board, variance board, ~~and the youth advisory board and the community development advisory board.~~
- (b) All standing boards and commissions will continue to function indefinitely, unless specifically discontinued by the county council or as otherwise provided by county ordinance. Boards or commissions shall be terminated only by express action of the county council. A board or commission may be assigned more than one task concurrently, but the absence of one or more assigned tasks at any time shall not affect the board or commission's continuing status.

Section 2. An Article XV is hereby enacted to be added to Chapter 8 creating the "Community Development Advisory Board" as follows:

ARTICLE XV. - COMMUNITY DEVELOPMENT ADVISORY BOARD

Sec. 8-301. - Purpose.

A community development advisory board is established in order to make recommendations to County Council regarding the development, implementation, and enforcement of County property maintenance codes within the corporate boundaries of the County.

Sec. 8-302. - Membership, Terms and Qualifications.

(1) The community development advisory board shall be composed of seven (7) citizens with an attempt to provide equal representation from both the Los Alamos townsite and the White Rock community. No board member shall be appointed that is an employee of the County, either as staff or by contractor. Members shall be appointed by the County Council for staggered terms of three (3) years. Three (3) initial appointments shall expire after one (1) year. The determination of which initial expiring appointments will be decided

by the Council Chairperson at the time of appointment. Vacant board positions will be appointed by the County Council. The remaining four (4) members on the board will expire their term after two (2) years and rotation of appointments shall continue. Board members can be reappointed for no more than two (2) terms.

(2) Each member of the community development advisory board shall file a complete list of real estate interests in the county held by the member and, to the extent possible, a complete list of real estate interests in the county held by any person related to the member within the third degree of consanguinity or affinity (natural or adopted children, parents, brothers, sisters, aunts, uncles, nieces, nephews, grandchildren, grandparents, great-grandchildren, great-grandparents). The list shall include participation in partnerships, limited partnerships, syndications, joint ventures, etc., for the purpose of investment in real estate interests. The list shall be filed during the month of April of each year with the county manager and retained as required by the state Public Records Act, NMSA 1978, 14-3-1 et seq. A member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the value of any real estate interests owned by the member or the real estate interests of any person related to the member within the third degree of consanguinity or affinity. Further, a member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the values of real estate interests owned by others with whom the member has a business or professional relationship with respect to the matter under consideration.

Sec. 8-303. - Duties and Responsibilities.

The community development advisory board shall serve in an advisory capacity to the County Council and shall have the following functions, responsibilities and duties:

- (1) Making of recommendations to the County Council regarding:
 - a. Policies for the development, implementation and enforcement of County property maintenance codes;
 - b. Recommend possible changes and definitions to the county code relating to CDD and Code Enforcement efforts; and
 - c. Recommend programs and policies for community development with regard to positive outreach activities, such as assistance programs, citizen volunteer groups, and county sponsored clean-up activities.
- (2) Receive and provide citizen input to staff and County Council on ways and means for improving the County's property maintenance and code enforcement program.

For this purpose, the community development advisory board shall gather public input in ways appropriate to the circumstances, which may include public meetings dedicated to specific topics.

- (3) Recommend ways to involve and educate the community on property maintenance issues.
- (4) Receive all monthly property maintenance code enforcement reports including issued notices of violation and citations and photographic evidence, and review as appropriate.
- (5) Report to County Council as requested by Council on community development advisory board findings, activities, and recommendations.
- (6) Such other activities, duties and responsibilities related to Community Development Department activities as may be assigned by the County Council.

Section 3. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

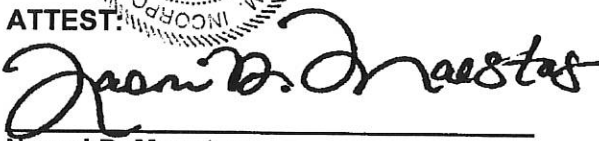
Section 4. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 5. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

PASSED AND ADOPTED this 15th day of May, 2018.



ATTEST:



Naomi D. Maestas,
Los Alamos County Clerk

INCORPORATED COUNTY OF LOS ALAMOS



David Izraelevitz,
Council Chair

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-22**A RESOLUTION DECLARING A MORATORIUM OF ONE HUNDRED EIGHTY (180) DAYS ON THE ENFORCEMENT OF CHAPTER 28, ARTICLE VII, SAFETY IN PUBLIC PLACES, OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES**

WHEREAS, on November 27, 2015 the Incorporated County of Los Alamos ("County") adopted Code Ordinance No. 02-258 ("Ordinance") seeking to improve the quality of life and economic vitality of the County by protecting the public and the solicitors from certain dangerous and abusive solicitation practices; and

WHEREAS, in adopting the Ordinance, County attempted to narrowly tailor the Code to apply to designated locations where solicitation creates the greatest risks due to generally higher pedestrian or vehicular traffic volume and congestion; and

WHEREAS, in adopting the Ordinance, County attempted to narrowly tailor the Code to also address aggressive panhandling which includes approaching or following pedestrians, the use of abusive language, unwanted physical contact or the intentional blocking of pedestrian or vehicular traffic; and

WHEREAS, in adopting the Ordinance, County attempted to narrowly tailor the Code to protect the citizenry from the presence of individuals who solicit money from persons at or near banks or automated teller machines, or solicit from people in places where it is impossible or difficult for citizens to exercise their own common law right to be left alone and decline, or to avoid solicitation from others; and

WHEREAS, County continues to recognize that the above represents a significant governmental interest, namely, public safety and pedestrian and vehicular safety interests, including the safety of the solicitors as well as the citizens of the County; and

WHEREAS, County also recognizes that current United States First Amendment jurisprudence, in particular the progeny of *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), have cast warranted doubt over the constitutionality of the current Ordinance; and

WHEREAS, the Council of the Incorporated County of Los Alamos finds that the moratorium is necessary to allow Council time to address potentially substantial legal issues regarding the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Incorporated County of Los Alamos, that:

Section 1. Moratorium. That upon the effective date of this Resolution and for a period of one hundred eighty (180) calendar days, Chapter 28, Article VII, Sections 28-212 and 28-213, (Safety in Public Places) shall not be enforced.

Section 2. This Resolution shall not in any manner limit County's enforcement of all other ordinances in order to protect public safety through other properly adopted ordinances or by powers provided under State law.




Section 3. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 4. Effective Date. This Resolution shall become effective upon adoption.

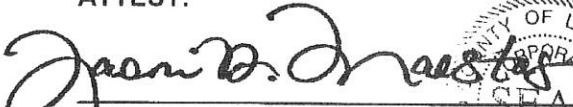
PASSED AND ADOPTED this 25th day of September, 2018.

INCORPORATED COUNTY OF LOS ALAMOS



David Izraelevitz,
Council Chair

ATTEST:



Naomi D. Maestas,
Los Alamos County Clerk



PROPERTY MAINTENANCE

What is needed and what is too much?

CURRENT NUISANCE CODE

- Nuisance Code is located in the Municipal Code, Chapter 18 - Environment, Article 2 – Nuisances which addresses rubbish, brush, and outdoor storage of materials
- Code Enforcement frequently addresses violations of Sec 16-280 Recreational vehicles and equipment, Sec 16-281 Inoperable vehicles , and Article X Signs sections within Municipal Code Chapter 16 -Development Code
- Code Enforcement has but less frequently sited violations of Municipal Code Chapter 10 – Building for building code and life safety violations

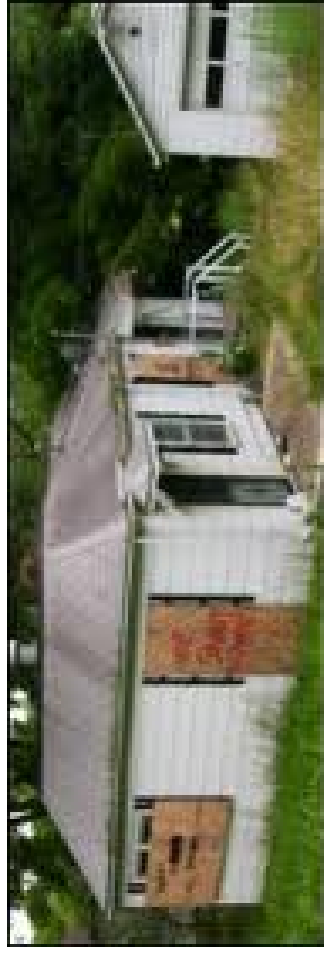
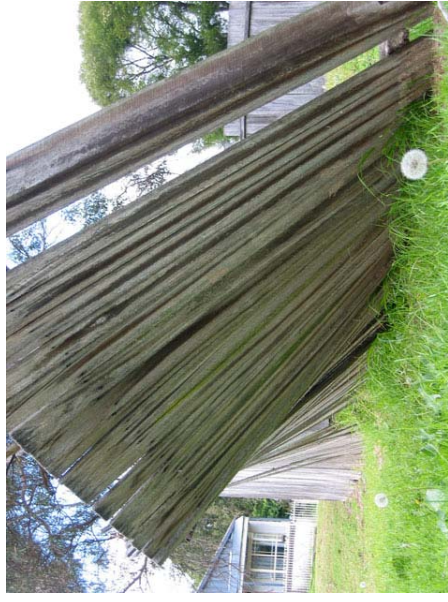


CUSTOMER REQUESTS (LAST 12 MONTHS)

- Exterior maintenance issues
 - Loose siding or roofing materials
 - Holes in exterior of building
 - Broken of missing windows that are either boarded up or covered with plastic
 - Falling fences or fences in disrepair
 - Houses perpetually under construction
 - All the above with the addition of the property being vacant
 - Repeat offenders of the Nuisance/Development Code



CUSTOMER REQUESTS (LAST 12 MONTHS)



PROPOSED ADDED CODE REQUIREMENTS

- Adopt Section 301 and 304 plus related definitions of the 2009 International Property Maintenance Code (IMPC) either by reference or directly into Chapter 18 of the Municipal Code

● 2009 International Property Maintenance Code[®]

Technical Support(s) Code Related Consider(s) License Agreement(s) ICC Online Bookstore



2009 International Property Maintenance Code[®]

First Printing: January 2009

ISBN: 978-1-69001-740-4 (soft-cover edition)

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by

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PROPOSED ADDED CODE REQUIREMENTS

- Section 301 – General, governs minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property
- Section 304 – Exterior Structure, states the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so not to pose a threat to the public health safety or welfare.
- Code determines/defines unsafe conditions, protective treatments to prevent deterioration, and specific building elements that need to be maintained and kept in good condition



PROPOSED ADDED CODE REQUIREMENTS

- Adopt a Vacant Property Ordinance requiring property owners to register their property as vacant with the County and provide detailed contact information.
- Advise the property owner of their continued responsibility to maintain and secure the property
- Maintain a current list of vacant properties so they can be monitored as needed by Code Enforcement, Police Department, Fire Department or Department of Public Utilities



...ADDITIONAL POTENTIAL STEPS

- Increase fines for repeat offenders
- No longer extend building permits when little or no progress is being made.



VIOLATION NOTICE PROCESS

- Courtesy notices are delivered to the property owners when there is a complaint or identified code violation.
- The property owner has to respond to the Courtesy notice and a plan of action determined
- Property owner is given no less than two days but typically one week to thirty days to rectify the violation
- An extension is provided with good reason and progress is made
- Two and three courtesy notices are typically delivered before a citation is issued



VIOLATION NOTICE PROCESS

- Citation issued and case referred to the Municipal Court
- Plea entered
- Court date established if “not guilty” plea entered
- Fines/penalties assessed or case dismissed by Judge
- Process can be lengthy



CODE ENFORCEMENT STATISTICS

- 2012
 - 223 complaints
 - 87% corrected without citation
 - 3 cases cited and sent to the Municipal Court
 - Several cases are unresolved due to vacant or abandoned properties and generate multiple complaints
- 2013
 - 164 complaints to date



OUTREACH AND EDUCATION

- Quarterly flyer/door hangers educating community seasonally about what are frequent violations that time of year
- Seek partners in community who can assist those without the means to correct violations
- Participate in community events as educational opportunities regarding new property maintenance requirements



CHALLENGES

- Controversial topic – expect strong community opinions both in support and against
- MIA property owners of vacant properties
- Repeat Offenders
- Limited staff resources – currently CEDD only has one Code Enforcement Officer
- No formal County programs are currently in effect to assist those who may receive a Nuisance Code citation and do not have the means to correct it



NEEDED DIRECTION

- Is Council supportive of expanding property maintenance standards?
- As proposed or with suggested revisions?
- Is Council supportive of adding staff resources to Code Enforcement within the community to be more proactive?



NEXT STEPS

- Draft an ordinance expanding the code.
- Return to Council for a public hearing to adopt the code change.
- Kick-off public notification and education about the new code.
- Track improvements photographically



QUESTIONS?



INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-286

**A CODE ORDINANCE AMENDING CHAPTER 18, SECTION 36,
TO INCREASE THE MINIMUM NUMBER OF DAYS A NOTICE
PROVIDES TO A LANDOWNER TO CORRECT A VIOLATION
PRIOR TO ISSUANCE OF A CITATION**

WHEREAS, the Incorporated County of Los Alamos ("County") is a home rule charter municipality, as allowed by N.M. Constitution, Article X, Section 6; and

WHEREAS, New Mexico Statutes, Chapter 3, Article 18, authorizes home rule municipalities to regulate, abate, and impose penalties upon persons who create and maintain a public nuisance; and

WHEREAS, a public nuisance is defined by State law in § 3-8-1, as knowingly creating, performing, or maintaining anything that affects any number of citizens without lawful authority which is injurious to public health, safety, morals, or welfare or interferes with the exercise and enjoyment of public rights, including the right to use public property; and

WHEREAS, Chapter 3, Article 21 of New Mexico statutes grants County the authority to zone and regulate land use, by code ordinance, within its jurisdiction including the right to regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, County has enacted code ordinances that regulate the use of land within its jurisdiction, including the regulation of erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, in Code Ordinance 02-238, the Los Alamos County Council ("Council") repealed the prior Article II of Chapter 18 of the Los Alamos County Code of Ordinances ("County Code") and on January 7, 2014, and adopted a new Article II of Chapter 18, which included in part the current text of Chapter 18, Article II, Section 36; and

WHEREAS, Council, as part of its strategic goals in 2016 and 2017, directed the Community Development Department ("CDD"), through its Code Enforcement Division ("Code Enforcement"), to enhance its property maintenance inspections to remove blight within the County; and

WHEREAS, in 2016 and 2017, as directed by Council, County and CDD staff and officers began increased enforcement of the community; and

WHEREAS, various citizens of the County have voiced concern that such enhanced enforcement of Chapters 10 (Buildings and Building Regulations), 16 (Development Code), and

18 (Environment), of the County Code have not adequately taken into account the concerns of the affected citizens; and

WHEREAS, Council believes that it is necessary to increase the minimum number of days that Code Enforcement staff provide to the property owner in order to resolve a County Code violation; and

WHEREAS, any property owner must still comply with the maximum time to correct a violation within thirty (30) days from the issuance of the notice of violation; and

WHEREAS, Council finds that it is in the best interest of the citizens and County to provide non-compliant property owners with additional time to abate the nuisance and violation(s).

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, the Los Alamos County Code of Ordinances, Chapter 18, Section 36, is hereby amended as follows:

Section 1. Chapter 18, Section 36 (§ 18-36), of the County Code of Ordinances is hereby amended to increase the minimum time from which a County Code violation citation may be issued from two (2) days to fourteen (14) days, as follows:

Sec. 18-36. - Notice.

- (a) Any municipal police officer, upon observing, in plain view, any violation of this article, shall issue a notice directed to the owner of record of the property on which the nuisance occurs, or to the occupant or tenant of the property, or both. The notice shall describe the violation and shall establish a reasonable time limit for its abatement by the owner or occupant or tenants, which limit shall be not less than ~~two~~ fourteen days or more than 30 days after service of the notice. The notice may be served either personally or by registered mail at the owner's or occupant's last known address.
- (b) Nothing in this chapter or article however shall in any way limit or prevent the County from taking immediate measures under this or other chapters to prevent the imminent harm to or loss of property or life or which presents an imminent harm to the health, safety, and welfare of the public.
- (c) All notices shall contain the date and time of the next Community Development Advisory Board meeting.

Section 2. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 3. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 4. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

PASSED AND ADOPTED this _____ day of _____, 2018.

INCORPORATED COUNTY OF LOS ALAMOS

**David Izraelevitz,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**

Code Compliance

Community Development Advisory Board

September 17, 2018

Applicable Council Goals

2

- *Revitalize and eliminate blight in Los Alamos and White Rock*
- *Implement the Comprehensive Plan with an emphasis on neighborhoods and zoning*

Overall approach

3

- ❑ Achieve compliance before any citation is initiated
- ❑ Be available to assist in addressing a violation with each resident or business
- ❑ Prioritize life safety hazards
- ❑ Strive to identify the larger or more visible concerns with respect to nuisances
- ❑ Every month Code Compliance Officers and supervisor do field inspections as a team to maintain consistency in the enforcement of the codes

Overall approach

4

- Be sensitive to the emotional side of the process for the property owner
 - ▣ Also, interactions could become dangerous and in some cases have resulted in injury or death for code inspectors
- Are aware of the core property rights of owners
 - ▣ Plain view doctrine
 - ▣ Legal precedent regarding private property rights

Prior

5

- ❑ No policies and procedures
- ❑ No training program
- ❑ Supervision was inconsistent
- ❑ No big picture approach
- ❑ Inconsistent processes between staff
- ❑ Excel database tracking
- ❑ Inconsistent follow up

Now

6

- ❑ More proactive
- ❑ Policies and Procedures
- ❑ Trained Code Officers
- ❑ Systematic Approach and Routine
- ❑ Supervision
- ❑ More consistency in Field
- ❑ Energov Tracking

Processes and routines

7

- ☐ daily
- ☐ weekly
- ☐ staff meetings
- ☐ phone calls
- ☐ follow up
- ☐ court

Outreach

8

- ❑ Farmers Market
- ❑ County Fair
- ❑ Senior Talk in Los Alamos and White Rock
- ❑ North Mesa Stable Group
- ❑ Guerilla Gardner group
- ❑ HOA meetings
- ❑ KRSN

Presentations to Council

- May 13, 2013 – Work session discussion regarding expanding property maintenance requirements
- January 7, 2014 – Regular session adoption of new property maintenance standards (Chapter 18)
- December 1, 2015 – Introduction of three ordinances: Sidewalks/ROW maintenance, Unhitched Trailers
- January 5, 2016 – Approval of three ordinances: Sidewalks/ROW maintenance, Unhitched Trailers
- August 23, 2016 – Work session discussion of housing that included the vacant housing issue
- August 30, 2016 – Introduction of ordinance re: snow removal from sidewalks
- September 27, 2016 – consideration of snow removal ordinance fails to be adopted
- March 14, 2017 – Work Session Update on Building Permits and Code Enforcement
- August 22, 2017 – Work Session discussion regarding Neighborhoods and Code Enforcement

training

10

- 2 Code Compliance Officers 40 hours of training each

Topics

- Abandoned and junk vehicles
- Dangerous building abatement
- High weeds and trash
- Home occupations
- Legal aspects of code compliance
- Minimum housing standards
- Sign regulations
- Attended “What is a weed” presentation by NM Extension

Education Credits

- 3.6 CEUs
- 3.60 hours - International Code Council (ICC)

Maintenance in Right of Way (2016)

- **Sec. 18-33. - Responsibility.**
- (a) The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.
- (b) It is a violation of this chapter if the owner, agent, tenant, occupant, or person in charge of any property or premises fails to keep the public way or right-of-way, setbacks or sidewalks abutting or adjoining their property or premises clear and free of any public nuisance including weeds, as defined in [section 18-42](#), trees, shrubs, limbs, other obstructions that prohibits or interferes with the safe use and travel of pedestrians over, through or on the public way or right-of-way, setbacks or sidewalk.
- (c) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Maintenance in ROW

12







Expectation of Privacy

15

- ❑ Land visible from a public area would not fall under the expectation of privacy



Commercial Intervention

16

- ❑ LA Inn demolition
- ❑ Old Smith's
- ❑ Black Hole



Commercial Intervention

17

□ Longview in White Rock



County Property

18



CDAB Preliminary Recommendations

First-pass suggestions to discuss in meeting on November 19, 2018

General/Misc

- Remove inoperable vehicle ordinance. An inoperable vehicle is still an inoperable vehicle, whether its covered or not. (Aaron)
- The standard for establishing a case should be “is this likely to hold up in court based on the evidence I can gather today.” (Catherine)
- Clarify HOA responsibilities relative to code enforcement; for complaints in neighborhoods with an HOA, county should only intervene with written statement from HOA stating that HOA has considered concern and refused to address it. (Catherine)
- I think the complaints need to be coded to indicate a neighbor complaint versus a code enforcer. (Cindy)
- Continue code enforcement using the current two-week timeframe for compliance, with extensions as appropriate. (Denise)
- Establish clear metrics based on number of inspections, not violations. (Denise)

Weeds/neighborhoods

- Specify in the Code which types of zoning and/or neighborhoods may be permitted more natural growth or other variances from the Code as written, if that is the intent. Otherwise, the Code should be applied uniformly as written. (Jaime)
- Define "weed" within the Code. (Jaime)
- Clarify application of parts of the code, e.g., weeds, to properties with acreage. (Denise)
- Remove the weed ordinance. It is apparent that the ordinance is NOT for fire safety, health, or rodent harborage as the NOV/letters state. It is a beautification ordinance. There is no need for it. (Aaron)

Inspection Routes

- If active enforcement is kept, prioritize a plan to ensure ALL areas of the county get EQUAL coverage with inspections. (Aaron)
- Require CDD to create and stick to a system for doing inspections throughout the county. To do this, implement a policy in which enforcement officials do not create new cases during a follow-up visit or when en route to a complaint. Conduct only the specific inspection and invest remaining time in returning to the regular, ongoing route. Exception for extreme health and safety violations observed. (Catherine)
- Establish formal inspection routes to methodically cover the entire county. (Denise)
- Establish check-back lists to revisit properties with minor infractions before issuing letters/notices. (Denise)

Enforcement priorities

- Prioritize code enforcement first on county and commercial properties, and then on personal properties. (Denise)
- Focus on: 1) commercial and/or vacant properties, 2) true health and safety issues, and 3) issues that have been persistent. Occupied residential property and potentially transient problems should be the lowest priority. (Catherine)
- Return to a complaint driven system. Saves the county over 100K/yr, and I do not see a great impact except people being upset with active enforcement. (Aaron)

Staffing/Time

- Enforcement officers currently spend multiple hours every day working at the reception desk in the office, and they do not have time to complete tasks such as evenly distributed inspections. Sharing the desk responsibilities among everyone is an excellent way to help the department work as a team, but it should not come at the expense of trained employees doing the work they were hired to do. Based on current information, it seems code compliance officers should be doing no more than three front desk shifts per week (preferably only two). This may mean employing a part-time receptionist. (Catherine)
- It also seems this department could use a few more employees so that the enforcers have the time necessary to accomplish all the different aspects of their jobs. Support staff, initially. They would also be wise to train at least one more inspector to cover vacations, illness, and being able to help cover Los Alamos. (Cindy)
- Add additional staff so that Code Enforcement Officers have more time in the field. (Jaime)

Communication

- Engage in efforts to inform the community on Code issues---weeds/invasive species, defensible space/fires, and other reasons for why Code provisions exist and are necessary to enforce (e.g., public health and safety, etc.). (Jaime)
- Implement a communication/outreach plan regarding the environment code and its enforcement, to be developed by the Board. (Denise)

Resources

- Implement County-level assistance. For example, a program similar to Homeowner's Assistance/Renovation that provides financial assistance or loans for smaller scale repair projects. Consider one weekend quarterly bulk pickup. Provide code enforcement officials the ability to order some number of free eco-station pickups per year. (Catherine)
- Consider whether it is possible to make available (on the web or elsewhere) a list of resources for property owners who are non-compliant to obtain assistance in making their property compliant (e.g., financial resources, contractors, volunteer organizations, etc.). (Jaime)

Parking Lot

Clarification of sanitation/weeds language - Between weeds and grasses 18.42 Sect. B –

more clarity

Methodical/orderly

Systematic

Compost piles

Complainers

Dog/animal waste

Define: Quality of Life

Weed height

Maintaining property values?

Include environmental concerns

Need list of weeds? Noxious?

'Cultivated' plants defined

WEEDS

What we want to accomplish?

- Define a 'weed'
- Decide if ordinance should apply differently to different zones
- Seasonal plan life vs dead plants (fire hazard)
- 'D' works as is

What do not want?

- Require blue grass lawns
- Subjective – weed ordinance as a whole
- To dictate how gardens are over-wintered
- Confuse weeds with other parts of code
 - Separate out weeds

What is a weed?

Growing due to neglect

- How to identify 'neglect'

What is 'Cultivated'

Something intentional or cared for

SANITATION

What do we want to accomplish?

- Protect public health/safety
 - Specify e.g. antifreeze
- Prevent build-up of non-plant materials
- Distinguish between aesthetics/health

What do we not want to accomplish?

- Prevent a compost pile
- Gardening
- Prevent owners from making improvements
 - Onerous requirements for homeowners, re: construction materials

Community Development Advisory Board

County Council Update
Tuesday, September 24th 2019

Six duties

1. Make recommendations to Council re: a) policies for enforcement, b) possible changes to code, and c) positive outreach activities.
2. Receive citizen input on how to improve.
3. Recommend ways to involve the community.
4. Receive all monthly reports and review as appropriate.
5. Report to Council as requested.
6. Anything else Council asks of us.
7. (Unstated) Review the current code.

To make recommendations about policies for enforcement (#1a) or changes to the code (#1b), we must receive public input (#2), review monthly reports (#4), understand nuances and unintended consequences of the the current code (#7), and synthesize that information into a coherent overview.

Recommendations on positive outreach activities (#1c) and ways to involve the community (#3) require #s 2, 4, and 7, but they also require staff and the board to have a clear and consistent understanding of the enforcement program. Because the program continues to change, that is a moving target.

What We've Done So Far:

- Reviewed the nuisance code and discussed each section individually.
- Identified 3 to 4 “problem areas” that were contentious between board members. These areas had differing opinions on how they should be addressed, and are topics for further public input.
- Performed several information gathering sessions at various farmer’s markets, and summer concerts.
- Outlined an approach to canvassing the entire county, by breaking it up in to ~21 “neighborhoods” to get responses in.
- Outlined an open house to gather public input regarding the problem areas identified.
- Researched nuisance codes in other communities in New Mexico and Arizona and have held discussions based on these results.
- Discussed mailers, utility bill inserts, and other methods to gain feedback / communicate information.

Priorities for review (Part 1)

Based on months of reviewing letters and NOVs, discussing code interpretation and enforcement practices with staff, closely reviewing the code itself, and hearing from the County Attorney's office and the Municipal Judge who hears code cases, among other efforts, CDAB has identified a number of areas that would benefit from clarity or decisions from Council, including:

- **Proactive vs complaint-driven system** – Council should set a clear policy direction. Understanding the type of program Council wants to see is essential for CDAB to make informed recommendations.
- **Selective enforcement and equal enforcement** – Staff concerns about “selective enforcement” shape and change enforcement efforts. Understanding Council's priorities will help CDAB make recommendations that support Council's vision for the code enforcement program.

Priorities for review (Part 2)

- **How to prioritize which code cases to open**—CDAB can solicit public comment on community priorities for which issues and what level of severity warrant county intervention and provide Council with a range of options.
- **How codes affect neighborhoods in different ways**—Council may need to determine to what extent it is desirable to create explicit or implicit exceptions for certain neighborhoods and/or enforce county-wide codes that will disproportionately impact certain neighborhoods. CDAB can solicit public input on this issue and provide Council with a range of options.
- **What is the ultimate goal of the code enforcement program?** To enforce health and safety standards or to enforce aesthetic standards? Where on that spectrum is our target? CDAB views this as a county-wide conversation and can solicit public input and provide that feedback to Council.

Priorities for review (Part 3)

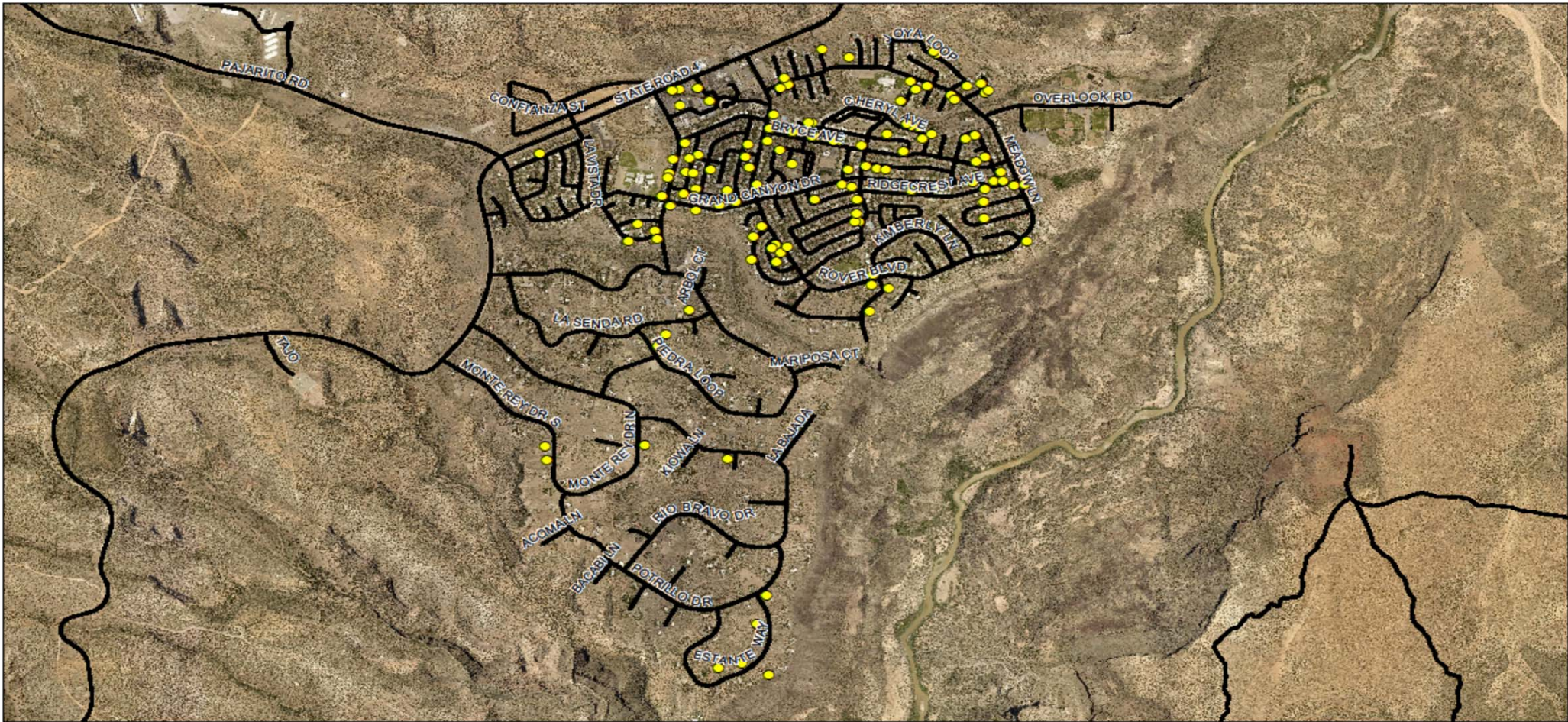
- **Specific code sections:** Weeds, brush piles, refuse, and rubbish (Sec. 18-42), Outdoor storage of furniture and materials (Sec. 18-43 and 18-44), Inoperable vehicles (Sec. 16-281)
 - Recommendations will likely range from simple changes to issues that would benefit from public input (for example, should we have a list of weeds, what is the best definition of outdoor furniture for our community, should inoperable vehicles be covered and with what, etc.)
- **Vague/subjective language, repetition, and/or conflict between sections.**
 - As Council considers larger changes, CDAB can make recommendations to resolve low-level but significant issues that make it difficult to understand and enforce the code.
 - For example: Sanitation (Sec. 18-41): "...shall maintain the property in a clean, safe, sanitary, ***methodical, systematic, and orderly*** condition."

Regarding neighborhoods and enforcement

- The weed ordinance that is strongly enforced in most of LAC is not meaningfully enforced in Pajarito Acres and La Senda neighborhoods.
- One possible solution is creating an exception for those areas, but while developing a long-term solution, Council may also consider:
 - Exempting PA/LS from ordinance 18-42 also exempts them from rules against brush piles, refuse, and rubbish. Exempting from just the weeds portion prevents staff from responding to complaints related to weeds.
 - The Responsibility ordinance (Sec. 18-33) impacts “natural landscaping” by prohibiting any intrusion on the right-of-way (street or sidewalk). If preserving natural landscaping is the goal of an exception, it may be appropriate to also exempt PA/LS from Sec. 18-33.
 - Creating an exception for weeds in PA/LS undermines two of the core arguments in favor of having and enforcing a weed ordinance in town: fire hazard and rodents.
 - The public may expect that Council will create exceptions for other neighborhoods when it is inconvenient or impractical for that neighborhood to conform to parts of a particular ordinance.
- Short term, Council might provide clear guidance to staff on how to enforce the current weed ordinance until long-term solutions are implemented.
- CDAB can collect public comment on these issues and provide that feedback to Council.

Identified Issues:

- Letters/NOVs had previously been issued for vehicles parked in the street. According to the CDD website, code enforcement did not intervene in parking matters, as they were under the jurisdiction of the police. This issue was brought up to staff at a CDAB meeting. **CORRECTIVE ACTION:** Code enforcement no longer issues letters/NOVs for parking issues, including complaints.
- Unbalanced approach to code enforcement issues relating to Pajarito Acres/La Senda. There has been a large discrepancy between the number of Letters/NOVs issued from Pajarito Acres/La Senda and the rest of White Rock proper. This issue has been repeatedly addressed at CDAB meetings. **CORRECTIVE ACTION:** We have seen a small uptick in the number of letters/NOVs coming out of that area since April 2019.

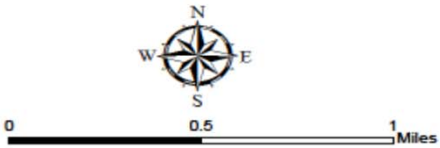


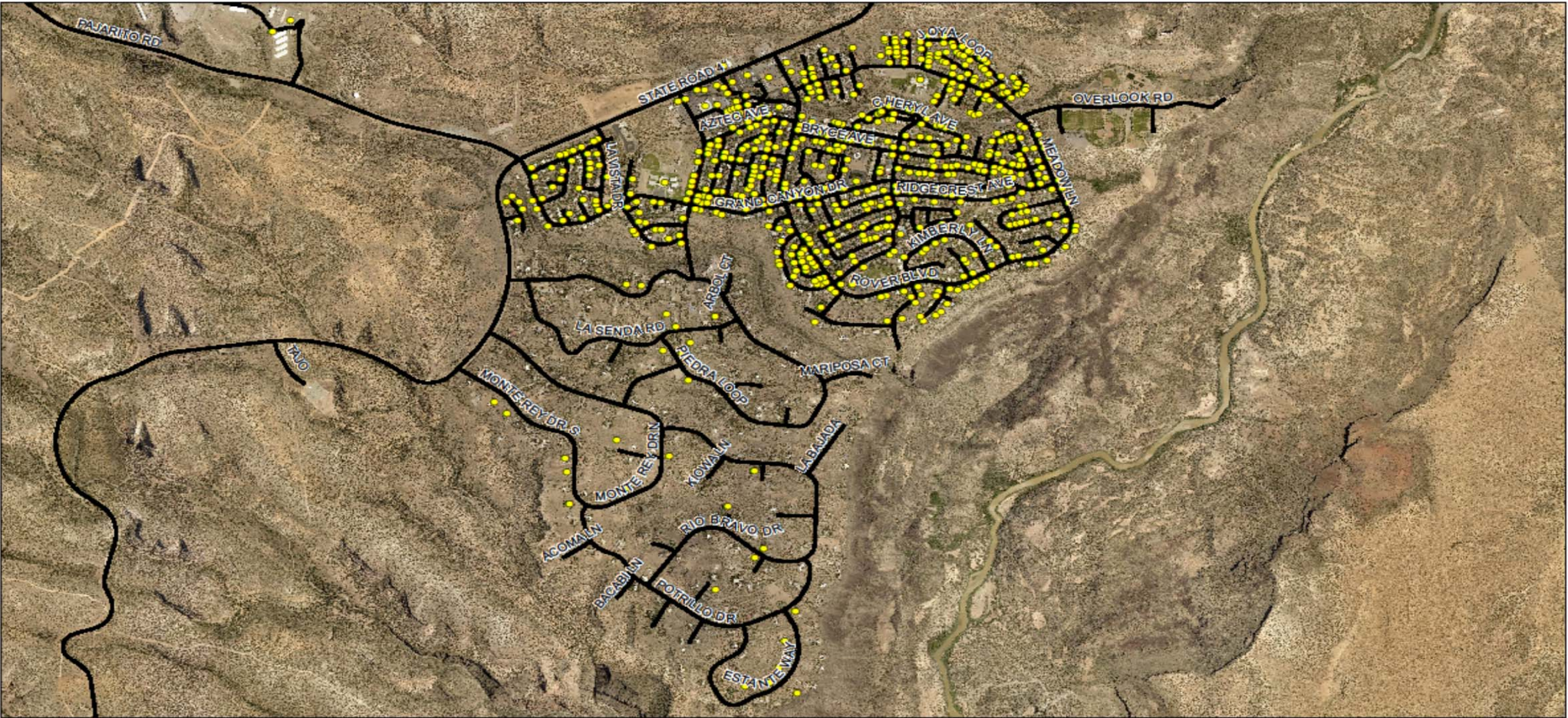
LOS ALAMOS
where discoveries are made

Mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with the data.

CODE COMPLIANCE | WHITE ROCK REPORTING APRIL - JUNE 2019

- Properties that received a Courtesy Letter or Notice of Violation
- Roads - centerlines





CODE COMPLIANCE | WHITE ROCK REPORTING MAY 2017- JULY 16, 2019

- Properties that received a Courtesy Letter or Notice of Violation*
- Roads - centerlines

* Points are represented once, per property only. This map does not depict multiple violations for a single property.

Mapping information is for reference only. Users are solely responsible to confirm data accuracy.
Los Alamos County assumes no liability for errors associated with the data.



0 0.5 1 Miles

Outreach efforts

- Farmer's Market and summer concert booths
- Open Forum questions planned
- One open house/town hall will be scheduled for in the upcoming months (hopefully October); we hope to schedule another town hall in White Rock, to assist in gathering input from harder to canvass areas such as Pajarito Acres/La Senda.
- Direct canvassing of neighborhoods (pilot program)
- Possible utility bill insert

Next steps:

- Extensive, proactive public outreach. This is critical to ensure we are balancing what the citizens of the county would like, and the goals of the county.
- Compile, synthesize, and provide overviews on our findings for Council and the public.
- Timeline: most recent guesstimate for recommendations was December or January. However, due to board member vacancies and schedule setbacks this will have to be revised to ensure a well-founded set of recommendations. We want to take this at the appropriate pace and get the right amount of data. Haste will only lead to rushed decisions, which is not ideal.

What we would like from Council

- Provide clarity on whether Council's goal is a proactive program or a complaint-driven enforcement system and clarity on Council's priorities regarding selective enforcement concerns.
- Tell us what types of recommendations you would like to see.
- What is the Council's vision for the nuisance code? What is the overall goal?
- Minor budgetary considerations for outreach / info gathering sessions

Questions?

Los Alamos County Citizens in Action

Municipal Nuisance Code Enforcement
Survey Results and Community Concerns

November 7th, 2017

Heather Ortega and Helen Milenski

Community

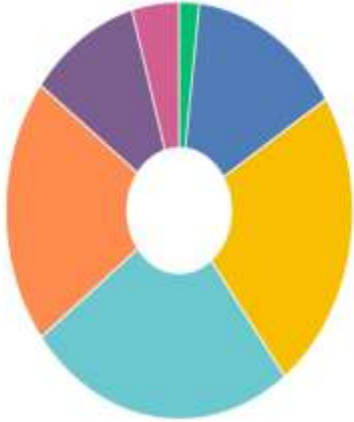
- ▶ 1. A group of people living in the same place or having a particular characteristic in common.
- ▶ 2. A feeling of fellowship with others as a result of sharing common attitudes, interests, and goals.

Community Frustrations

- ▶ Feeling a loss of private property rights, as afforded to them in the Constitution
- ▶ Financial burdens are real issues for many receiving violations
- ▶ Fear and anxiety of what is going to be a code violation next due to unclear guidelines and irregular enforcement
- ▶ Loss of freedom to have things in their private yards, be it a garden, be it toys, bikes, strollers, campers, loss of hobbies in private driveways (project cars, furniture restorations, woodworking etc), loss of personal landscaping choices, personal yard décor, paint choices, and more
- ▶ Fear of County driven HOA style regulations put in place after a choice was made to NOT reside in an HOA
- ▶ Neighbor relations being torn apart, wondering if your neighbor was the one who reported you, or if your neighbor has an issue with you they are not talking directly to you about
- ▶ Feeling as though the county is regulating private matters
- ▶ Time constraints placed on costly repairs
- ▶ Tax expenditure for enforcement effort, vehicle maintenance and administration costs
- ▶ Trespassing in the name of code enforcement

Demographics

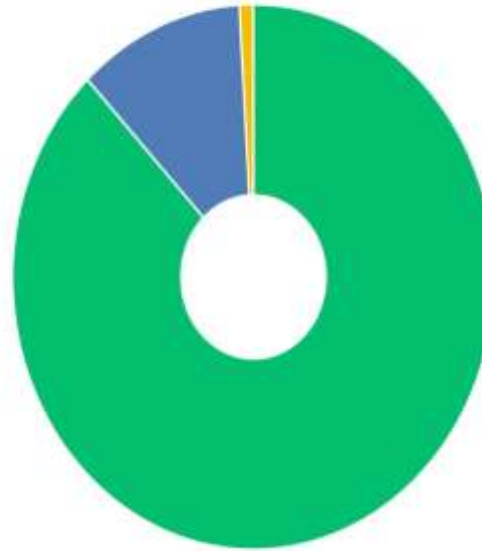
1. What is your age?



Answered: 1295 Skipped: 8

18 to 24	1.85%	24
25 to 34	14.21%	184
35 to 44	23.55%	305
45 to 54	25.02%	324
55 to 64	20.62%	267
65 to 74	10.35%	134
75 or older	4.4%	57

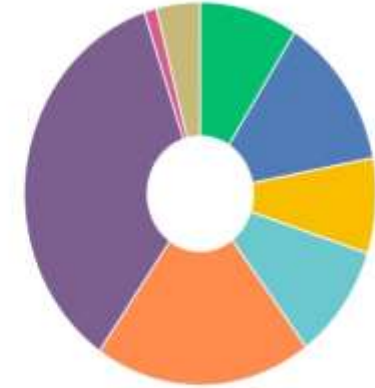
2. Do you rent or own the place where you live?



Answered: 1298 Skipped: 5

Own	87.9%	1141
Rent	11.17%	145
Neither (please specify)	0.92%	12

3. In which location do you live?



Answered: 1265 Skipped: 38

East Gate/Downtown area	9.41%	119
Western area	13.52%	171
Quemazon/Urban Park Area	8.38%	106
Golf Course area	10.12%	128
Barranca Mesa/North Mesa	20.79%	263
White Rock/Pajarito Acres	36.6%	463
I do not live in Los Alamos. I either own property there or have other significant interest in the community as it applies to Code Enforcement.	1.19%	15

Other (please specify)

53

Question 4

- Combining option one and two, 51.67% of the respondents either have received a NOV or know someone who has.
- Further 43.29% don't have direct experience, but are aware of the increase effort by Los Alamos County in enforcement effort.
- Note: Ahead to Question 5, only 12,25% feel fully versed in what constitutes a violation.

Write in Comments:

yes, my neighbor had to clean up the over growth of weeds and brush from the front yard. this required a bobcat front end loader, 4 burly men and a week to complete. The weeds were greater the 2 feet tall, in a yard that had been xeriscaped with gravel by the previous owners. The back is still a nightmare. 10/10/2017 12:01 PM

Busybody neighbor has been aggressively reporting people. It would be nice to see the code enforcement officers inspect that person's property which has rodent infested woodpiles 10/12/2017 5:34 PM

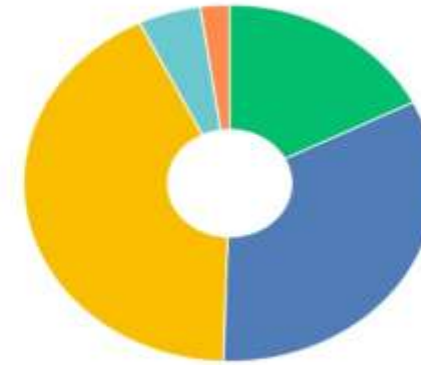
I know at least 5! People who got a violation. 10/31/2017 6:16 AM

The person cited is 93. 10/9/2017 8:48 PM

And they deserved a NOV, & they should get another one. Slobs live throughout Los Alamos and the good property owners should not have to put up with those in their neighborhoods who violate the Code! 10/9/2017 8:16 PM

You don't need a notice to be "affected"--I and many neighbors are nervous about the new stasi here in Los Ausch-mos. 10/10/2017 7:29 AM

4. Have you or someone you know been affected by the recent increased Los Alamos County Municipal Code compliance enforcement efforts?



Answered: 1289

Skipped: 14

I or a member of my family have received a Notice of Violation.	17.92%	231
I have not directly received a Notice of Violation, but I know someone that has.	33.75%	435
I do not know anyone that has been affected, but I am aware of the code compliance division and the increased enforcement efforts in Los Alamos County.	43.29%	558
I do not know anyone who has been affected and I didn't know there was an active code compliance effort in effect for Los Alamos County.	5.04%	65
Other (please specify)		30

Question 5

- Less than 13% of respondents felt as though they were fully versed and knowledgeable on Nuisance Ordinances
 - This again indicates lacking public information and clarity in expectations as well as penalties

Write in Comments:

It is my understanding that this was supposed to be a complaint driven ordinance, not paid positions at the county. The ridiculous violations make it clear that there is no rhyme or reason to the "violations". It is a complete mockery of county management. 10/11/2017 9:15 AM

This Nuisance Code needs to be sent in paper form to every resident home /business in the county. 10/10/2017 1:32 PM

Take care of your property. Plenty of other places to live that allow your property to look like crap. 10/10/2017 8:43 AM

I became more aware after I received one. Prior to the violation I was unaware that our community was now an HOA 10/10/2017 7:51 AM

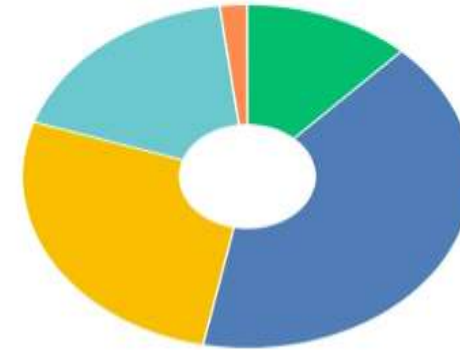
What constitutes a violation in practice is largely a matter of fashion and taste. 10/10/2017 1:24 PM

I have read the code and find it very vague and open to interpretation 10/10/2017 7:03 PM

However, the County must develop a noxious weeds / beneficial plants list. 10/13/2017 6:06 PM

ATTACHMENT F

5. Do you believe you understand the Los Alamos County Municipal Code as it applies to Nuisances and potential penalties for violation?



Answered: 1298

Skipped: 5

I am fully versed in what constitutes a violation of the Los Alamos County Municipal Code as it applies to Nuisances and I am aware of the penalties involved.	12.25%	159
I am somewhat aware of what is considered a violation, but I don't know all violations or penalties.	41.99%	545
I am vaguely familiar with the Nuisance Code and what major safety concerns would be on a person's property. I assume penalties exist, but I don't know what they are.	27.5%	357
I am not familiar at all with what constitutes a violation or penalties involved.	18.26%	237
Other (please specify)		26

Question 6

- Less than 14% or 177 people responded in favor of avid enforcement to include aesthetics or action taken for elevating community standards and preventing blight.
 - Even when combining the second response which has some favorability toward aesthetics as a purpose, the responses still totals less than 40%.
- The third response option illustrated the concern for using the ordinance as a tool to address hazards and safety issues. This option also called for clear guidelines to be provided to the community. This option had largest number of responses.
- Almost a full quarter of the respondents indicated in favor of owner's discretion and private property rights. This option still allowed for enforcement, but only for clear safety issues and not in any way an aesthetic motivation.

Write in Comments:

If there is something about my maintenance of my property that constitutes a safety or health threat for my neighbors, then outside intervention may be necessary. Otherwise, it's my property and I am under no obligation to maintain it to whatever standards you like. You can maintain your property that way, but it's wrong to employ the county as your bully club to try to make me see the world your way. The term "voluntary compliance" is an oxymoron, as compliance connotes adherence to some standard or law, and the threat of "volunteer or we're coming after you with citations and fines" is hardly the essence of volunteerism. 10/20/2017 7:02 PM

Enforcement should be reasonable and consistent and especially helpful and considerate. Private property is private property. Unless someone chooses to live with an HOA. 10/10/2017 7:56 PM

This should be focused on commercial property first not residential 10/18/2017 2:18 PM

How is covering an inoperable vehicle making the public safer 10/14/2017 8:19 AM

ATTACHMENT F

6. Which below is closest to your opinion regarding Nuisance Ordinances in general?



Answered: 1279

Skipped: 24

I believe that a strong Nuisance Ordinance and avid enforcement is necessary to protect safety, property values, and the beautification of a community. This is a tool that can be used to lift standards and eliminate eye-sores. Private property rights can only go so far. The community must hold high standards to prevent blight.	13.84%	177
I believe the Nuisance Ordinance is needed mostly to correct safety issues and also some aesthetics. This is because some people let their property decline and penalties need to be enforced to make them take action.	25.1%	321
I believe that Nuisance Ordinances should focus entirely on safety issues with clear guidelines as to what constitutes a hazard. Ordinances are sometimes needed to force property owners to be accountable when extreme conditions exist. Aesthetics and enhancement of peoples property is a matter of personal taste and not a concern for municipal government.	36.51%	467
I believe that private property is for use entirely at the owner's discretion with the only exception being the conditions of public safety. Nuisance Ordinance should respect private property rights above other community concerns, except in clear matters of safety.	24.55%	314

Question 7

- Almost 16% or 189 of respondents feel that the action on the part of the county, councilors and staff is fair and balanced.
- Almost 33% are split between whether the council and leadership is steering regulations or if it is the staff.
- Just under 52% or 611 respondents agreed with the option indicating that the county is out of touch and using regulations that are punitive and aggressive to the citizenry.

Write in Comments:

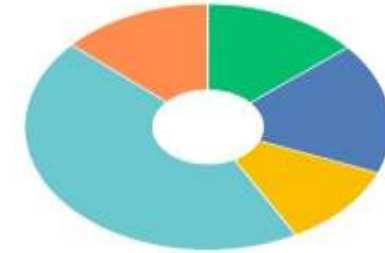
The fact that the nuisance ordinance exists at all is troubling in the implication that some are more interested in using the legal power of the local government to shape their idea of an ideal society than they are in actually representing the best for the county. By usurping the role of HOA committee for the entire county, and by allowing anonymous reporting to take place, the county government has created a divisive, mistrusting, resentful atmosphere for county residents. 10/20/2017 7:02 PM

Having served on Advisory Boards in the past, I do not feel that County managers and Council listen to the input they do not want. They seem to agree with a very small minority when it suits their preferred course of action. Council in particular spends a lot of money on things not desired by the majority of the citizens. 10/14/2017 1:30 PM

I am concerned and angry that the majority of the County Staff don't even live in Los Alamos. I am concerned and angry that I see our County manager doing things in Santa Fe then I see him out in public in Los Alamos. I am concerned and angry that I see county vehicles being used during the day to take their occupants shopping or shuttling them to restaurants. County vehicles should not be like a county employee's private vehicle. I am concerned and angry that I have overheard county employees talking about providing lousy levels of service to certain community members simply because the community members are "activists" and because the employees live out of town. I am concerned and angry that the nuisance code contains provisions for anonymous reporting that turns neighbor against neighbor and creates a tool that certain residents can use to exercise personal vendettas. Overall, the County's customer service sucks and the County has way too many people on its payroll. 10/10/2017 6:47 AM

ATTACHMENT F

7. How do you feel the Los Alamos County Councilors, Staff, and Advisory Boards relate to the citizenry of Los Alamos and White Rock?



Answered: 1187

Skipped: 116

I feel that the councilors and managers are very in touch with the needs and wants of the community. They approach developing and implementing the Municipal Code in a way that is fair and balanced and the staff is implementing the rules in a way that is also fair and balanced.	15.92%	189
I feel that the councilors and/or managers are trying to address the needs and wants of the community by developing fair additions to the ordinance, but the staff are implementing the regulations in a way that is out of touch with the average citizen.	19.97%	237
I feel that the leaders in the county, councilors and/or managers, have lost sight of what the needs and wants are of the citizens, but the staff is trying to implement the rules in as fair a way as possible.	12.64%	150
I feel that the county councilors and managers are out of touch with the citizenry. They are developing and implementing regulations that are punitive and aggressive toward the community. I believe that the staff are seeing this example and are further pursuing an aggressive and punitive approach toward some segments of the populace.	51.47%	611

COMMUNITY DRIVEN SOLUTIONS

- ▶ **Restore Quarterly Pick Up**
 - ▶ Consider A Semi Annual Pick Up
- ▶ **Increase Trash Pick Up to Twice A Week**
 - ▶ Addition of a yard waste roll bin
- ▶ **Rewrite the code with public input (Possible board) for clarity, specifics, and honesty in regards to what is considered a safety issue**
 - ▶ Ongoing board input to review and evaluate necessity of NOV issuance
 - ▶ **Allow “Curb Rescues”**
 - ▶ Expand the location and advertisement for upcycling at the Eco station
 - ▶ **Communication with County and Local Gardeners**
 - ▶ On going training requirements on natural horticulture
 - ▶ **A 6-month moratorium on all nuisance violations**
- ▶ **A staged restart for the ordinance with clear definitions of what constitutes a violation**



A fundamental concern for others in
our individual and community lives
would go a long way in making the
world the better place we so
passionately dreamt of.

— Nelson Mandela —

AZ QUOTES

Note: “Concern for others”
Not: Concern for Property Values, Aesthetics, and Conformity

1. Issues on private property.

- Weeds, brush piles, trash, outdoor storage of materials
- Inoperable vehicles on private property

2. Abandoned structures

- Structure in disrepair
- Opened or unsafe

3. Protective treatment of structures

- Peeling paint
- Broken windows
- Roofing in disrepair or roof water creating nuisance

4. Fences/walls in disrepair

5. Trees/Shrubs extending into street or sidewalks

6. Permits

- Unpermitted structures including buildings and fences
- Signs
- Business Licenses
- Unpermitted uses of property such as commercial on residential, etc.

7. Creating rodent harborage

8. Graffiti

- Property owners are responsible for removal in a timely manner

9. Refrigerators

- If stored outside doors must be locked or removed

10. Pools, hot tubs, spas

- Must be covered or surrounded by a fence or barrier
- Must be maintained in a clean sanitary condition

11. Quarterly bulk pick up

- Materials placed out for pick up earlier than ten days prior to collection will be considered a violation
- Residents receive 12 free annual trips for waste drop off at the 2 County Eco Station locati

Code Enforcement Path Forward

ATTACHMENT A

Issues

- ▶ Ch 18 is vague and does not provide needed detail for the citizens or enforcers.
- ▶ Council has not provided clear direction for the CDD or CDAB as to the level of enforcement that should be undertaken.

Recommendation for Council

- ▶ *CDAB recommends to Council that Code Enforcement activities be prioritized to Health and Safety issues until the updated Ch. 18 has been updated and adopted.*
- ▶ *CDAB recommends to Council that a member of the CDAB be appointed to the RFP review committee for the Ch. 18 re-write. (This item has been addressed)*

SHORT TERM IDEAS

(6 to 18 months)

► Update Ch. 18

► RFP in Process

► Once consultant is chosen. Deliverable from Consultant:

- Utilize information and research already gathered from the CDAB, and previous surveys
- Prioritize codes to focus on health, safety, environmental, and community values.
- Write the code to be visual. Include pictures of what represents a violation
- Include definitions of any term used in the code including but not limited to outside storage, rubbish, and aesthetics .
- Include list of “weeds” similar to other communities like Albuquerque. List can be derived from PEEC, Master Gardeners, Extension office, and Troublesome weeds of New Mexico.
- Include sentencing guidelines that escalate to the General Penalty
- Include recommendations for ordinances that are reasonable and enforceable for differing neighborhoods.

SHORT TERM IDEAS

(6 to 18 months)

► Community Development Department

► Revise current documents to reflect the new Ch. 18

- Include a handbook that code enforcers can carry on them that includes visual examples of what merits a friendly letter, and captures lessons learned.
- Clean up the process to reflect other communities like Espanola and Las Cruces
- Develop a robust training program for inspectors. Couple federal training with local training.
- Include a budget option or revision to Council for additional funding for training and materials

► Develop a Neighborhood Condition Survey of Los Alamos County

- Determine the unique nature and condition of each neighborhood
 - Strengths, Weaknesses, Opportunities
- Partner with Public Works and Utilities to develop a plan to address the neighborhoods needs
- Presented to Council during budget sessions
- Updated bi-annually

► Provide CDAB with a quarterly summary report on Code Enforcement Activities.

- Similar to the metric presented in the budget summary.
- Include whether the activity is complaint or compliance derived.
- Breakdown the ordinances cited, including the analysis of the top ordinances.

Short Term Options (6 to 18 months)

- ▶ **Community Development Advisory Board - Incorporate into Future Work Plans**
 - ▶ Provide comment on the Ch. 18 redevelopment process, and recommendation to council on the final product.
 - ▶ Partner with the CDD on education and outreach for the implementation of the new Ch. 18 code.
 - ▶ Provide comment on the CDD training and handbook for Code Enforcers.
 - ▶ Review and assist CDD in developing a strategic plan to address the Neighborhood Condition Survey
 - ▶ Partner with Los Alamos County Environmental Services, Environmental Sustainability Board to look at volunteer/proactive methods for weeds, rubbish/trash.
 - ▶ Assist in the development of a list of volunteers and organizations that CDD can ask to assist those who can prove a hardship.
 - ▶ Produce an bi-annual survey that can be presented to council on the community's feedback on code enforcement and ordinances. Alternating the survey with the Community Survey.

Long Term Options to be Researched (3 to 5 years)

- CDAB and County Staff to continue to investigate the transfer Ch. 18 from the criminal court to civil court (Prosser WA, for example)

Preliminary Advantages	Preliminary Challenges
Citations would not result in a criminal complaint	<ul style="list-style-type: none">• Need to create a new court system• Hire additional FTE's to manage and staff the court.• Need to appoint a board to determine the rules of the court and sentencing guidelines for violations.• No wiggle room for sentencing. Monetary fines are the only form.• No public defender is available• Recouping fines could take many man-hours and could still end up in Municipal Court
Could set up a quasi judicial board of appeal similar to Ch. 16	<ul style="list-style-type: none">• Still subject to the sentencing guidelines set out by the court and in the code.

Long Term Options to be Researched (3 to 5 years)

- ▶ CDAB and County Staff to continue to investigate the transfer code enforcement to LAPD (Las Cruces for example)

Preliminary Advantages	Preliminary Challenges
LAPD might be better equipped to handle the criminal proceeding	Community perception
Already handle the areas of Ch. 18 and Ch. 6 - Animal Control enforcement without much complaint	Risk of escalation of force (unlikely)
Transfer of FTEs could free up CDD to focus on building inspections	

Next Steps

- ▶ Incorporate comments from CDAB into presentation
- ▶ Present to council when kicking-off Ch.18 update
- ▶ If approved, incorporate tasks into CDAB work plan
- ▶ Work on Short Term Ideas pre and post Ch. 18 update
- ▶ Work on plan for addressing Long term Ideas

Open Discussion

ATTACHMENT A

References

Ammons, David N. *Municipal Benchmarks: Assessing Local Performance and Establishing Community Standards*. 3rd ed., Routledge, Taylor & Francis Group, 2015

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Code Enforcement: Espanola, NM. (n.d.). Retrieved July 08, 2020, from <http://www.cityofespanola.org/169/Code-Enforcement>

Codes Enforcement. (n.d.). Retrieved July 08, 2020, from <https://www.las-cruces.org/1264/Codes-Enforcement>

Animal Control and Code Enforcement. (n.d.). Retrieved July 08, 2020, from <https://cityofprosser.com/index.asp?SEC=6C903A2A-221E-4D14-8650-8F74C359CCAE>

Additional Resources

- ▶ Citizen input
- ▶ Review of information gathered by CDAB
- ▶ Review of council sessions and media
- ▶ Interviews with CDD, CDAB members, County Attorney's Office, Sub-Quorum of Council