INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-334

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY THE TEXT OF ARTICLE II, CHAPTER 18, "NUISANCES"

WHEREAS, Los Alamos County values and prioritizes public health, safety, and welfare; and

WHEREAS, public health, safety, and welfare can be maintained and promoted by regulating public nuisances caused by the maintenance of property; and

WHEREAS, public nuisances may be prevented and mitigated by establishing minimum standards to govern the conditions and maintenance of structures, premises, and property within the County such that they do not create a health, safety, or welfare hazard; and

WHEREAS, the County regulates public nuisances caused by the maintenance of property which interferes with the exercise and enjoyment of public rights under Chapter 18, Article II, "Nuisances" of the Los Alamos County Code of Ordinances to protect public health, safety, and welfare; and

WHEREAS, Chapter 18, Article II, "Nuisances" provides minimum standards for the conditions and maintenance of structures, premises, and property and the process for a means of abatement of public nuisances; and

WHEREAS, Council sought public input to update minimum standards for the conditions and maintenance of structures, premises and property, and to identify processes for means of abatement by holding public meetings and by soliciting public comments and other feedback via the project website and a community survey in order to develop a current and cohesive update to Article II which reflects community priorities for the maintenance of property related to public health, safety, and welfare; and

WHEREAS, relying on community input and expert opinions from County staff and outside consultants, ensures that an update to Article II will better reflect community priorities; and

WHEREAS, repealing and replacing Article II in its entirety will improve the cohesiveness and consistency of the language and standards described in Article II, Chapter 18, "Nuisances," making it easier to understand and implement.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:

Section 1. Article II of Chapter 18 of the Code of the Incorporated County of Los Alamos, is hereby repealed in its entirety.

Section 2. A new Article II of Chapter 18, is adopted as follows:

CHAPTER 18.
ENVIRONMENT

ARTICLE II. NUISANCES

DIVISION 1. PURPOSE & SCOPE

Sec. 18-31. - Purpose.

The purpose of this Article is to promote the public's health, safety, and welfare by establishing minimum standards governing the conditions and maintenance of property and structures to prevent the creation and continuation of public nuisances, as defined by this Article, and to provide a means for abatement, as authorized by State Law.

Sec. 18-32. - Scope.

The provisions of this Article shall govern the responsibilities of a person for maintenance of all residential and nonresidential structures, premises, and property within the county. Property, structures, and premises shall be maintained in a clean, safe, and sanitary condition and shall not cause or create a health, safety, or welfare hazard.

Sec. 18-33. – Sec. 18-39. - Reserved.

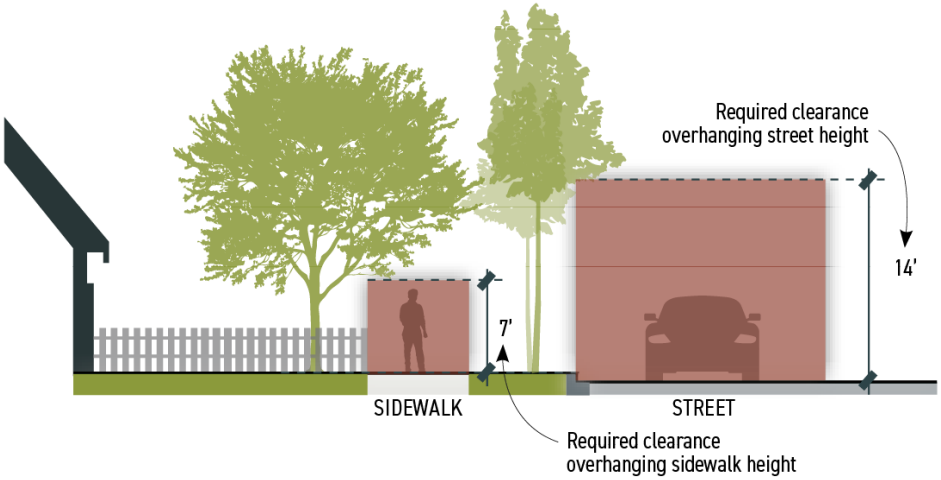
DIVISION 2. EXTERIOR PROPERTY AREAS

Sec. 18-40. - Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be maintained in a safe and passable condition, free from obstructions and hazardous conditions. This includes any object that obstructs the free flow of pedestrian or vehicular traffic thereon and obstructions impairing the line of sight, particularly within required clear path or sight triangle per Section 16-4-2(C)(IV) of the Chapter 16 Development Code.

Sec. 18-41. - Obstructive vegetation.

The owner or occupant of any property shall trim or remove all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, and clear sight triangle per Section 16-4-2(C)(IV) of the Chapter 16 Development Code in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicyclists, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures, or any other part of any public utility situated in the street or public right-of-way. Vegetation shall be trimmed or removed to maintain a minimum clearance of 7 feet overhanging sidewalk height and 14 feet overhanging street height.



Sec. 18-42. - Accumulation of litter, garbage, and refuse.

All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard or unsafe condition, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(III) of the Chapter 16 Development Code. Compost piles shall be contained or covered to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb no earlier than 5:00 p.m. the day prior to the day of collection, as determined by the collections schedule set forth by the county.

No person shall dump, deposit, place, or dispose of any trash, debris, junk, or other matter on public right-of-way, public property, or upon the property of another without permission from the property owner of record.

Sec. 18-43. - Movable or temporary storage structures.

Tents or canopies used for storage or metal storage or moving containers shall not be permitted in areas visible from the public right-of-way unless specifically approved and permitted through a Temporary Use Permit and in compliance with all Temporary Storage standards of the Chapter 16 Development Code.

Sec. 18-44. - Rodent harborage.

All buildings, structures, or lots shall be kept free from rodent harborage and infestation, as defined in this Chapter. No person shall place, leave, dump, or permit to accumulate any water, garbage, rubbish, or trash in any structure or premises so that the same may afford food or harborage for rodents or pests. When any structure or premises is so infested or subject to infestation, the property owner or occupant shall be responsible for the prompt extermination by processes that will not be injurious to human health.

Sec. 18-45. - Outdoor storage.

Outdoor storage or accumulation of items in residential zoning districts shall be stored and maintained in an orderly manner (e.g. stacked), shall not prevent emergency access to the primary structure, shall remain free of stagnant water, and shall be located outside the front setback area. Storage within carports is permitted, provided storage does not inhibit parking within the carport and storage complies with the provisions of this section. Items customarily associated with residential uses such as, but not limited to, hoses, lawn furniture, grills and outdoor cooking equipment, sport, game and leisure equipment, children's play equipment, firewood, etc. may be stored outside provided storage complies with the provisions of this section. This section shall not apply to the storage of such materials within a garage or other fully enclosed structure. Notwithstanding the foregoing, construction materials may be stored outdoors on residential premises for a period not to exceed nine months, or for such longer period of time as may have been approved by the Community Development Director, if such materials are being used in the construction of a structure on the site and for which a building permit has been issued by the county.

Outdoor storage in non-residential zoning districts shall be screened from view in accordance with requirements of the Chapter 16 Development Code, conditions of a Conditional Use Permit or Special Use Permit, or as otherwise required by law. All required screening shall be maintained in good repair.

Sec. 18-46. - Exhaust vents.

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, noxious odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property.

Sec. 18-47. - Accessory structures.

All accessory structures, including detached garages, fences, and walls, shall be maintained to be structurally sound and in good repair.

Sec. 18-48. - Inoperable or abandoned vehicles.

Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the vehicle such that the vehicle is not a safety hazard or visible from public view.

This section shall not apply to a vehicle stored in an enclosed structure; to vehicles on the premise of a business where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Conditional Use or Special Use, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies; or to a vehicle that is in compliance with NMSA 1978, Sections 66-11-1 through 66-11-5,

as may be amended, except that when stored in the front yard, such vehicles will be covered with an opaque cover designed to fit the vehicle.

Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property, provided the vehicle is registered in the resident's name, the dismantled parts are neatly stored out of public view when not actively being restored, and the vehicle is fully covered with an opaque cover designed to fit the motor vehicle if stored in a front yard when not actively being restored. This section does not apply to the routine or minor vehicle maintenance and repairs, such as oil changes, brake replacement, etc.

Sec. 18-49. - Swimming pools, spas, hot tubs.

Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, in good repair, and properly fenced and secured as required by Building Code or applicable law. No person shall allow any swimming pool or similar body of water to stagnate and become polluted or unsafe for its intended use. Spas or hot tubs with a hard safety cover in good repair that is latched or locked shall be exempt from the provisions of this section regarding fencing.

DIVISION 3. REGULATION OF EXTERIOR STRUCTURE

Sec. 18-50. - General.

The exterior of all structures shall be maintained in good repair and in a structurally sound, safe, and sanitary condition so as not to pose a threat to the public health, safety, or welfare.

Sec. 18-51. - Exterior surfaces protective treatment.

Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior surfaces shall be rated for exterior use to ensure that they retain their quality over time and shall be protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.

Sec. 18-52. - Unsafe conditions.

The following conditions shall be determined unsafe and are prohibited:

(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(c) Structures or components thereof that have reached their limit state;

(d) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(e) Failure to maintain structures, buildings, or premises to the following standards:

(1) Structural members. Structural members shall be maintained free from deterioration and capable of safely supporting imposed dead and live loads.

(2) Foundation walls. Foundation walls shall be maintained plumb, free from open cracks and breaks, and rodent-proof.

(3) Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials.

(4) Roofs and drainage. The roof and flashing shall be sound, tight, not have defects that admit rain or moisture, and drained to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that compromises the foundation, creates erosion, or creates a nuisance.

(5) Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair, be properly anchored, and in a safe condition.

(6) Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair, be properly anchored, and in a safe condition.

(7) Stairways, decks, porches, and balconies. Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, and be properly anchored and capable of supporting the imposed loads.

(8) Chimneys and towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally sound, in good repair, and in a safe condition.

(9) Handrails and guards. Handrails and guards shall be firmly fastened, capable of supporting normally imposed loads, and maintained in good repair.

(10) Windows, skylights, doors, and door frames. Windows, skylights, doors, and frames shall be maintained in sound condition, good repair, and weathertight. All glazing materials shall be maintained free from holes and not admit rain or moisture. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(11) Doors. Exterior doors, door assemblies, and hardware shall be maintained in good repair. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the Building Code.

Sec. 18-53. - Sec. 18-59. – Reserved.

DIVISION 4. ADMINISTRATION AND ENFORCEMENT

Sec. 18-60. - Responsibility for property maintenance.

Every owner of real property within the county is required to maintain the property in a manner that is in a clean, sanitary, safe, and structurally sound condition as not to violate the provisions of this Article, and the owner shall be responsible for any violations.

Sec. 18-61. - Violations.

(a) Violations of this Article shall be unlawful.

(b) Violations may be enforced by issuing notices of violation and, if necessary, by filing a criminal complaint in Municipal Court.

(c) Each calendar day of a violation shall constitute a separate offense.

(d) Nothing in this Article, however, shall in any way limit or prevent the county from taking any legal or equitable actions necessary to abate a public nuisance, taking immediate measures to prevent the imminent harm to or loss of life or property, or abating conditions that present an imminent danger to the health, safety, or welfare of the public.

Sec. 18-62. - Responsibility of enforcement.

The county Code Compliance Officer and Code Officials are authorized to enforce all provisions of this Article. The responsibilities of the county Code Compliance Officer and Code Officials shall include making decisions on conditions of abating violations of this Article.

Sec. 18-63. - Administration and enforcement procedures.

(a) Any person may report a suspected violation of this Article to the county Community Development Department.

(b) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Section 18-66(b) requesting the violation be voluntarily abated within 14 days of the receipt of the Courtesy Letter. The county may take action to abate a violation that presents imminent danger to the health, safety, or welfare of the public per Section 18-71(g).

(c) The Code Compliance Officer or Code Official may re-inspect the subject property after the 14-day abatement period described in the Courtesy Letter to determine if the violation has been abated.

(d) If upon re-inspection of the subject property, the Code Compliance Officer or Code Official finds the violation has not been abated, a Notice of Violation may be issued pursuant to Section 18-66(c).

(e) If the required abatement will require a longer abatement period, the owner of record may submit a request for an abatement extension to the Community Development Director or their designee. The request shall contain the property location, the violation, proposed abatement measures, and the proposed timeframe required to adequately abate the violation.

(f) The Code Compliance Officer or Code Official may re-inspect the subject property after the given abatement period to determine if the violation has been abated.

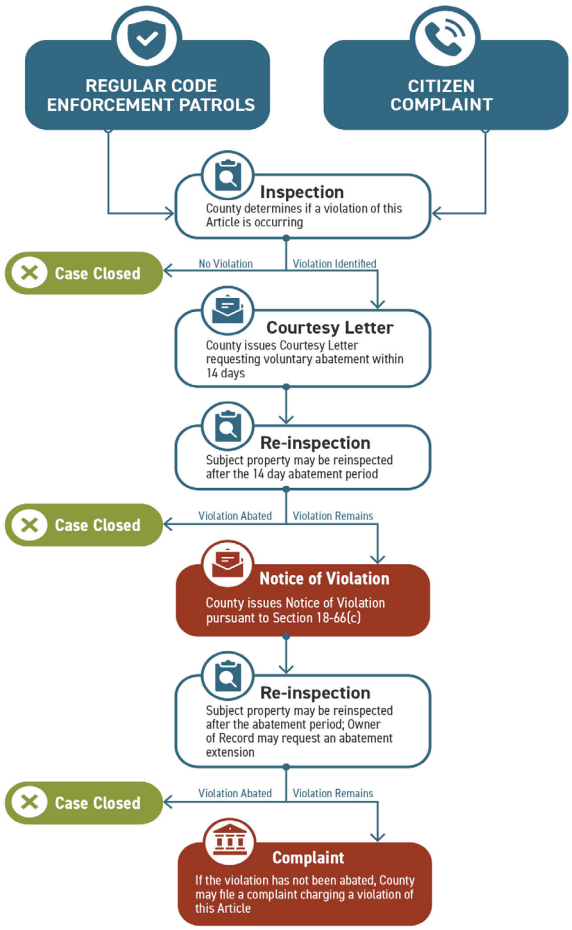
(g) Upon the failure to abate a violation within the given abatement period, the county may file a complaint charging a violation(s) of this Article with the Municipal Court.

Sec. 18-64. - Authority to Enter.

The Code Compliance Officer or Code Officials shall obtain a search warrant, or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied, prior to entering the interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises. Where it is necessary to make an inspection to enforce the provisions of this Article, or whenever the Code Compliance Officer or Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Article, the Code Compliance Officer or Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code. The provisions of this section do not apply in the event of explosion, fire, or like emergency.

Sec. 18-65. - Abatement and Lien.

The county is authorized to take affirmative action in accordance with NMSA 1978, Section 3-18-5, as may be amended, to abate a violation of this Article, and may place a lien on the real property for the reasonable costs of abatement, and the lien shall bear interest at the rate of twelve (12) percent per year from the date of filing the notice of the lien.



Sec. 18-66. – Notice.

(a) The Code Compliance Officer or Code Official shall issue all necessary notices or violation orders to ensure compliance with this Article.

(b) Whenever a violation is observed, the Code Compliance Officer or Code Official may send a written Courtesy Letter directed to the owner of record of the property, as identified in the records of the County Tax Assessor, to make them aware of the violation and to request abatement of the violation. The Courtesy Letter shall also be sent to the property address where the violation exists, if the property address is different from the address for the owner of record. The content of the Courtesy Letter shall contain:
   (1) A description of the violation, including the location of the violation in question;
   (2) A description of corrective action to abate the violation;
   (3) A request to complete all corrective action within 14 days after receipt of notification; and
   (4) The contact information for the Code Compliance Officer or Code Official.

The Courtesy Letter may be served either personally or by certified mail.

(c) In the event that re-inspection of the property after the 14-day period finds the violation was not abated and no abatement extension has been established per Section 18-63(e), the Code Compliance Officer or Code Official may send a Notice of Violation to the owner of record, as identified in the records of the County Tax Assessor, to abate the violation. The Notice of Violation shall also be sent to the property address where the violation exists, if the property address is different from the address for the owner of record. The content of the notice shall contain:
   (1) A description of the violation, including the location of the violation in question;
   (2) A description of all corrective action required to abate the violation;
   (3) A time period not less than 14 days or more than 30 days after service of the Notice of Violation, by which the owner must complete all corrective action; and
   (4) The contact information for the Code Compliance Officer or Code Official.

   A Notice of Violation shall be served on the owner personally or by certified mail. In the event the certified mail is returned undelivered, the owner of the property cannot be determined, or the owner does not respond to the Notice of Violation, such notice shall be served by affixing a copy of the Notice of Violation in a conspicuous location upon the premises.

(d) Nothing in this Section shall in any way limit or prevent the county from taking immediate measures to prevent the imminent harm to persons or property, or abating conditions under this or other chapters of the Code which present an imminent danger to the health, safety, or welfare of the public.

Sec. 18-67. - Penalties for violation.

Any person who convicted of a violation of any provision of this Chapter shall be sentenced in accordance with Section 1-8 of the Los Alamos County Code.

Sec. 18-68. - Sec. 18-69. – Reserved.

DIVISION 5. DEFINITIONS

Sec. 18-70. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Abate means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this Code or other county regulation, by such means and in such a manner and to such an extent as the applicable department director, Code Compliance Officer or Code Official, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this chapter, the verbs “abate” and “correct” shall be interchangeable and have the same meaning.

Accessory Structure means a structure detached from and located on the same lot as a primary building, clearly incidental and subordinate to the primary building or use. Accessory structures include but are not limited to shade structures such as covered patios, gazebos, pergolas, ramadas, or similar roofed structures. A structure attached by wall or roof to the main building is not an accessory structure but is a part of the main building.

Anchored means secured, attached, or fastened in place firmly so as to be capable of resisting natural or artificial loads.

Building means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines and which is used as a shelter or enclosure for persons, animals or property. This term shall be used synonymously with "structure" unless otherwise noted and shall be construed as if followed by the words "part or parts thereof."

Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health.

Code means any portion of the Los Alamos County Municipal Code.

Code Official means the county official who is charged with the administration and enforcement of this Code, or any representative authorized by the County Manager.

Deterioration means the process of weakening, disintegrating, corroding, rusting or decaying and losing effectiveness.

Dwelling unit means one or more rooms designed for or used as a residence by one family and constituting a separate and independent housekeeping unit, with a single kitchen; it does not mean quarters for transients in a club, hotel, or motel.

Exterior property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects or rodents by eliminating their harborage, by removing or by making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping, or by any other recognized and legal insect or rodent control method approved by the Community Development Department that will not be injurious to human health.

Fire hazard means any physical item or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire, or which may obstruct, delay, or hinder or may become the cause of an obstruction, a delay, or a hindrance to the prevention, suppression, or extinguishment of fire or any other fire hazard defined in the Uniform Fire Code.

Garbage means human-made or human-used waste which, if deposited within the county other than in a garbage receptacle, tends to create a danger to public health, safety, or welfare. Garbage may include any litter, trash, refuse, confetti, debris, rubbish, excrement, urine, or any noxious or offensive matter.

In good repair means in a condition where the structure fulfills its intended use, is safe and functional, and meets all other code requirements.

Infestation means the presence, within or contiguous to, a structure or lot of insects, rodents, or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by rodent harborage and long-term habitation by or frequent presence of pests.

Inoperable vehicle means any vehicle, including a motorcycle, meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (1) does not have current New Mexico state registration; (2) is extensively damaged (such damage including but not limited to any of the following: shattered or missing windows or windshield or missing wheels, tires, motor,

or transmission); (3) is not capable of travel under its own power in its existing mechanical condition; or (4) is on blocks or similar devices; or (5) is dismantled and not under active repair.

Imminent danger means a condition that could cause serious or life-threatening injury or death at any time.

Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state for more than 30 consecutive days including but not limited to: scrap metal and alloys, rags, cloth, clothing, paper, rubber pieces, rope, tinfoil, tires, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, furniture, refrigerators, freezers and all other appliances, machinery, used motor vehicles or the parts thereof or therefrom, any apparatuses or contrivances and parts thereof which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks, or other secondhand building material.

Notice of violation means a written statement, issued by a Code Compliance Officer or Code Official, which notifies a person that he or she is responsible for one or more violations of the Los Alamos County Municipal Code.

Noxious means physically harmful or injurious to human beings or domestic animals.

Occupant means any person living or sleeping in a building on the premise; or having possession of a space within a building.

Outdoor furniture means weather-resistant furniture that is designed and manufactured for outdoor use.

Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunction or inoperable household items, appliances, furnishings goods, products, or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code and that are not awaiting assembly into an active construction project. Items customarily associated with residential uses such as, but not limited to, hoses; lawn furniture; grills and outdoor cooking equipment; sport, game and leisure equipment; children's play equipment; firewood; etc. shall not be considered outdoor storage for the purposes of this Chapter.

Obstructive vegetation means any trees, plants, shrubs or vegetation or parts thereof which overhang any sidewalk or street and which are situated on the property, in the planting strip, or on the portion of the public right-of-way abutting thereon, in such manner as to obstruct or impair the free and full use of the sidewalk or right-of-way, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street.

Owner means any person, group of persons, firm, corporation, public agency or any other legal entity having legal chapter or equitable interest to the property subject to this article.

Pest means any organism that spreads disease, causes destruction, or may otherwise create a potential health hazard.

Person means any natural person, corporation, partnership, sole proprietorship, joint stock company, joint venture, private legal entity, or any federal, state, or local political subdivision or entity thereof.

Planting strip means the area of the right-of-way between the constructed curb or edge of the right-of-way and the adjoining property line, exclusive of any improved sidewalk or any established pedestrian path.

Publicly visible or public view means anything that can be seen by a person with normal vision from any sidewalk, or street.

Public Nuisance means a condition 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.

Premises means any building, lot, plot or parcel of land, easement or public way, or land or portion of land whether improved or unimproved, including adjacent sidewalks and planting strips.

Public right-of-way or right-of-way means all real property owned or held by the county, or by way of easement, or dedicated to the public and located within the county, and used or intended for use as a street, alley, sidewalk, public way, or easement for public or private utilities, whether developed or undeveloped.

Refuse means solid waste consisting of organic or nonorganic materials but shall not include human or animal body waste.

Rodent means a relatively small gnawing mammal that have in both jaws a single pair of incisors with a chisel-shaped edge.

Rodent harborage means any condition that provides shelter or protection for pests and rodents; thus, favoring their multiplication and continued existence leading to infestation in, under, or outside a structure or lot. Rodent harborage may be identified by one of more of the following signs: 1) the presence of live or dead rodents; 2) the presence of rodent nests made up of many kinds of materials, such as bits of paper, straw, rags, etc.; 3) rodent odor from rodent urine; 4) the presence of droppings; 5) evidence of gnawing; 6) rub marks or deposits of body oil and dirt from rodents found along frequently traveled routes as an indicator of habitual pathways; 7) the presence of runways or frequently traveled paths along floors, stairs, and shelves where droppings, rub marks, and stains from rodent urine are found; 8) the presence of burrows that consist of tunnels dug below ground and are used by rodents for nesting and as a path for travel.

Rodent proofing or rodent proof means permanent construction, alterations, repairs, devices, methods, or means to prevent the ingress of rodents into buildings or structures from the exterior or from one (1) building to another. “Rodent proofing” shall consist essentially of the closing, with materials or equipment impervious to rodent gnawing, of all openings in the exterior walls, ground or first floors, basements, roofs, sewers, and foundations which may be reached by rodents from the ground by climbing or by burrowing. As applied to buildings or structures, “rodent proofing” shall be interpreted to mean a continuous masonry foundation of the size and depth required by the Uniform Building Code and other requirements for a building of the same occupancy for clearances beneath wood joists, wall coverings adjacent to the top foundation, and the protection of roof and foundation openings, and such other methods and means as will provide an equivalent effect and are approved by the Building Official.

Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or waste is present in such a manner as constitutes a health hazard.

Structure means anything constructed or built which requires location on or in the ground or is attached to something having a location on or in the ground. Underground storage tanks, patio slabs, paved areas, walks, tennis courts and similar facilities, the tops of which are not more than 30 inches above ground, are not structures.

Structurally sound means substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

Temporary storage means non-permanent, portable receptacle designed and used for the storage or shipment of household goods, wares, building material or merchandise, such as moving PODS or tents, or temporary storage activities that occur on a temporary basis for no more than 60 consecutive days at one time and is easy to remove.

Unsafe condition means a condition that includes, but is not be limited to, any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures, inoperable vehicles as defined herein or any other hazardous object or condition, that is or may be an attractive nuisance to children or a danger to the life, premises, occupants, or safety of the public and any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation, or lack of maintenance is a hazard to the public.

Unsanitary condition means a condition that poses or may pose a threat, hazard, or nuisance to human health which may be evidenced by one or more of the following conditions: (1) fire or water damage; (2) infestation by rodents or other pests; (3) excessive amounts of litter or junk on the property; (4) abandoned pools or deposits of water that have been polluted; or (5) unclean animal enclosures.

Vegetative debris means dead and downed plant material, naturally expired or portions of a plant removed intentionally such as by trimming, resulting from trees, grasses, shrubs, and understory groundcover and not being used for mulch or sources of seeds for new growth.

Violation means an act or omission contrary to a regulation as defined in this Code. A violation continues to exist until abated to the satisfaction of the county, with each calendar day or portion thereof in which the violation continues constituting a separate violation.

Sec. 18-79. – Sec. 18-89. – Reserved.

Section 3. Effective Date. This ordinance shall be effective thirty (30) days after publication of notice of adoption.

ADOPTED this ___ day of _____ 2022.

INCORPORATED COUNTY OF LOS ALAMOS

_____

Randall T. Ryti,
Council Chair

ATTEST:

_____

Naomi D. Maestas,
Los Alamos County Clerk