



LAC Chapter 18 Nuisance Code Update: Public Comment Matrix				
Topic	Applicable Section	Comment	Revision	Response
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	Would either of you mind explaining how automotive maintenance falls under the tenets of the nuisance code? Requiring all work to be completed in a fenced area or a garage is a safety hazard for many residences in the county and regardless of that - this work does not fall under the premises outlined by the code itself. Is there a reason this new code section was added? Why does the county believe it has the authority to regulate what hobbies or maintenance are performed in a safe manner in driveways throughout the county?	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.”</u></p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Thanks for responding. No, I don't believe it's appropriate to include at all [in reference to comment above]. It's not a safety issue in any context and it is not the county's place to regulate what people are doing safely on their private property.</p> <p>The nebulous language included in basically every single section of the updated document makes it very easy to weaponize against a resident. This one is no exception, it was just one of the more egregious examples.</p> <p>I'm sure you're getting bombarded with emails but you can count me in with the group that's tired of literally everything to do with the nuisance code. It could be abolished entirely and the only change would be happier residents, less county cost, and less strife.</p> <p>Safety infractions are one thing. Pretending the county is an HOA with extremely poorly written rules is another.</p>	No revision	<p>The draft attempts to reduce nebulous language throughout, but public comments have revealed several sections that could continue to be improved; the project team is reevaluating the sections where the public has raised concerns and will provide an updated draft for review anticipated to be released in Fall 2022.</p> <p>Concerns regarding regulations geared toward safety and aesthetics have been raised on both sides; a desire for more aesthetic concerns like weeds or outdoor storage to be regulated as well as concerns that more aesthetic standards for requirements for screening of outdoor storage from public view being too onerous. Various communities draw the line differently, often those that contain more “aesthetic” regulations within their nuisance codes correlate to theories about property care &amp; maintenance helping to reduce crime &amp; violence. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article.</p>
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>On July 25<sup>th</sup>, the final draft revision of the updated nuisance code was released for public comment. While there are certainly many questionable and concerning changes being proposed, I’d like to focus on Sec 18-38, particularly the “Alternative for Personal Auto and Hobby Repair,” quoted below:</p> <p>Alternative for Personal Auto and Hobby Repair<sup>16</sup>: Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p><sup>16</sup>: Alternative language that would be inserted to deal with Personal Auto and Hobby Repair if desired by the Community.</p> <p>While this section <i>may</i> only apply to inoperable vehicles referenced just above this particular paragraph, my naive reading interprets this as a blanket statement intended for any vehicle repair. For either reading, however, a significant issue is that many houses in the county do not have garages or “not readily visible” areas with which to work on vehicles. (By the way, how many pre-1980s garages can even fit a modern vehicle?) To assess the percentage of houses without garages, I took a Google Streetview tour of several streets throughout the county – what I believe to be a representative sample from various neighborhoods. The results are:</p>	See alternatives for revisions in comment 1 on page 1 above.	<p>The project team understands the concerns regarding the alternative language under the heading Alternative for Personal Auto and Hobby Repair on page 5 of the draft and appreciates the analysis provided. It was intended to apply only to automotive repair of inoperable vehicles being stored in public view while being repaired or restored over extended periods of time. A series of comments sharing your concerns are bringing to light that this language was not clear. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and Council.</p>



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		<table><tr><th>Area</th><th>Sampled Street</th><th># houses in sample</th><th>% with garage</th></tr><tr><td>Barranca Mesa</td><td></td><td>31</td><td>97%</td></tr><tr><td></td><td><u>Totavi St.</u></td><td>31</td><td>97%</td></tr><tr><td>North Mesa</td><td></td><td>57</td><td>74%</td></tr><tr><td></td><td>Kristi Ln</td><td>25</td><td>100%</td></tr><tr><td></td><td>Seminole St</td><td>32</td><td>53%</td></tr><tr><td>North Community</td><td></td><td>46</td><td>52%</td></tr><tr><td></td><td>Woodland Rd</td><td>46</td><td>52%</td></tr><tr><td>Western Area</td><td></td><td>35</td><td>23%</td></tr><tr><td></td><td>41st St</td><td>27</td><td>15%</td></tr><tr><td></td><td>49th St</td><td>8</td><td>50%</td></tr><tr><td><u>Quemazon</u></td><td></td><td>52</td><td>100%</td></tr><tr><td></td><td><u>Quemazon Pl</u></td><td>52</td><td>100%</td></tr><tr><td>Eastern Area</td><td></td><td>45</td><td>47%</td></tr><tr><td></td><td>7th St</td><td>10</td><td>50%</td></tr><tr><td></td><td>Nambe Loop</td><td>19</td><td>37%</td></tr><tr><td></td><td>Quartz St</td><td>16</td><td>56%</td></tr><tr><td>Elk Ridge</td><td></td><td>23</td><td>0%</td></tr><tr><td></td><td>Royal Crest Ln</td><td>23</td><td>0%</td></tr><tr><td>Mirador</td><td></td><td>32</td><td>100%</td></tr><tr><td></td><td><u>Confianza St</u></td><td>32</td><td>100%</td></tr><tr><td>White Rock</td><td></td><td>70</td><td>77%</td></tr><tr><td></td><td>Azure Dr</td><td>21</td><td>100%</td></tr><tr><td></td><td>Hamlin Ct</td><td>15</td><td>73%</td></tr><tr><td></td><td>Isleta Dr</td><td>19</td><td>42%</td></tr><tr><td></td><td>Yosemite Dr</td><td>15</td><td>93%</td></tr></table> <p>What can we learn from this brief analysis? While some newer (more expensive) developments have garages as a standard feature, there are many communities where garages are not as plentiful. The Western Area, Eastern Area, and portions of White Rock have garages at less than 50% of the sampled houses. And while I oppose this code update, I tried not to let bias influence my sample methodology. Are homeowners in these communities meant to just never work on their cars? As a relatively new homeowner without a garage, can I never change my own headlight or swap out brake pads on my driveway? It seems to me that, particularly with the makeup of houses in our community, this proposed rule overreaches and punishes those who weren't able to afford (or just weren't lucky enough to get) a house with a garage. Suddenly, home auto repair is reserved for the haves and taken away from the have-nots. As an old mentor once said, "Life is more expensive the less affluent you are. Frugality is often a luxury." The spirit of repairing your own car lies in frugality – it is a way to save money and help make ends meet. Look again at the communities with low numbers of garages... Is this fair?</p>	Area	Sampled Street	# houses in sample	% with garage	Barranca Mesa		31	97%		<u>Totavi St.</u>	31	97%	North Mesa		57	74%		Kristi Ln	25	100%		Seminole St	32	53%	North Community		46	52%		Woodland Rd	46	52%	Western Area		35	23%		41st St	27	15%		49th St	8	50%	<u>Quemazon</u>		52	100%		<u>Quemazon Pl</u>	52	100%	Eastern Area		45	47%		7th St	10	50%		Nambe Loop	19	37%		Quartz St	16	56%	Elk Ridge		23	0%		Royal Crest Ln	23	0%	Mirador		32	100%		<u>Confianza St</u>	32	100%	White Rock		70	77%		Azure Dr	21	100%		Hamlin Ct	15	73%		Isleta Dr	19	42%		Yosemite Dr	15	93%		
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		<p>Of course, this proposed rule is slightly more insidious. How much will my home's value drop because driveway auto repairs would be illegal? When my house received its assessor's report last year, the value of a garage was listed at \$10k. A workshop was \$5k. I accepted and agreed with that difference. If this ruling takes effect, it will drop my property's value even more. I would not have bought this house. The rule will reduce the supply of willing buyers for properties like mine – every potential gear head would see it as a red flag. (Conversely, newer houses with garages will see their values only increase.)</p> <p>I certainly hope that footnote 16 is true, and that the community expresses a desire to enable those without garages to make repairs to their vehicles.</p> <p>According to the press release, "Members of the public may review and email additional comments by August 23 to Jessica Lawlis at JessicaL@dpsdesign.org or Sobia Sayeda at Sobia.Sayeda@lacnm.us. CDD staff will also present the final draft to the Los Alamos County Community Development Advisory Board (CDAB) on August 15." I encourage all readers to submit their thoughts on this matter.</p> <p>The press release may be found at: <a href="https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-update-available-for-review">https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-update-available-for-review</a></p>		
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>I am writing in regards to the draft nuisance code: Sec 18-38, particularly the "Alternative for Personal Auto and Hobby Repair," quoted below: Alternative for Personal Auto and Hobby Repair16: Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way. 16: Alternative language that would be inserted to deal with Personal Auto and Hobby Repair if desired by the Community. Although I understand not wanting cars on blocks in front yards, it would be impossible for me to change the oil, rotate my tires or any of the other minor repairs I regularly do. Please reconsider the wording to allow eliminate the "cars on blocks" issue while allowing us to work on our vehicles in the driveway. Perhaps a time limit?</p>	See proposed revision in comment 1 on page 1 above.	The alternative language under the heading Alternative for Personal Auto and Hobby Repair on page 5 of the draft was intended to apply only to automotive repair of inoperable vehicles being stored in public view while being repaired or restored over extended periods of time. A series of comments sharing your concerns are bringing to light that this language was not clear. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and Council. This language provides exceptions to the routine or minor vehicle maintenance and repairs and provides time limits for hobby restoration activities.
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>I do appreciate the clarification and fast response. I also recognize that you all have what's probably a thankless job and deal with a lot of cranky people. Thank you for putting the work in.</p> <p>I believe the main thrust of my argument stands, and I still oppose that section of the code. I understand what it's trying to do... but I think what it's trying to do is more aligned with an HOA rather than county code. It's totally fine for a planned community to set up rules before everything is built out (particularly if rules relate to garages, which a planned community might dictate all houses have) <i>because everyone knows what they're getting into when they buy into an HOA</i>. Creating these sorts of rules when half the structures in this town are from the 1950s seems to somehow go beyond what's right.</p> <p>Even with your clarification, there are conflicts in the language and additional concerns. The main body of Sec 18-38 states that "Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape,</p>	See proposed revision in comment 1 on page 1 above.	The proposed revisions above to provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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		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." Presumably, my lot would qualify for one inoperable vehicle being stored on the driveway. Can I work on said vehicle? The Personal Auto Repair section is pretty explicit that I can't. So I can store an inoperable vehicle but never work on it. Cool.		
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	I just read about the county nuisance code and I didn't know there was a survey until now. I have a classic car in my driveway which I consider one my most valuable possessions and the classic car hobby adds a lot to my happiness and well being. I have it under a car cover and I hope to get it back on the road in the near future. I had to sell my parts car a few years ago because I was harrassed by the code officer and I'm not very happy about stricter code enforcement. I believe there's a state ordinance protecting the classic car hobbyists. So what can I do to keep my car and not get harassed about it by Los Alamos county?	See proposed revision in comment 1 on page 1 above.	NMSA 1878 Article 11 Vehicles of Historic and Special Significance does address classic cars. Section 66-11-3 Storage provisions states "A collector may store motor vehicles or parts thereof on his private property provided such vehicles and parts cars, and the outdoor storage areas, are maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash and other objectional [objectionable] items." The language included within the draft is consistent with State Statutes. The response above, on page 1, lists two potential alternatives on which the project team needs direction from CDAB and Council. This language provides exceptions to the routine or minor vehicle maintenance and repairs and provides time limits for hobby restoration activities.
Definitions - Inoperable Vehicles	DIVISION 5. DEFINITIONS	<p>There are also issues with the definition of inoperable. As stated, the definition is three of the following:</p> <p>(a) does not have current state registration; (b) is extensively damaged, (such damage including but not limited to any of the following: broken windows or windshield, or missing wheels, tires, motor, or transmission); (c) ils not capable of travel under its own power in its existing mechanical condition; or (d) is on blocks or similar devices; (e) is partially or wholly dismantled.</p> <p>Does a broken windshield mean a cracked windshield? If so, then 80% of the vehicles trying to be sold in the town's Lemon Lot are extensively damaged. This criterion should probably be modified to "Shattered windshield" Furthermore, what does partially dismantled mean? A single bolt taken out of the engine block? Probably not... but then what percentage of a car needs to be taken apart to constitute partially dismantled (or even wholly dismantled)?</p> <p>For context, one of our two cars died last week - a 2002 Jeep Liberty with 230,000 miles on it. It's sitting on my driveway. Though I've decided to junk it this weekend, I had considered rebuilding the engine because it's pretty much impossible to buy a new car these days. I don't have the money to pay over MSRP, or above KBB values that everyone is demanding these days. To rebuild the engine (including sourcing parts) would probably take over 30 days (3-4 weekends for me). It's got a cracked windshield. It's partially dismantled (I was troubleshooting under the hood), and it's on two jack stands. In three weeks, I would not be compliant under the proposed code.</p> <p>These semantics are important. Even disregarding these specifics, though, the proposed code drastically overreaches what I feel I ought to be able to do on private property. Clearly an inoperable car is not a health and safety issue if I'm</p>	Revise Inoperable Vehicle definition to read "Inoperable vehicles means any vehicle, <u>including motorcycles</u> , meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: <del>broken</del> <u>shattered or missing</u> windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; <del>or</del> (d) is on blocks or similar devices; <u>or</u> (e) is <del>partially or wholly</del> dismantled <u>and not under active repair</u> ."	The definition of inoperable vehicles has been revised to address concerns.



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		allowed 1 in front of the house or 3 in the backyard. It's purely an aesthetics thing, but with half the town being 70 years old, this town is never going to look like a wealthy midwestern gated community. Don't pretend like it will. I truly hope you're taking these comments to heart, and channel the critiques into a better and more effective nuisance code.		
Outdoor Storage	Sec 18-34 Outdoor storage	I haven't been following the Chapter 18 update very closely. (Chapter 16 more than enough to give me a headache...). I was reading through the draft today and wanted to make sure the sections on outdoor storage won't cause any issues with the two Metzger's stores. As you know, we receive a lot of seasonal products by the truck load. From spring through late summer, that is typically lawn and garden mulches, dirt, etc that is stored outside on Deacon Street, with the overflow in the 15 <sup>th</sup> Street side of the Los Alamos store, and the north and rear of the White Rock store. In the fall and winter months, this is replaced by ice melts and heating pellets. I saw some language in the automotive section that might be applicable if tweaked: "This section shall not apply in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure" I may be overthinking this, but I wanted to make sure we don't do anything that would have an adverse effect on our business. We're already very constrained and don't have any good options that I can think of. Please let me know if it would be a good idea to get together and discuss this.	No revision	Section 18-34 Outdoor Storage contains standards that are primarily geared toward residential uses. The following language points non-residential uses back to the Chapter 16 Development Code "Outdoor storage in non-residential zoning districts shall be screened from view in accordance with requirements of Chapter 16 or conditions of a Conditional Use Permit or as otherwise required by law[1]. All required screening shall be maintained in good repair." It might be worth taking another look at those standards to ensure you don't have any concerns, see the language in Section 4-4(E)(III) of the draft of the Development Code ( <a href="https://losalamosconnect.org/wp-content/uploads/2022/07/LAC-Chp-16-Development-Code-M3-DRAFT-July-2022-rev.pdf">https://losalamosconnect.org/wp-content/uploads/2022/07/LAC-Chp-16-Development-Code-M3-DRAFT-July-2022-rev.pdf</a> ). The language reference is contained in section 18-38 Inoperable or abandoned vehicles and was intended to ensure that salvage yards and other licensed business can continue to operate as permitted within the applicable zoning district or through other obtained permits that permit the use. It doesn't refer to outdoor storage.
General		I just read the draft of the updated nuisance code and I agree with it. It is a very good code. I may have missed it, but is there a way to anonymously report code violations to the county code enforcement? Also, will there be code enforcement proactively monitoring residential areas for code violations? I can see that this nuisance code has taken a lot of work, investment, and time to produce. I really hope it is enforced.	No revision	Section 18-73 covers administration and enforcement, the current practice that is carried forward in the draft is a hybrid enforcement approach that operates through a combination of active patrols and inspections based on violations reported by the community.
		Here's a contradiction. Is it the intent to reinstate "weeds" in the ordinance as a problem? The introductory materials mention weeds. As you know, violations due to "weeds" have created much resentment and anger in the community in the past few years. Or is it the intent to focus on the real problem, of "vegetation" that obstructs sidewalks, roadways, and line-of-sight for people using sidewalks and roadways? The latter focus would be much preferable. Here's why I ask. The introductory materials in the press release and on the County web site, linked on the announcement on the Los Alamos County Facebook page, specifically mention "weeds". "The nuisance code specifically addresses <b>weeds</b> , outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare on private property." <a href="https://www.losalamosnm.us/news/draft_updates_to_nuisance_code_released">https://www.losalamosnm.us/news/draft_updates_to_nuisance_code_released</a>		The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term "weed" and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.  The project website was established prior to this change. We understand the concerns about this change in verbiage being confusing. The project team can update the website to include clarifying language to relay this change in verbiage.



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		<p>"The Chapter 18 Update will revise Los Alamos Code of Ordinance Chapter 18 Environment Article II Nuisances. This section addresses <b>weeds</b>, outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare occurring on private property."</p> <p><a href="https://www.lacchp18update.org/">https://www.lacchp18update.org/</a></p> <p>and</p> <p>"The nuisance code specifically addresses <b>weeds</b>, outdoor storage, dilapidation, refuse and rubbish, and other threats to public health, safety, and welfare on private property. This project is the first comprehensive update to this section within the Los Alamos Code of Ordinance Chapter 18 Environment Article II."</p> <p><a href="https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-update-available-for-review">https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-update-available-for-review</a></p> <p>However, it appears that the word "weeds" has been removed from the most recent draft update of the ordinance, although the word "weeds" can be found in the redlined section of the redlined earlier version.</p> <p><a href="https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf</a></p> <p>I would like to see an explanation of this contradiction from the people responsible for this information, or correction of it in the introductory materials on the County Web Site. Is the intent to continue the practice of considering "weeds" a violation, or is it the intent to change the focus to "vegetation" that obstructs sidewalks, roadways, and line of sight?</p>		
Storage of Recreational Vehicles / Trailers	Sec 18-34 Outdoor storage	<p>The new draft Chapter 18 Code adjustments seems to suggest that residents would no longer be allowed to park their trailers in their driveways or in their side yards if the trailer (or towable camper) were taller than the fence (limited to 6 feet per the building code). This would essentially prohibit towable RV ownership in Los Alamos county. Could you please comment on/clarify the intention of this new ordinance?</p> <p>From the draft below: • Outdoor storage or accumulation of items in residential zoning districts consisting of but not limited to junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. • Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of goods, products, tools, machinery, equipment, inoperable vehicles, trailers, or other similar items that are not allowed as a principal use or an accessory use of</p>	<p>Revise outdoor storage language to read "Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. Items customarily associated with residential uses such as, but not limited to, hoses, lawn furniture,</u></p>	<p>The project team understands the concerns about trailers being grouped into outdoor storage requirements. The definition of outdoor storage was revised to remove the term trailers. CDAB / Council direction is needed to determine if standards for parking of trailers needs to be incorporated into the draft.</p> <p>Storage of recreational vehicles is addressed in the updated Chapter 16 Development Code Use Specific Standards Section 3-2(D)(XI). This section provides for the storage of trailers in residential areas, stating:</p> <p>1. Parking of Recreational Vehicle, Boat, and/or Recreational Trailer shall occur in one of the following areas:</p> <p>A. Inside an enclosed Accessory Structure.</p> <p>B. Outside in a side or rear yard.</p> <p>2. A Recreational Vehicle, Boat, and/or Recreational Trailer Recreation equipment shall not be parked or stored in front yards except for periods for loading or unloading purposes provided it does not exceed 10 days at a time; except if the lot, because of topography or shape, and the structures located on the lot, cannot reasonably accommodate the location of recreation equipment in areas other than the front yard. In those instances, the recreational vehicle shall be kept in reasonable, operable condition and repair and parked at least 11 feet from the face of the curb.</p>



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		the premises or property under Chapter 16 Development Code.	<p><u>grills and outdoor cooking equipment, sport, game and leisure equipment, children’s play equipment, firewood, etc. may be stored outside. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	<p>3. No part of any recreational vehicle or equipment may extend over any public sidewalk or into any required clear sight triangle.</p> <p>4. No parked vehicle or equipment may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 30 days in any calendar year on any lot if used by house guests of the resident(s) of the premises, provided that no money is received by the resident(s) of the site for this privilege or as a temporary dwelling during the construction of a single-family or two-family dwelling, through the issuance of a Temporary Use Permit, pursuant to Section 5-3(A)(XI).</p>
General		Could I get a copy of the Chapter 18 rewrite that is just the straight, newly proposed text? No strike through or changing color or etc. I think I could review it better, and I can refer back to the version posted if I want to see what the new text replaces.		A clean version of the Chapter 18 draft is available online here: <a href="https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf</a>
General		<p>Hi, I have some concerns about the nuisance code. Overall it seems to align with the responses to the public survey, though the public survey was not written in a very neutral way. For example, the survey didn't distinguish between items that are unsafe to the public or unsafe to people on the private property. It seems to me that items of private safety might be better included in the building codes, as those things are of no nuisance to the public.</p> <p>For an example of the bias of the survey, it asked if well-maintained properties could include fairly positive things (like fences in good repair) but did not ask if they could include the opposite (potentially negative thing like fences in poor repair,) which implies that there is wide support for the positive things but had no option for those of us who don't prioritize the potential negatives. Then the code was written as if those positives were very important. Even the survey results' summaries are written with a particular slant.</p>		
Garbage receptacle storage	Sec 18-32 Accumulation of litter, garbage, and refuse	Of specific concern to me personally are two items in the draft. One is about trash cans only being able to be taken to the curb on trash day. Now, I live on Walnut Street. Almost all houses in my neighborhood are either steeply uphill or downhill from the street. Most people store their trash cans on the yard side of the sidewalk - so not technically at the curb, but certainly close to public spaces. Is this going to be a problem? If it is, what considerations will be made for	Revise language to read “All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean	Los Alamos Code of Ordinances Sec. 32-7 Placement and maintenance of containers within the Solid Waste Management Chapter states “(c) Roll-carts are to be removed from streets and sidewalks and neatly stowed by the end of the day of collection and set out for collection no earlier than 5:00 p.m. the day prior to scheduled collection.”



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		ADA accommodations? Many people are not able to pull a full trash can up or down hill on a regular basis.	and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be screened from public view and shall be kept covered, except while turning to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm the day prior to the day of collection as determined by the collections schedule set forth by the County.</u> "	Trash cans stowed neatly on the yard side of the sidewalk would not be in violation of this language or the proposed language within the draft.  The proposed language will be revised to match the existing language with Chapter 32 regarding timeframes the receptacles may be set out at the curb.
Public View	Division 5: Definitions	Second, this definition: "Publicly visible or public view means anything that can be seen by a person with normal vision from any sidewalk, street, alley, or other public place, or from any building situated on an adjoining property." Now, my neighbors both live in multi-story houses. They could see into my back yard even if it had a 10' cinderblock wall. Does this mean I have no place I can do the things prohibited from public view in the code? I can't imagine this is what is meant by the code, but it is absolutely what it says. There are many other examples of vague wording in the code, which I am sure are being pointed out to you by other people. Given the strictness with which the nuisance code has been enforced in the past, I am very worried about the vagaries and how they can be used to harass and punish Los Alamos residents. Please reconsider this draft and improve it.	Revise publicly visible definition to read "Publicly visible or public view means anything that can be seen by a person with normal vision from any sidewalk, <u>or street, alley, or other public place, or from any building situated on an adjoining property.</u> "	
General		I've done one scan of Chapter 18 and want to send some thoughts, concerns and questions. I guess this is a head's up for issues I may raise at the August 15 CDAB meeting. Start out with the positive: * Thank you for all your hard work on what I think is very much improved text and organization for Chapter 18. I especially liked: ** Definition section ** Sec. 18-31, Obstructive Vegetation and avoidance of the term weeds ** How you dealt with fire hazard between Sec. 18-32 and the definitions for vegetative debris and fire hazard	No revision necessary	
Grammatical, typographical and other errors		Step next into language concerns: I realize this is a draft document but the number of grammatical, typographical and other errors and inconsistencies is concerning as it points to a lack of attention to detail. When I see these errors it makes me dubious about the quality of the larger effort. Just saying...  ** Inconsistent use of serial commas. Pick a style and stick with it. Otherwise, its absence/presence can impart unintended meaning to a sentence or clause. And that seems important in a legal document.		The draft underwent additional proofing to fix grammatical and typographical errors and comma use made consistent.
Grammatical, typographical	Sec 18-2 Scope	** Sec 18-2 "... clean, safe, and sanity conditions..." Should be "sanitary"	Revise language to read "The provisions of this Article shall govern the responsibilities of a person for maintenance of all residential and	



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and other errors			nonresidential structures, premises, and property within the county. Property, structures, and premises shall be maintained in a clean, safe, and <del>sanitary</del> <del>sanity</del> condition and shall not cause or create a health, safety, or welfare hazard”	
Cross-References	Sec 18-30 Sidewalks and Driveways and Sec 18-31 Obstructive Vegetation	** Sec 18-30 vs. Sec 18-31 -- the code reference for "clear sight triangle" is footnoted for an update in one section and specified in the next. Why the inconsistency?	Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair</del> and maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.”</del>	
Grammatical, typographical and other errors	Sec. 18-34 Outdoor Storage	** Sec 18-34 -- That first sentence should be broken up because it is a bear to read, and the inclusion of the comma after "by this Code" makes the final clause non-restrictive.  Proposed alternate wording: Outdoor storage or accumulation of items in residential zoning districts shall be prohibited within any yard, unenclosed porch, carport [etc] unless otherwise allowed by this Code. Such items consist of but are not limited to junk, building or construction materials [etc. etc.]		The draft underwent additional proofing and the language revised to fix grammatical and typographical errors.
Grammatical, typographical and other errors	Sec. 18-35 Movable or temporary storage structures	** Sec 18-34 -- First paragraph atop Page 4 ends in an incomplete sentence	<u>Sec 18-35</u> Movable or temporary storage structures	Revised formatting to make Movable or temporary storage structures a header “ <u>Sec 18-35</u> Movable or temporary storage structures”
Grammatical, typographical and other errors	Sec. 18-35 Rodent Harborage	** Sec 18-35 -- Last sentence replace "which" with "that"	Revise language to read “All buildings, structures or lots shall be kept free from rodent harborage and infestation, as defined in this Chapter. It shall be unlawful for any person to place, leave, dump, or permit to accumulate any water, garbage, rubbish, or trash in any structure or premises so that the same may afford food or harborage for rodents or pests. When any structure or premises is so infested or subject to infestation, the property owner or occupant shall be responsible for the prompt extermination by processes <u>that</u> <del>which</del> will not be injurious to human health”	
Grammatical, typographical and other	Sec 18-73 and Sec 18-75	** Sec 18-73 and Sec 18-75 contain much the same information and I am not sure if it's supposed to be one or the other or if 18-75 is intended to amplify 18-73 or what.	Revise language to read “(c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a	



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errors			<p>written Courtesy Letter pursuant to Sec 18-75 <del>to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record,</del> requesting the violation be voluntarily abated the nuisance within 14 day of the receipt of the Courtesy Letter.</p> <p>(f) If upon re-inspection the Code Compliance Officer or Code Official finds the violation has not been abated, a Notice of Violation may be issued <del>to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record,</del> pursuant to Sec 18-75."</p>	
Grammatical, typographical and other errors	Sec 18-73 (c)	** Sec 18-73 (c) has some problems toward the end of the sentence. Likewise 18-73 (h), first sentence.	<p>Revise language to read "(c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 <del>to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record,</del> requesting the violation be voluntarily abated the nuisance within 14 day of the receipt of the Courtesy Letter.</p> <p>(h) If the required abatement will require a longer abatement <del>period, the property,</del> the owner of record may submit a request for an extended abatement timeframe to the Community Development Director. The request shall contain the property location, the violation, and proposed abatement measures, and the proposed timeframe required to adequately abate the violation."</p>	
Grammatical, typographical and other errors	After 18-74 comes Sec 18-1	** After 18-74 comes Sec 18-1, Abatement and Lien. Incorrect numbering?		The section numbering throughout the draft has been revised.
Grammatical, typographical and other errors	Sec 18-75	** Sec 18-75 (a) -- "violation orders" should be plural (singular "order")	Revise language to read "A Code Compliance Officer or Code Official shall issue all necessary notices or violation orders to ensure compliance with this Article."	
Grammatical, typographical and other errors	Division 5. Definitions	** Definitions, Deterioration -- the definition includes a string of verbs whereas Deterioration is a noun.	Revise language to read "Deterioration means <del>the process of to</del> weakening, <del>disintegrating</del> disintegrate, <del>corroding</del> corrode, rusting or decaying and <del>losing</del> lose effectiveness."	
Grammatical, typographical and other errors	Division 5. Definitions	** Definitions, Exterior property -- insert "means"	Revise language to read "Exterior property <u>means</u> the open space on the premises and on adjoining property under the control of owners or operators of such premises."	
Sidewalks and	Sec 18-30	And finally philosophical concerns and issues	Revise language to read "Sidewalks, walkways, stairs, driveways,	The language was revised to remove maintenance obligation of the



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driveways		** Sec 18-30 -- Are the pedestrian sidewalks in front of residences the property owner's or the County's responsibility? Seems like the County does all the repairs on them. So, does this distinction of what sidewalks we mean for the owner or occupant's responsibility need to be clarified?	parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del>	sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
Sidewalks and driveways	Sec 18-30	** Sec 18-30 -- Does "maintenance of a constant grade" imply no terracing?	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del>	Removed constant grade language since sidewalks typically include acceptable running slopes and cross slopes to facilitate proper drainage. Terracing of private properties would not be regulated by this section.
Obstructive vegetation	Sec 18-31 Obstructive vegetation	** Sec 18-31 -- "...destroy, remove or trim ..." comes across as aggressive. Can we put "destroy" last in the series? "Trim, remove, or destroy" seems like a more natural, graded approach. And – is there a difference between remove and destroy? Would just saying "remove" do the trick?	Revise language to read "The owner or occupant of any property shall <del>destroy, remove or trim</del> <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be <del>removed or</del> trimmed <u>or removed</u> to maintain a minimum clearance of <del>7</del> 6 feet overhanging sidewalk height and 14 feet overhanging street height."	The language has been revised to read less aggressively.
Obstructive vegetation	Sec 18-31 Obstructive	** Sec 18-31 -- Is trimming overhanging trees to a minimum clearance of 6 feet sufficient? Fifteen percent of the American population is taller than 6 feet. Maybe	Revise Language to read "The owner or occupant of any property shall <del>destroy, remove or trim</del> <u>or remove</u> all trees, plants, shrubs or	The clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV).



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	vegetation	7-foot clearance?	vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be <del>removed or</del> trimmed <u>or removed</u> to maintain a minimum clearance of <del>76</del> feet overhanging sidewalk height and 14 feet overhanging street height.”	Language revised to 7 ft.
Outdoor Storage	Sec 18-34 Outdoor Storage	<p>** Sec 18-34, Outdoor storage -- This is going to be a challenging one, especially given the recommendation CDAB passed (perhaps without sufficient thought) at our last meeting. Nothing in here points to public health or safety, so I assume we are now into the realm of public welfare, which has maybe become our catch-all for aesthetics. We need to find some way to thread this needle.</p> <p>The definition for "Junk" is pretty specific and inclusive, so maybe it's sufficient to use that versus delineate all the possible items in this section.</p> <p>The definition for Outdoor storage includes a 30-day window, and it might be advisable to include this in Sec 18-34 as it provides some cushion for people sorting through materials or dealing with a household project or etc.</p> <p>I expect y'all saw the letter to the editor from the guy who did an informal survey of the availability of garages in different neighborhoods.</p> <p>CDAB's recommendation approved last meeting includes giving consideration to properties without garages when evaluating materials stored outside.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property</u> 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 <u>be located outside the front setback area. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers, or other similar items that are not</del></p>	



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			allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.</u>	
Rodent Harborage	Sec 18-35 Rodent Harborage  Division 5 Definitions	<p>** Sec 18-35, Rodent Harborage -- another potentially problematic section. This section includes the term "pests," but it does not appear in the definitions so we don't know what is included.</p> <p>The definition for Rodent Harborage is problematic because "any condition which [sic] provides shelter or protection for insects and rodents could be any lawn, shrub, tree. etc. It seems that Infestation should be the concern and not harborage per se. Maybe modifying the definition for harborage "that favors multiplication and continued existence leading to infestation" -- as in, make infestation part of the harborage concern/definition.</p> <p>A large majority of properties in LA have gophers, and likely always will. I run a constant battle exterminating gophers. I can keep them under control, but I can't eliminate them.</p> <p>The "signs" of rodent harborage all have to do with rodents and not insects, so do we want to include insects in the definition?</p> <p>Including "vermin" in the definition for infestation invites the question of which vermin, which can range from fleas to coyotes, according to the dictionary definition. Do we mean all such animals and insects, or do we want to be more specific? Likewise the term "pests." Not specifying things leaves it subjective.</p>	<p>Add definition of pest "<u>Pest means any organism that spreads disease, causes destruction, or may otherwise create a potential health hazard.</u>"</p> <p>Revise language to read "Rodent harborage means any condition <del>that which</del> provides shelter or protection for <del>pests insects</del> and rodents; thus, favoring their multiplication and continued existence <u>leading to infestation</u> in, under, or outside a structure or lot. Rodent harborage may be identified by one of more of the following signs: 1) the presence of live or dead rodents; 2) the presence of rodent nests made up of many kinds of materials, such as bits of paper, straw, rags, etc.; 3) rodent odor from rodent urine; 4) the presence of droppings; 5 ) evidence of gnawing; 6) rub marks or deposits of body oil and dirt from rodents found along frequently traveled routes as an indicator of habitual pathways; 7) the presence of runways or frequently traveled paths along floors, stairs, and shelves where droppings, rub marks, and stains from rodent urine are found; 8) the presence of burrows that consist of tunnels dug below ground and are used by rodents for nesting and as a path for travel.</p> <p>Revise infestation definition to read "Infestation means the presence, within or contiguous to, a structure or lot of insects, <del>rodents rats, vermin,</del> or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by <u>rodent harborage and long-term habitation by or frequent presence of pests. rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</u>"</p>	
Inoperable Vehicles	Sec 18-38 Inoperable Vehicles	<p>** Sec 18-38 — This one also seems problematic in that it's all about aesthetics (aka public welfare). There are no health or safety concerns cited. There will be at least some members of CDAB opposed, and there's already been a letter from one member of the public with some relevant comments.</p> <p>I'm still wondering about some process by which the auto owner who wants to keep an inoperable vehicle in the driveway/front yard for a restoration project has to register it as a long-term auto project with the County (permit?) and has to revisit it annually. If the condition remains unchanged after some period of time (3 years?) has to get rid of it or find alternate storage space. Just a thought.</p>	Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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		Alternative for hobby repair —.Why shouldn't a person be able to work on their vehicle in their driveway? Even if they're engaged in a months-long restoration? I understand the intent to not have a yard full of junkers, but this seems restrictive beyond that.	<p>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 motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view <del>of a</del> public right-of-way.</p> <p>This section shall not apply <u>to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Administration and enforcement procedures	Sec 18-73 Administration and enforcement procedures	** Sec 18-73 (c) — Should there be some language allowing for a shorter response time for urgent health/safety conditions?	Revise language to read "(c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 <del>to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record,</del> requesting the violation be voluntarily abated <del>the nuisance</del> within 14 day of the receipt of the Courtesy Letter. <u>The County may take action to abate a public nuisance that presents imminent danger to the health, safety, and welfare of the public per Section 18-71(g)".</u>	<p>Sec 18-71(g) states "Nothing in this Article however shall in any way limit or prevent the County from taking any legal or equitable actions necessary to abate a public nuisance, taking immediate measures to prevent the imminent harm to or loss of life or property, or abating conditions that present an imminent danger to the health, safety, and welfare of the public."</p> <p>Revise language in 18-73(c) to provide a reference to 18-71(g)</p>



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Administration and enforcement procedures	Sec 18-73 Administration and enforcement procedures	** Sec 18-73 (h) — Alternate timeframes can be worked out with the enforcement officer, can't they? Engaging the CDD director in this seems overly burdensome, given the responsibilities of that position.	Revise language to read "(h) If the required abatement will require a longer abatement <u>period</u> , <del>the property</del> , the owner of record may submit a request for an extended abatement timeframe to the Community Development Director <u>or their designee</u> . The request shall contain the property location, the violation, and proposed abatement measures, and the proposed timeframe required to adequately abate the violation."	
Notice	Sec 18-75 Notice	** Sec 18-75 — Referencing the date and time of the next CDAB meeting is fine, but what's the reasoning for that? CDAB is not in an ombudsman role, so what do we expect the property owner who has received a letter or notice to do with CDAB? Just wondering regarding the intent.	Revise language to read "iv. <u>The contact person for the appropriate Code Compliance Officer or Code Official with whom to obtain more information.</u> <del>The date and time of the next Community Development Advisory Board Meeting.</del> "	The existing Code language in Section 18-36 Notice requires that the date and time of the CDAB meeting be included in the notice. Upon direction from CDAB and Council, this language was struck and replaced with a contact person for obtaining more information.
Administration and enforcement procedures	Sec 18-75 Notice	** Sec 18-75(c) — Add to first sentence after opening clause language about alternate timeline? Something like "... and the property owner has not established with CDD an alternate timeline and defined path to abatement of the violation ..."	Revise language to read "In the event that re-inspection of the property after the 14-day period finds that violation was not abated <u>and no alternative timeline for abatement has been established per Section 18-73(h)</u> , the Code Compliance Officer or Code Official may issue a Notice of Violation to the owner of record of the property as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record on which the violation exists to abate the violation. The content of the notice shall contain: ..."	
Definitions	Division 5 Definitions	** Definitions, Extermination — would it be useful to include language about "without harm to the health of people, pets, or wildlife" ?	Revise language to read "Extermination means the control and elimination of insects or rodents by eliminating their harborage, by removing or by making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping, or by any other recognized and legal insect or rodent control method approved by the Community Development Division <u>that will not be injurious to human health.</u> "	
Definitions	Division 5 Definitions	** Definitions, Junk — For the "used motor vehicles or the parts thereof or therefrom" could there be additional language that caveats "that are not for an imminent repair or automotive hobby project" ? Inoperable vehicles does have the 30-day window.	Revise language to read "Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state <u>for more than 30 consecutive days</u> including but not limited to: scrap metal and alloys, bones, rags, cloth, clothing, paper, rubber pieces, rope, tinfoil, tires, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, furniture, refrigerators, freezers and all other appliances, machinery, used motor vehicles or the parts thereof or therefrom, any apparatuses or contrivances and parts thereof which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks, or other secondhand building material."	
Definitions	Division 5 Definitions "Junk"	"Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state	Revise language to remove bones. Proposed revision reads "Junk means new, used, or secondhand materials of any kind which is not presently being used and that is demolished, discarded, dismantled,	



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		<p>including but not limited to: scrap metal and alloys, <b>BONES</b>, 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."</p> <p>Please give me a definition of what constitutes a BONE, in its entirety, <u>including composition</u>, as junk. And why did Izraelevitz insist that bones be constituted as junk! And does this include the entire property, or what is visible from outside the property boundary i.e. street... <i>Obviously...to be continued...holy cow bones</i> 😬</p>	<p>or in such a condition as to be generally unusable and/or inoperable in its existing state including but not limited to: scrap metal and alloys, <del>bones</del>, 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."</p>	
Sidewalks	Sec 18-30 Sidewalks and driveways	<p>I have a series of concerns against the draft nuisance code update and would like to share them in the hope of prompting changes. All observations apply to the draft pdf compiled by Rebekah Longstreet on 7/20/22 at 2:40PM <b>Sec 18-30, Sidewalks:</b> Per <i>Hammell v. City of Albuquerque, 1958-NMSC-005, 63 N.M. 374, 320 P.2d 384</i>, "...it is the <b>duty of a municipality</b> to keep streets and sidewalks in reasonably safe condition for the public, and for the negligent failure to perform this duty is liable in tort to a person thereby injured" This is NM Supreme Court precedent which the county should be <b>fully</b> aware of. <b>Punting this duty to homeowners is incompatible with state law, and is opening the county to legal action which they likely will lose.</b></p>	<p>Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-1 of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del></p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>
Obstructive Vegetation and weeds	Sec 18-31 Obstructive Vegetation	<p><b>Sec 18-31, Obstructive Vegetation:</b> County must <b>explicitly</b> identify these nuisances separately from weeds nuisances. I abated weeds this summer after a courtesy letter. Subsequently a Siberian Elm <u>that I intended to transplant</u> was removed <u>without courtesy letter</u>. Siberian Elms are trees, not weeds, and while the tree was in the clear sight triangle, I was not given a courtesy letter for it, only the weeds. Absent this clause, County subjects landowners to a deviation from due process and subjects itself to a contest against any liens placed for nuisances forcibly abated by County.</p>		<p>The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term "weed" and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles. Direction from CDAB / Council is needed on whether additional language regarding weeds should be incorporated into the next iteration.</p>
Accumulation of litter, garbage and refuse	Sec 18-32 Accumulation of litter, garbage and refuse	<p><b>Sec 18-32, Accumulation...:</b> Per 4<sup>th</sup> Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home. Section fails to provide an objective measure of refuse and therefore leaves vulnerable landowners to violation for unreasonably small items or items they have not yet become aware of (e.g. refuse blown in by wind storms) I propose this section be scrapped in its entirety and rebuilt in a constitutionally</p>		<p>Language regarding accumulation of rubbish / garbage are common in property maintenance codes to ensure that sites are kept in a clean and sanitary manner. This section was clarified based on existing language.</p> <p>Concerns regarding regulations geared toward safety and aesthetics have been raised on both side; a desire for more aesthetic concerns like the accumulation of litter, garbage or outdoor storage to be regulated as well</p>



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		acceptable manner.		as concerns that more aesthetic standards for requirements for screening of outdoor storage from public view being too onerous. Various communities draw the line differently, often those that contain more “aesthetic” regulations within their nuisance codes correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article.
Outdoor Furniture	Sec 18-33 Outdoor Furniture	<b>Sec 18-33, Outdoor Furniture:</b> Per 4 <sup>th</sup> Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home. Section fails to identify the reason for its existence. <b>Of all the shortcomings of my fellow LAC residents to which there is consensus objection, a scourge of gaudy or out-of-place furniture on their porches is not one of them.</b> I propose this section be scrapped in its entirety and rebuilt in a constitutionally acceptable manner.		This language is based on existing language in Sec. 18-43. - Outdoor furniture restriction, which was assumed to be put into place due to previous community issues/concerns. Many nuisance codes do not standards regarding outdoor furniture, but those that do contain similar requirements.  Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article. This language can remain or the draft could strike this language and rely on the accumulation of litter, garbage, and refuse section to address furniture on the exterior areas of the property; alternative 2 might want to consider adding “junk” to the list of items that are prohibited to accumulate.
Outdoor Storage	Sec 18-34 Outdoor Storage	<b>Sec 18-34, Outdoor Storage:</b> Per 4 <sup>th</sup> Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home. Section fails to identify the reason for its existence. If a fellow LAC resident dislikes items in my yard which are in a location that actively requires effort to observe, they’re free to fixate their eyes on another location. I propose this section be scrapped in its entirety and rebuilt in a constitutionally acceptable manner.	Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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</u>	The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care & maintenance helping to reduce crime & violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don’t have garage to allow storage within covered carports for example.



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			<p><u>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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	
Personal Auto and Hobby Repair	Sec 18-38	<p><b>Sec 18-38, subsection pertaining to Alternative personal/hobby automotive repair:</b></p> <p>Many of the homes in LAC either lack a garage outright, or lack a garage of sufficient size to perform this task in a safe and efficient manner. Compact garages may even preclude this task under risk of combustible loading limits or safe egress considerations.</p> <p>I propose that exceptions be made for vehicles under this task which may be visible from the public right-of-way but are entirely within the confines of a driveway (e.g. in-street repair is still prohibited). A reasonable time limit may be appropriate for vehicles under this exception, such as ‘vehicle must, from plain view on a public right-of-way, observably move within 30 days’.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view of a public right-of-way.</p> <p>This section shall not apply <u>to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area</u> where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use <del>and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure.</del> <u>to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be</u></p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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			<p><del>stored on the property for a period not to exceed six months, provided the motor 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.</del></p> <p>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way."</p>	
Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	<b>Sec 18-51, Exterior surfaces:</b> Section fails to provide an objective measure of the extent of flaking or peeling environmental coatings before triggering a violation. Is a square inch of delaminated coating acceptable? Three square inches?	Revise language to read "Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior metal and wood surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</u> 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."	The current language is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.
Violations	Sec 18-71 Violations	<b>Sec 18-71, Violations, subpart (C ):</b> The Lab hiring schedule will create and is creating an influx of time-stressed young families to LAC. This subpart will result in hasty, subpar corrections. I propose changing this subpart such that <b>each 30 days</b> without repair incurs a repeat violation.		This language is based on an existing standard and code enforcement practice within the County.
Responsibility of Enforcement	Sec 18-72 Responsibility of Enforcement	<b>Sec 18-72, Enforcement, subparts (A and B):</b> <b>Pick one</b> method of enforcement, the impartial government employee constrained by the 4 <sup>th</sup> Amendment detailed in subpart A, or the potentially spiteful private reporting in subpart B. Because LAC has its share of petty people, I believe repeated citizen complaints that result in a No Violation closure should remedy the behavior with warnings followed by litigation against the erroneously reporting citizen. The existing and draft code speak only to the innocent-until-proven-guilty landowner abiding a suspected nuisance, never to citizens erroneously reporting or engaging in exaggeration in their reporting.		The recommended enforcement approach is a hybrid compliance-based and complaint-based system with a focus on education to curb nuisances before they become violations and partnerships with community groups and resources to prevent and abate nuisances.



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	Sec 18-74: Authority to Enter:	<b>Sec 18-74: Authority to Enter:</b> <b>Heavens NO.</b> Per 4 <sup>th</sup> Amendment, US Constitution, curtilage of a privately owned property is subject to the same privacy protections as the interior of the home. Excepting areas not protected by a fence and in plain view from the public right-of-way, the code official exercising this section <b>must present a warrant</b> even for curtilage of the property. <b>Any inspection not achievable from the public right-of-way must be accompanied by a warrant.</b>		A Code Compliance Officer or Code Official would be required to obtain a search warrant or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied to enter private property to conduct an inspection within a fenced are, not visible from the public right-of-way. Revise language to clarify. This language is standard within property maintenance codes. It is consistent with the International State Property Maintenance Code, State Statutes and the County Charter. Authority already exists and this section is compliant with NM Law.
		<b>Ultimately the largesse of this draft code shows that the greatest nuisance in the county is the county government itself.</b> This draft code is the stuff of dreams for preoccupied HOA presidents, and an unholy bane for any homeowner with <i>any</i> other responsibilities at <i>all</i> . I fail to understand the instigating impulse behind this draft when the existing code worked as intended and provided fewer opportunities for governmental overreach or inter-neighborhood petty feuding. Countenancing this draft is infuriating and I protest both the text and the intent behind it. Has this been reviewed <u>at all</u> by a licensed attorney?		The proposed draft has been reviewed by County legal and by DPS' legal council.
Purpose	Sec 18-1 Purpose	I have read the July 2022 Draft of the revised Chapter 18 and have some comments and suggestions. There are a number of typographic errors but I won't address them. <b>General</b> Sec. 18-1 Purpose The first sentence defines the purpose as "to promote the public's health, safety, and welfare". The term "promote" seems rather weak and I think that what is really intended is "ensure". I'm also confused by the use of the word "welfare". The common definition for welfare is: "the health, happiness, and fortunes of a person or group; or a statutory procedure or social effort designed to promote the basic physical and material well-being of people in need". I think that a broader, less confusing term would be "quality of life".		Public health, safety and welfare is the language referenced in state statues, which is it written as is. CDD, CDAB and Council direction needed on preferred terminology.
Scope	Sec. 18-2 Scope	Sec. 18-2 Scope Here the purpose of Chapter 18 is defined as maintaining property in "a clean, safe and sanitary condition". "Clean" and "sanitary are near synonyms but they aren't defined and clearly the ordinances go well beyond this. It also might be worth mentioning in this section something about how violations are defined and treated.	Add definition for clean "Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health."  Add definition for sanitary "Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or waste is present in such a manner as constitutes a health hazard"	Add a definition for clean and for sanitary. Violations are described in Section 18-71 and enforcement procedures are outlined in Section 18-73.
Sidewalks	Sec. 18-30 Sidewalks and driveways	Sec. 18-30 Sidewalks and driveways The term "constant grade" is used without a definition. The term "obstructions" is used and elaborated on in Sec. 18-31 Obstructive vegetation. There, it is stated that vegetation must be trimmed so as not "to obstruct or impair the free and full use of the sidewalk or street". I interpret "full use" as the entire sidewalk or street, meaning that a pedestrian should be able to use the entire sidewalk and a car should be able to park next to	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be	Remove constant grade language since sidewalks typically include acceptable running slopes and cross slopes to facilitate proper drainage. The obstructive vegetation clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV). Language revised to 7 ft to accommodate the tall population.



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		the curb. Since for humans, the shoulder and arm extend beyond the feet, I would interpret “full use” as allowing one to walk at the edge of the sidewalk. This should then require that the vegetation (or fence or wall) be maintained enough outside the sidewalk edge to allow room for an arm. This is particularly important if the vegetation has thorns, e.g. a rose bush or Russian olive’. I can’t think of any way that this would compromise the functionality of the vegetation or fence for the property owner. Later on, the height limit for trimming vegetation is defined as 6 feet. This is really unacceptable. Lots of people exceed this height. The limit should be at least 7.5’.	<p><del>limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.”</del></p> <p>Revise Language to read “The owner or occupant of any property shall <del>destroy, remove or trim</del> 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, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be <del>removed or</del> trimmed <u>or removed</u> to maintain a minimum clearance of <u>7.5</u> feet overhanging sidewalk height and 14 feet overhanging street height.”</p>	
Purpose	Sec 18-33 Outdoor Furniture	Sec. 18-33 Outdoor furniture This is clearly outside the narrow definition of purpose in Sec. 18-1 and Sec. 18-2. Furniture is not a threat to health, safety or welfare. However, it can affect the quality of life, which is what I think the intent is. Sec. 18-38 Inoperable vehicles is another example of this deficiency. So, I think that the Statement of purpose needs to be refined to address these situations.		<p>This language is based on existing language in Sec. 18-43. - Outdoor furniture restriction, which was assumed to be put into place due to previous community issues/concerns. Many nuisance codes do not standards regarding outdoor furniture, but those that do contain similar requirements.</p> <p>Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article. This language can remain or the draft could strike this language and rely on the accumulation of litter, garbage, and refuse section to address furniture on the exterior areas of the property; alternative 2 might want to consider adding “junk” to the list of items that are prohibited to accumulate.</p>
Weeds		<b>Comment</b> A few weeks ago, I had to give a presentation to the County Council about the status and progress in CDAB. When I had finished, there were questions about the draft Chapter 18 whether it will address the problem of weeds. While weeds don’t directly impact health or safety, they do affect the quality of life in the same manner as outdoor storage of things like furniture and inoperable vehicles. <b>I think that Chapter 18 should address weeds.</b> It should provide a broad, easily understood definition. Here is a suggestion that addresses overgrown weeds affecting quality of life: <i>It is a violation if a significant fraction of the property visible from the street is overgrown with weeds or other un-maintained vegetation</i>		The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term “weed” and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.



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		<i>that exceeds 12" in height.</i>		
Personal Auto and Hobby Repair	Personal Auto and Hobby Repair	<p>I am writing today to strongly oppose the draft nuisance code as proposed. The proposed changes empower the county government to impose culture and values upon the residents that do not reflect the people living within the county. The expectations set forth will continue to isolate Los Alamos county from the greater New Mexico community.</p> <p>I take special offense to the use of the terms "publicly visible" and "public view". Specifically the code proposes criminalizing working on vehicles within the public view. This county MUST retain a sense of community which relies on human interactions between neighbors. It is imperative in a community that we are personally able to accept and deal with issues considered unsightly or annoying. My neighbor changing his oil in the driveway is not a nuisance to be criminalized. It is an opportunity to say hello. People must be allowed to engage in behavior that is considered unsightly, annoying, or distasteful. It is the up to the community to self regulate through culture and relationship, not through government criminalization.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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			not readily visible from public rights-of-way."	
Authority to Enter and Inspections	Sec 18-74: Authority to Enter:	I also strongly oppose the county claiming a right to inspect my backyard, within my fence. I will not accept anyone on my property that does not have explicit or implied authorization. A county inspector on my property will not be welcome unless it is in reference to a building inspection I have requested. Probable cause must be asserted with the property owner prior to entering.		A Code Compliance Officer or Code Official would be required to obtain a search warrant or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied to enter private property to conduct an inspection within a fenced are, not visible from the public right-of-way. Revise language to clarify. This language is standard within property maintenance codes. It is consistent with the International State Property Maintenance Code, State Statutes and the County Charter. Authority already exists and this section is compliant with NM Law.
Sidewalks	Sec. 18-30 Sidewalks and driveways	I also oppose the requirement regarding maintenance of concrete. The condition and safety of any concrete on my property is my personal risk, and that of my homeowners insurance. The county does not have any liability and should then have no jurisdiction. Additionally, spalling and cracking of concrete can take significant financial resources to remedy. Given the state of many properties in n this county. Homeowners must make decisions on what they can afford to fix. I have chosen to invest in warm windows rather than fix spalling and cracking on my driveway. Criminalizing that decision is an authoritarian affront on my freedom to choose the way I live.	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
Enforcement		<p>Lastly, I would like to see a way for the citizens of the county to hold the county accountable for the same nuisances that we will be held criminally liable for. In a 30 minute walk to Overlook park, I documented many instances of "nusiance" behavior by the county. The county obstructed the sidewalks with weeds from mowing, paint was peeling off the soccer goals, concrete was found cracked and spalling, weeds were growing into walkways, the fields are a massive rodent harborage, mice are running loose in the restrooms, and the county mowed the dog park without picking up balls and toys strewing plastic garbage around the park. If these expectations are held on individuals, then the individuals should at minimum have the same expectations of the county.</p> <p>Thank you for reading my concerns. Please ensure that public comment regarding proposed code is transparent and communicated to elected members of the council.</p>		The proposed language would apply to county owned properties
General	Division 2	Division 2 General comment: Los Alamos residential areas are not uniform. Whole neighborhoods were constructed in the 1950's and 1960's to the standards of the day, and so have small footprints on small lots. If off-street parking or a carport or garage is available it is for at most one car, and many have no off-street parking at		



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		<p>all. Homeowners old and new have adjusted to the restrictions of these small homes in various ways: many carports and garages were converted to indoor spaces; parking on the street; and doing their vehicle maintenance on the street or in a driveway, carport, side or back yard. This is the very essence of Los Alamos: innovation and creativity were features not only of the Lab but of the lab scientists and technicians in their homes. Cutting people off from these home-brew remedies is an assault on the heritage of Los Alamos – and a very expensive one at that, for adherence to many of the restrictions proposed in this new code will require large expenditures by owners of these old houses. And for what? So the community can conform to some arbitrary standard set for residences beyond the means of many of Los Alamos citizens? There is no benefit to the community of doing that, and it further exacerbates the split between rich and poor in Los Alamos, drives up the price of starter homes for new residents, as well as the last truly affordable housing in Los Alamos.</p>		
Sidewalks	Sec. 18-30 Sidewalks and driveways	<p>Sections 18-30, 18-31</p> <p>If you look at the definitions (Division 5) for Overgrown vegetation, Planting strip, and Premises, you'll see that a problem with this is that for many of the lots in the older parts of town there is a six or seven foot wide strip between the sidewalk and the property line that is county property, not an easement, but which the county utilities and communications companies use for their distribution lines. Most people are unaware and treat it as their own property and landscape it or even build fences on it.</p> <p>The definitions make this strip, which appears to be what the code means means by "planting strip," is part of the "premises." For example, I don't know how you can cite a homeowner for overgrown vegetation located on county property, or require the homeowner to repair the sidewalk located on county property. In addition I suspect an astute homeowner could challenge whether the county can actually require the homeowner to maintain that property at all.</p> <p>Much of the regulation in this code is aimed at activities in this planting strip. I think this problem should be acknowledged by the county with a clear statement made as to who has the responsibility for these strips and how the county has the authority to require maintenance of county property by the homeowner</p>		<p>Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Albuquerque, Alamogordo, and Rio Rancho place responsibility for maintenance of adjacent planting strips within Streets/Public Improvements section of their codes. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on whether this content should be struck from the draft or retained.</p>
Outdoor Storage	Sec. 18-34	<p>Section 18-34: Many homes have unenclosed carports that have been used for storage since time immemorial, or at least since 1950. Preventing the continued use of these carports for storage or other activities such as auto maintenance imposes an unnecessary and expensive burden on the owners of the old homes. I suggest excluding carports from these requirements.</p>	<p>Revise outdoor storage language to read "Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony</u></p>	



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			<p><del>that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	
Movable or temporary storage structures	Movable or temporary storage structures	Movable or temporary storage structures: elsewhere you allowed for PODS. Why not here? No way you put a PODS container out of sight, or move it into a backyard in eastern area.	Revise language to read “Tents or canopies used for storage or metal storage or moving containers shall not be permitted in areas visible from the public rights-of-way unless specifically approved and permitted through a Temporary Use Permit and in compliance with all standards of Section 16-3-2(E)(X) <u>Temporary Storage</u> of the Development Code”	<p>PODS will be allowed if approved and permitted through a Temporary Use Permit and are subject to the following Chapter 16 Use-Specific Standards for temporary storage :</p> <p>“3-2(E)(XII) TEMPORARY STORAGE</p> <ol style="list-style-type: none"><li>1. This use requires a Temporary Use Permit pursuant to procedures outlined per Section 5-3(A)(XI).</li><li>2. This use shall only operate for a maximum period of 60 consecutive days in any calendar year. Temporary storage containers shall not be permanently placed within any front, side, or rear yard.</li><li>3. Temporary storage containers shall not be placed within public rights-of way or interfere with required sight visibility triangles pursuant to Section 4-2(C)(IV).”</li></ol> <p>Language revised to clarify the reference to the use specific standards for temporary storage.</p>
Inoperable vehicles	Sec 18-38	Section 18-38 In General, in this section you’re getting away from the Health Safety and Welfare	Revise language to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is	Revise language to generally allow covers designed to fit motor vehicles, rather than requiring a cover designed to fit a particular motor vehicle.



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		<p>that is the primary aim of this code, and getting into aesthetics. As you move in that direction you’re losing the authority that allows for the regulation of nuisances. Just sayin’.</p> <p>There are residences without off-street parking and located on a hillside so that storage of an inoperable vehicle is not possible anywhere but on the street. Few vehicles have covers “designed to fit” them - and how would the County know it isn’t designed anyway?. Replace this requirement with “a cover that completely encloses the vehicle, except for the tires” and let the owner work it out with tarps, tape and straps.</p>	<p>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 a motor vehicle-such that the vehicle is not a safety hazard or <u>publicly visible</u> <del>visible from adjoining or surrounding property or from view of a public right-of-way.</del></p>	
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Alternative for personal auto or hobby repair: Should allow this in a carport too. This section needs a definition of repair that distinguishes major auto work from standard maintenance tasks like changing the oil or a battery, light bulbs, and simple troubleshooting, and that allows these activities on the street, driveway or front yard. Your vision of what a house in Los Alamos looks like and what you can do with it is obviously not informed by experience in the older parts of town.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, the dismantled parts are neatly stored out of public view when not</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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			<p><u>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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Inoperable Vehicles	Division 5 Definitions	Motorcycles should be provided for as well, especially in carports and front yards.	Revise Inoperable Vehicle definition to read "Inoperable vehicles means any vehicle, <u>including motorcycles</u> , meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: <del>broken shattered or missing</del> windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; <del>or</del> (d) is on blocks or similar devices; <u>or</u> (e) is <del>partially or wholly</del> dismantled <u>and not under active repair.</u> "	Add motorcycles to inoperable vehicle definition
Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	Division 3 Section 18-51 Protective Treatment This is troublesome because it allows for no deviation from a 100% protective surface, an impossible standard which opens the door to subjective judgement by a code inspector. Tough to convince a court without objective standards. I think there should be an objective standard for say, how much peeling, chipped or flaking paint is allowed. Percent of a surface, for example?	Revise language to read "Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> 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."	The current language is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.
Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	There is no practical reason to remove oxidation staining from any surface, that is an aesthetic judgment alone and should be eliminated.	Revise language to read "Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces.</del>	The current language is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.



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			<del>Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> 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.”	
Unsafe Conditions	Section 18-52 Unsafe Conditions	Section 18-52 Unsafe Conditions Many of these judgments can only be made by a qualified engineer, especially A through D, where the ability to support loads is involved.		Building officials and the County Engineer may be among those charged with enforcement and have the capability to assess a structure using these standards and the building code. The definition of code official states “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”
Unsafe Conditions	Section 18-52 Unsafe Conditions	E: failure to maintain etc. Citing somebody for a cracked window or deteriorated glazing is simply too much regulation. Many of the old houses in Los Alamos have inoperable window cranks and other defects for which replacement hardware is no longer available. You’re forcing huge expenditures here to update windows by homeowners who can’t afford it or for landlords who will have to increase the rent to pay for it, once again driving up the cost of housing in Los Alamos. This is not nuisance abatement, it’s urban redevelopment and outside the scope of a nuisance code. The scope should be : “clean, sanitary, safe, and structurally sound.” (Section 18-70).	Revise language to read “10. Windows, skylights, doors, and door frames. Windows, skylights, doors, and frames shall be maintained in sound condition, good repair, and weathertight. All glazing materials shall be maintained free from <del>cracks and holes</del> <u>and not admit rain or moisture</u> . Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.”	
Violations	Sec 18-71 Violations	Division 4 Section 18-71 Violations c. Every day a new violation: Making each day of a violation a new count is fashionable but it is counterproductive, unenforceable overkill. Rarely will you have a well-defined time at which to start counting, or even to stop – do you stop on the day of citation, at the end of the appeal period, after the trial? Just take that out. One count is enough to abate the nuisance, which is the point. No need for intimidation tactics against homeowners.		This language is based on an existing standard and code enforcement practice within the County. Los Alamos Code Sec. 1-8(a) states “General penalty and continuing violations. Whenever in this Code or any rule or regulation promulgated under the provisions of this Code any act is prohibited or declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Every day of any violation of this Code constitutes a separate offense.”
Enforcement	18-72 Responsibility for enforcement	18-72A Responsibility for enforcement: I’d like to see the county engineer called out to make judgments where the calculation of loads and similar things are involved. I don’t believe that code inspectors have the required credentials.		Building officials and the County Engineer may be among those charged with enforcement and have the capability to assess a structure using these standards and the building code. The definition of code official states “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”
Administration and enforcement procedures	Sec 18-75 Notice	Section 18-75 Notice Isn’t this redundant with Section 18-73c? combine them.	Revise language to read “ (c) If the Code Compliance Officer or Code Official determines that a violation of this Article is occurring on a property, the Code Compliance Officer or Code Official may issue a written Courtesy Letter pursuant to Sec 18-75 <del>to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of</del>	Section 18-73 provides an overview of the enforcement procedures. Section 18-75 Notice is intended to provide details regarding the contents of the Courtesy Letter and the Notice of Violation. Language revised in Section 18-73(c) and (f) to remove redundancies.



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			<p><del>record</del>, requesting the violation be voluntarily abated <del>the nuisance</del> within 14 day of the receipt of the Courtesy Letter.</p> <p>(f) If upon re-inspection the Code Compliance Officer or Code Official finds the violation has not been abated, a Notice of Violation may be issued <del>to the owner of record as identified in the records of the County Tax Assessor and the property address in violation, if different from the owner of record</del>, pursuant to Sec 18-75.”</p>	
Notice	Sec 18-75 Notice	Why the reference to the Community Development Advisory Board? What role do they play? Hopefully they are not going to hear complaints.	Revise language to read “iv. <u>The contact person for the appropriate Code Compliance Officer or Code Official with whom to obtain more information. The date and time of the next Community Development Advisory Board Meeting.</u> ”	The existing Code language in Section 18-36 Notice requires that the date and time of the CDAB meeting be included in the notice. Upon direction from CDAB and Council, this language will be struck and replaced with a contact person for obtaining more information.
Administration and enforcement procedures	Sec 18-73 Administration and enforcement procedures	18-76 Complaints redundant with 18-73 j. These should be combined.	<p>Revise 18-73(j) to read “ Upon the failure to abate a violation pursuant to the issuance of a Notice of Violation <u>within the prescribed time, the County may file a complaint charging violation of this article with the a criminal citation to Municipal Court per Sec. 18-79 may be issued.</u>”</p> <p>Remove Sec 18-79 Complaints “<del>If the owner of record where the violation of this article exists has failed to abate the violation within the prescribed time then the County may file a complaint charging violation of this article with the municipal court.</del>”</p>	
Penalties	Sec 18-77 Penalties for violation of division	18-77 Penalties etc. Referring this to abatement and liens doesn’t give you a penalty. Are you not doing a fine? Is the fine limited to \$300 or \$500?	Revise language to read “Any person who shall be convicted of the violation of any provision of this Chapter shall be punished in Accordance with Section X Abatement and Lien <u>and Section 1-8 General penalty; continuing violations; corrections fee.</u> ”	Add reference to general penalties within Section 1-8. That section establishes a fine not exceeding \$500.00.
Definitions	Division 5 Definitions	Division 5 Definitions Anchored: – leaves unanswered what is meant by a “positive connection.” Connection to what? By what means and at what strength?	Revise anchored definition to read “Anchored means secured, <u>attached, or fastened in place firmly so as to be capable of resisting natural or artificial loads. in a manner that provides positive connection.</u> ”	
Definitions	Division 5 Definitions	Infestation: what’s a pest? There should be a general definition allowing the identification of a pest and relating it to the health, safety, and welfare criteria of this chapter. Rats yes, but rabbits? Bears? Garter snakes? Mosquitoes? As identified by -- add “ for example” – and be a little more general. For example, “evidence of long-term habitation by or frequent presence of pests.” You could replace the rodent description with “rodent harborage” which is well defined below.	<p>Add pest definition “<u>Pest means any organism that spreads disease, causes destruction, or may otherwise create a potential health hazard.</u>”</p> <p>Revise infestation definition to read “Infestation means the presence, within or contiguous to, a structure or lot of insects, <u>rodents rats, vermin, or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by rodent harborage and long-term habitation by or frequent presence of pests. rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</u>”</p>	



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Definitions	Division 5 Definitions	Inoperable vehicles: at the end add “and not under active repair.”	Revise Inoperable Vehicle definition to read “Inoperable vehicles means any vehicle, <u>including motorcycles</u> , meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: <del>broken</del> <u>shattered or missing</u> windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; <del>or</del> (d) is on blocks or similar devices; <u>or</u> (e) is <del>partially or wholly</del> dismantled <u>and not under active repair.</u> ”	
Definitions	Division 5 Definitions	Noxious: “living beings?” Like cockroaches? I suggest “human beings or domestic animals.”	Revise noxious definition to read “Noxious means physically harmful or injurious to <del>living human</del> beings <u>or domestic animals.</u> ”	
Definitions	Division 5 Definitions	Outdoor Storage: At the end, “and that are not waiting for assembly into an active construction project.” This is in 18-34, but the definition should be consistent.	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances</u> junk, <del>building or construction materials not in use for construction on the property,</del> heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items <del>that are not manufactured or intended for storage or use on any residentially zoned property</del> 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. <del>that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned,</p>	



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			discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.</u>	
Definitions	Division 5 Definitions	Overgrown vegetation, and Planting strip, and Premises: A problem with this is that for many of the lots in the older parts of town there is a six or seven foot wide strip between the sidewalk and the property line that is county property, not an easement, but which the county utilities and communications companies use for their distribution lines. Most people are unaware and treat it as their own property and landscape it or even build fences on it. I don’t know how you can cite a homeowner for overgrown vegetation located on county property. In addition I suspect an astute homeowner could challenge whether the county can actually require the homeowner to maintain that property.		Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Albuquerque, Alamogordo, and Rio Rancho place responsibility for maintenance of adjacent planting strips within Streets/Public Improvements section of their codes. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on whether this content should be struck from the draft or retained.
Definitions	Division 5 Definitions	Unsafe conditions: as the result of the accumulation or collection of litter, dilapidated structures, or inoperable vehicles as defined herein , add: “or any other hazardous object or condition.”	Unsafe Condition means unsafe conditions shall include, but shall not be limited to, any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures, <del>or inoperable vehicles</del> as defined herein, <u>or any other hazardous object or condition, that</u> is or may be an attractive nuisance to children or a danger to the life, premises, occupants, or safety of the public and any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation, or lack of maintenance is a hazard to the public.	
Definitions	Division 5 Definitions	Vegetative Debris: add “and not being used for mulch, bird or animal foraging, or sources of seeds for new growth.”	Revise the definition to read “Vegetative Debris means dead and downed plant material, naturally expired or portions of a plant removed intentionally such as by trimming, resulting from trees, grasses, shrubs, and understory groundcover <u>and not being used for mulch or sources of seeds for new growth.</u> ”	References to bird or animal foraging were not included within the definitions due to concerns about pests.
Definitions	Division 5 Definitions	Violation: “with each calendar day or portion thereof in which the violation continues constituting a separate violation. “ Making each day of a violation a new count is fashionable but it is counterproductive, unenforceable overkill. Rarely will you have a well-defined time at which to start counting, or even to stop – do you stop on the day of citation, at the end of the appeal period, after the trial? Just take that out. One count is enough to abate the nuisance, which is the point. There is no need for intimidation tactics against homeowners. Besides, this clause should not be in the definitions section anyway. Just throw it out.		This language is based on an existing standard and code enforcement practice within the County. Los Alamos Code Sec. 1-8(a) states “General penalty and continuing violations. Whenever in this Code or any rule or regulation promulgated under the provisions of this Code any act is prohibited or declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Every day of any violation of this Code constitutes a separate offense.”



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			In good repair means in a condition where the structure fulfills its intended use, <u>is safe and functional</u> , and meets all other code requirements.	
Outdoor Storage		Could you please comment on our questions with respect to the overall intentions of this new ordinance. Is it to disallow enclosed trailers? Trailers in general? Keeping anything at all within site of the sidewalk or a neighbor? We recognize you are busy, but my neighbors and I are deeply concerned with how this will negatively impact our lifestyle and our community.	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially-zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	



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Sidewalks and driveways	Section 18-30 Sidewalks and Driveways	<p>I am seeking clarification on the final draft of the Los Alamos County Nuisance Code Section 18-30. My understanding is that the County owns the sidewalks as a public right-of-way, so they would be responsible for sidewalk maintenance. Can you please confirm that the County, and not the adjacent property owners, would be responsible for repairing defects in the sidewalk? The draft text states the following:</p> <p>Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x 10 of the Development Code.</p>	<p>Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x of the Development Code.</del> 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.</p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>The revised nuisance code section 18-38 removed the exemption for vehicles that are classified as vehicles of historic and special significance under the provisions of NMSA 1978, § 66-11-1 through 66-11-5. Could you please explain why this exemption was removed?</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view <del>of a</del> public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months,</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance. NMSA 1878 Article 11 Vehicles of Historic and Special Significance does address classic cars. Section 66-11-3 Storage provisions states “A collector may store motor vehicles or parts thereof on his private property provided such vehicles and parts cars, and the outdoor storage areas, are maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash and other objectional [objectionable] items.” The language included within the draft is consistent with State Statutes.</p>



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			<p><u>provided the motor 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Current code Sec. 16-281(a) states that "The county council, having found that the existence of numerous inoperable vehicles is aesthetically unpleasing that can lead to lower property values, does impose the following conditions..." This section imposes inoperable vehicle requirements on the basis that all inoperable vehicles are aesthetically unpleasing, and thus, a nuisance. Take the example of a 1956 Thunderbird under restoration, with its engine removed for modernization and unregistered (why pay for tabs whilst restoring your dream car?). This would meet the current definition of inoperable. Under the draft (and current) code this gorgeous, \$80k+ vehicle could not be parked in a homeowner's driveway unless the lot could not reasonably accommodate it (and even still it would need an opaque cover). Los Alamos is an innovative and creative community where many residents enjoy rebuilding vehicles. I would argue that certain inoperable vehicles, such as a 1956 Thunderbird, parked uncovered in the homeowner's driveway could actually increase property values. The current language is a one size fits all model and is not reflective of the County we live in and is concerning to my neighbors and I. Could you please add more flexible language or exemptions to this section to allow for inoperable vehicle restoration in a homeowner's own driveway?</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months,</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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			<p><u>provided the motor 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	I am confused about the intent of Section 18-38 language on Alternative for Personal Auto and Hobby Repair which states "Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way." The draft code defines Public Nuisance as "a condition that is injurious to public health, safety, morals, or welfare or interferes with the exercise and enjoyment of public rights, including the right to use public property." Could you please comment on how performing hobby repairs in your own driveway constitutes a public nuisance?	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months,</u></p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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			<p><u>provided the motor 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Outdoor Storage	Sec 18-33	<p>My neighbors and I are having a meeting this evening to continue our discussion about the draft nuisance code.</p> <p>An answer to the questions above would be extremely helpful so that we might have a more productive conversation. No one seems to understand the intention of <b>"goods, products, tools, machinery, equipment, inoperable vehicles, trailers, or other similar items"</b> being disallowed from our driveways and yards and no one has been able to come up with something that one might keep in those spaces that wouldn't be disallowed by the vague totalness of the clause. In other words: would a shovel be a "tool" and would a garden hose be a "good" ?</p> <p>Could you please clarify what isn't a <b>"good, product, tool, machinery, equipment, or other similar items"</b> so that we might have a more productive conversation.</p> <p>There is a lot of concern about how this might negatively impact the culture of our community.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially-zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties. The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any</p>	



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			premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.</u> "	
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>I concur with John Bloodwood's statements in the letter to the editor that was published in LA Daily Post. However, I would like to add a couple thoughts.</p> <p>If I wanted a home with a HOA... I would have purchased one!</p> <p>There are properties around town where garages aren't even a reasonable possibility, also applicable to keeping things behind a fence in some cases. We have homes around town where the roof is at street level because of the lay of the land. Oddly enough... on the opposite side of the street, the opposite problem exists. Included in these are some places that could have a garage or car port if the county would allow such structures closer to the road.</p> <p>Also many people that do these kinds of self repairs do them so that they may eke out an existence in Los Alamos. Sometimes so that their children can have "Los Alamos" public schools on their college resume. Some are the ones doing service jobs around Los Alamos, repairing your cars, mowing your lawns, doing your yard work, working in the convenience store, hardware store, grocery store, fast food joint, at your favorite restaurant or bar, delivering your pizza, etc... These are the people that can't afford a mechanic, let alone a home with a garage.</p> <p>Perhaps Los Alamos County should purchase the old Metzger's Gas station and allow residents to make repairs within the garage at an extremely reasonable fee... Oh wait, that won't work because they changed the zoning on it. Are we trying to drive these types of businesses out of town as well? Amazon may deliver everything we used to drive to Santa Fe or Albuquerque for, but they don't deliver small businesses, or the people who work in them, or the people who deliver the packages in the first place.</p> <p>Because of Covid, we've gotten a taste of what it's like having a shortage of these workers... I've seen outgoing mail sit in a mailbox for 3 days before being picked up. Do we as a county really want to drive the lower income and blue collar workers who remain away?</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or from view of a public right-of-way.</del></p> <p>This section shall not apply <u>to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure.</u> to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., <u>except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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</u></p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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			<p><u>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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair</u>15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way."</p>	
Sidewalks and driveways	Section 18-30 Sidewalks and Driveways	<p>The entire "Nuisance Code" in it's current form needs to be scrapped and the County needs to start over. The CDD has done a horrible job of listening to the residents of Los Alamos and have tried use other cities to model their code after.</p> <p>First of all, the County is responsible for all the Streets and Sidewalks within Los Alamos County. NOT THE HOMEOWNERS! No homeowner should be held responsible for maintaining something that is not ON their property and is the responsibility of the County. That's what property taxes are for.</p>	<p>Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x of the Development Code.</del> 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.</p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>
General		<p>Second, this County has made all their decisions for the "Nuisance Code" based on arrogance and wealth. Not once did they consider all the people living in Los Alamos that don't make \$100,000.00 or more per year. These are the people that will get hurt the most by this egregious policy.</p> <p>If you can judge by the tone and wording of this letter, I am one of these individuals.</p> <p>This "Nuisance Code", in its current form, is a prime example of GARBAGE LEGISLATION! It needs to be shredded and the CDD needs to stick to watching weeds grow. Which is the only thing they're good at.</p>		
Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Thank you for your reply. The proposed language in the options related to motor vehicles is not acceptable to me.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then</p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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			<p>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 motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</u></p>	
General		Please provide a copy of the draft of the proposed Nuisance Code-related ordinances (Section 18 and Section 16 as appropriate). If there is a URL / a website location which I can access, that would be acceptable. I understand that information in the draft may be in flux for some period of time through August 23, 2022.		A clean draft of Chapter 18 is available online here: <a href="https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf</a> A redline version is available online here: <a href="https://www.lacchp18update.org/files/ugd/0fefb3_d23ec01dbf0f46058aa45c2e1d3e5fce.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_d23ec01dbf0f46058aa45c2e1d3e5fce.pdf</a> The latest draft of the Chapter 16 Development Code is available online here: <a href="https://losalamosconnect.org/wp-content/uploads/2022/07/LAC-Chp-16-Development-Code-M3-DRAFT-July-2022-rev.pdf">https://losalamosconnect.org/wp-content/uploads/2022/07/LAC-Chp-16-Development-Code-M3-DRAFT-July-2022-rev.pdf</a>



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General		The CDAB Zoom presentation on Monday, August 15, 2022, 5:30 p.m. to 7:00 p.m., raised some troublesome issues related to the proposed nuisance code draft. I need the work on the preparation of interrogatories (that is, questions) to support a legal challenge associated with the proposed nuisance code.		
General		I would like to know when and where a meeting to preempt this outrage will be held publicly as a local business owner, resident, veteran, etc. so that I can be there to voice my many concerns! On that note I just happened across this issue on FaceBook, why does the county not send out letters or really anything asking its citizen's opinions on the matters which affect our lives? I don't understand how all the incompetent laws, changes, and ordinances continue to get passed! The government as a whole work for us, not the other way around. Therefore I do not condone these changes! I know for a fact a majority of the citizens don't either!		<p>The Chapter 18 draft will be reviewed by County Council on August 30<sup>th</sup>. View the agenda and live stream the meeting using this link: <a href="http://losalamos.legistar.com/Calendar.aspx">http://losalamos.legistar.com/Calendar.aspx</a> and accessing the meeting for the respective date listed above.</p> <p>To join the meeting virtually use the following Zoom link: <a href="https://us02web.zoom.us/j/87145977840">https://us02web.zoom.us/j/87145977840</a></p>
General		<p>So how does all but one road get shut down? Referring to Trinity and Central, how does Trinity road before that happens to get turned into an idiotic 2 lane road preventing local residents and businesses from the ease of travel? Have you ever tried to get out of any of the housing or businesses in that area during lunch or go-home time? I encourage any of you to do so. This was a mistake. Perhaps instead of trying to worry about making the town an HOA you worry about fixing the traffic problems you caused. Even perhaps getting a board of citizens together in the lower workforce to catch these problems before you make them an issue for the town to deal with.</p> <p>Simply this is absolutely outrageous! To start the county can't even uphold the nuisance laws on their own properties, to begin with, now let alone after this. None of us living here agreed to live in an HOA. This "edit" of the nuisance code is the nuisance in and of itself. This will severely impact the property value of my home in a negative way.</p>		The redesign of roadways is out of the scope of this particular project.
Obstructive vegetation	Sec 18-31 Obstructive vegetation	<p>Not only that I'm 6' plus the height of a bicycle or other pedestrian mode of transport therefore the 6' clearance for a pedestrian is Heightist. I'm obviously too tall to live in Los Alamos.</p> <p>The neighborhoods with the most weeds and brush are Quamizon, Ponderosa &amp; Pajarito Acres/La Senda "A La WILD" If it is not a nuisance for the rich to have weeds, then why is it not ok for less influential neighborhoods??? From this, I can only deduce that not only does this county government have an unhealthy outlook towards people over the height of 6' but is also classist... This is unacceptable! I am aware this is still in the works, however, I am pointing out the many many issues!</p>	Revise Language to read “. Vegetation shall be <del>removed or</del> trimmed or removed to maintain a minimum clearance of <del>76</del> feet overhanging sidewalk height and 14 feet overhanging street height.”	The clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV). Based on public comment this language is revised to 7 ft .
General and Inoperable vehicles - Alternative for Personal Auto and Hobby Repair	Sec 18-38 Inoperable or abandoned vehicles	<p>Los Alamos County has always seemed to have fostered the small businesses of Los Alamos though many of them struggle to make it. Many of these "Nuisance Ordinances" seek to subjugate and/or drive those businesses from town. Furthermore, I concur with John Bloodwood's statements in the letter to the editor that was published in LA Daily Post on July 28th, 2022. However, I would like to add a couple of thoughts. If I wanted a home with an HOA... I would have purchased a home with one!</p> <p>There are properties around town where garages aren't even a reasonable</p>	Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p> <p>The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the</p>



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		<p>possibility, also applicable to keeping things behind a fence in some cases. We have homes around town where the roof is at street level because of the lay of the land. Oddly enough... on the opposite side of the street the inverse problem where the street is a full house below the actual structure. Included in these are some places that could have a garage or car port if the county would allow such structures closer to the road.</p> <p>Also, many people that do these kinds of self-repairs do them so that they may eke out an existence in Los Alamos. Sometimes so that their children can have “Los Alamos” public schools on their college resume. Some are the ones doing service jobs around Los Alamos, repairing your cars, mowing your lawns, doing your yard work, working in the convenience store, hardware store, grocery store, fast food joint, at your favorite restaurant or bar, delivering your pizza, etc... These are the people that can’t afford a mechanic, let alone a home with a garage.</p> <p>Because of Covid, we’ve gotten a taste of what it’s like having a shortage of these workers... Do we as a county really want to drive the lower-income and blue-collar workers who remain away?</p>	<p>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 motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><del>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure.</del> to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.”</del></p>	<p>community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care &amp; maintenance helping to reduce crime &amp; violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don’t have garage to allow storage within covered carports for example.</p>
Sidewalks and driveways	Section 18-30 Sidewalks and Driveways	<p>For the long of it. Sec 18-30 Sidewalks and driveways "Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions." To start with the county can't handle doing this with their own properties. Secondly, why does the public need to safely be in my driveway? That's trespassing! If I have a driveway it's on my land therefore someone other than those I allow to be there should not be there. Also, last I checked I do not own the sidewalk the county does if it's broken they should fix it</p>	<p>Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial</del></p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>



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		not the resident.	<del>holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x of the Development Code.</del> 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.	
Accumulation of litter, garbage and refuse	Sec 18-32 Accumulation of litter, garbage and refuse	Sec 18-32 "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection." Again the county can't handle this themselves. Look at all the abandoned commercial buildings all over town. To include many of their own! Also, believe it or not, I don't care if I see a dumpster. Besides one man's trash is another man's treasure! Who are you to say which is which on someone else's property?		<p>Language regarding accumulation of rubbish / garbage are common in property maintenance codes to ensure that sites are kept in a clean and sanitary manner. This section was clarified based on existing language and the word excessive has been added to ensure that unreasonably small items or items are not an issue, which was not the intent of this section.</p> <p>Concerns regarding regulations geared toward safety and aesthetics have been raised on both side; a desire for more aesthetic concerns like the accumulation of litter, garbage or outdoor storage to be regulated as well as concerns that more aesthetic standards for requirements for screening of outdoor storage from public view being too onerous. Various communities draw the line differently, often those that contain more “aesthetic” regulations within their nuisance codes correlate to theories about property care &amp; maintenance helping to reduce crime &amp; violence. Direction from CDAB / Council is needed on the extent of more aesthetic regulations to include within the revised draft of this article.</p>
Outdoor Furniture	Sec 18-33 Outdoor Furniture	Sec 18-33 Outdoor furniture Is not defined and is also subject to opinion. I can use a log, chair, trailer, trash can, etc. into a chair. It’s called upcycling.	<del>Section 18-33 Outdoor Furniture Furniture, other than outdoor furniture10 as defined by this Article, shall be prohibited on any yard, unenclosed porch, deck balcony or other exterior areas of any premise.</del>	Remove Section 18-33 Outdoor Furniture
Outdoor Storage	Sec 18-34	<p>Sec 18-34 Outdoor storage "Outdoor storage or accumulation of items in residential zoning districts, consisting of but not limited to, junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony" This should include the county parking tractors in residential neighborhoods then. I am a contractor by trade, I recently purchased a small tractor intended for use building my residential property as well as servicing many other residents and commercial properties throughout town. By this code, I can no longer store this on my property and can not afford storage fees on top of everything else. Because of these reasons, I will be forced out of my home and no longer be able to service or fund Los Alamos County.</p> <p>"that are visible from any public street, sidewalk, alley or from the ground level of abutting properties. The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances</u> junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items <u>that are not manufactured or intended for storage or use on any residentially zoned property 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.</u> <del>that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision.</p>	<p>The section regarding outdoor storage is largely retained from the existing standards that are currently located in Sec. 18-44. - Outdoor storage of materials, which was assumed to be put into place due to previous community issues/concern. There were also a number of concerns regarding outdoor storage listed in the open-ended responses of the community survey done late last year. The current draft is very similar to the existing standards in terms of prohibiting the storage of materials not customarily stored outdoors from public view. Concerns regarding regulation of outdoor storage have been voiced on both sides; concerns they are needed as well as the standards within this draft are too onerous. Not all communities include outdoor storage within the property maintenance codes, but those that do correlate to theories about property care &amp; maintenance helping to reduce crime &amp; violence. Direction from CDAB / Council is needed on the extent that outdoor storage should be regulated within the county. This section could be struck in its entirety or the standards revised to be less onerous to include exceptions for properties that don’t have garage to allow storage within covered carports for example.</p>



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		this provision." So I propose if this goes through the county will need to fund garages to be built to fit the owner's needs on every property that does not currently have one (i.e. 1 bay for a tractor, 1 for a project car, 1 for general repairs, and one for the tools to perform these). To do this any obstructions such as power lines, sewer lines, easements, setbacks, etc. will either need to be moved or ignored. That or the county needs to install a 100-car garage fully stocked for people to perform routine maintenance and other repairs on their cars free of charge	<p><u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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."</u></p> <p>Revise outdoor storage definition to read "Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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."</u></p>	
Rodent Harborage	Sec 18-35	Sec 18-35 Rodent Harborage. The county should also stop harboring gophers, bears, deer, skunks, snakes, birds, squirrels, etc. they are nuisances and eyesores. Bears, raccoons, and crows also litter an awful lot. I have often been paid to remove county harbored gophers as they invade private property. I've also been hurt on county property due to their harboring rodents, insects, vermin, or other pests.		The proposed draft regulations would apply to County-owned properties.
Inoperable or abandoned vehicles	Sec 18-38	sec 18-38 Inoperable or abandoned vehicles "Alternative for Personal Auto and Hobby Repair16: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way." I guess the county will also have to perform some major landscaping and development throughout town to allow space and access for this on every lot in Los Alamos, Being as we live on a mountain with canyons and hills. Save our virgin eyes from the horrors of the all-encompassing evils of an oil change! Seriously? I don't know about you but I can't afford mechanics as I know many of my neighbors can't either. I'm glad that the county thinks I'm rich, however, I am far from it. "Hobby activities" should this mean I can no longer care for my lawn and I should let it go to natural growth. Also grilling, smoking, or any other hobby should be prohibited as well then? What does that have to do with cars? This section is comical at best. When the county provides all with garages	Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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		this would be somewhat feasible.	<p>from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</u></p>	
Authority to Enter	Sec 18-74	Sec 18-74 Authority to Enter "Where it is necessary to make an inspection to enforce the provisions of this Article, or whenever the Code Compliance Officer or Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Article, the Code Compliance Officer or Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code. The authority to enter shall not include the interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire, or like emergency." We don't rent from the county we own. This is actually called trespassing. No, you don't have permission to be on any of my property at any time unless I have scheduled or invited you of my own free will. The County put in smart meters, so		A Code Compliance Officer or Code Official would be required to obtain a search warrant or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied to enter private property to conduct an inspection within a fenced are, not visible from the public right-of-way. Revise language to clarify. This language is standard within property maintenance codes. It is consistent with the International State Property Maintenance Code, State Statutes and the County Charter. Authority already exists and this section is compliant with NM Law.



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		propertied with these give the county no reason to step foot on an individual's property. Again this is criminal trespassing and I fully intend to press charges if this ever occurs in a non-emergency!		
Purpose	Sec 18-1	<p>The draft Nuisance Code seems to reflect the feedback gathered from the community and overall is well written. I do have some comments, mostly editorial, on the draft.</p> <p>ARTICLE I. NUISANCES</p> <p>18-1 Purpose Suggest adding a (footnote) referencing the NM Statute, 30-8-1. Public Nuisance, which authorizes counties and municipalities to establish and enforce a nuisance code.</p>	Revise language to read “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 <u>as authorized by State Law.</u> ”	
Scope	Sec 18-2	<p>18-2 Scope clean, safe, and sanity condition sanitary, safe, and structurally sound condition . . . (See 18-70) "Clean" and "sanitary" are redundant.</p>	<p>Add definition for clean “<u>Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health.</u>”</p> <p>Add definition for sanitary “<u>Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or waste is present in such a manner that the condition might constitute a health hazard.</u>”</p>	
Definitions	Division 5	<p>18-3/Division 5 Definitions Article I. Nuisances, lists definitions at the end of the section (Division5), while Article II. Noise, and Article III. Smoking, list definitions at the beginning of the sections. Consistency in official documents is important to making the document more reader-friendly. Defining terms upfront is more common, but either placement works, as long as placement is consistent throughout the entire document.</p>		Definitions are located at the end of the article to match current national best practices for code structure and to match the Chapter 16 Development Code updated structure.
Sidewalks and Driveways	Sec 18-30	<p>18-30 Sidewalks and driveways Are homeowners responsible for maintaining the structural integrity of sidewalks? Isn't that the County's responsibility? Please clarify this section.</p>	Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x of the Development Code.</del> 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.



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Obstructive Vegetation	Sec 18-31	<p>18-31 Obstructive Vegetation</p> <p>Although I would have preferred to have "weeds" retained in the ordinance, I understand that weeds were not a major concern of most respondents to the community survey. "Obstructive vegetation" seems to be a reasonable and enforceable approach to yard maintenance.</p> <p>Please consider adding a height limitation for vegetation in planting strips along streets. (Note that in White Rock, shrubs along Sherwood Blvd and Grand Canyon Ave are so tall that small children walking to and from Pinon School cannot be seen!)</p>		<p>The existing language of the Nuisance Article, specifically section 18-42, refers to weeds. The term “weed” and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.</p> <p>Vegetation within planting strips near intersections of streets or streets and driveways are regulated by the sight visibility triangles within Section 4-2(C)(IV) of the Chapter 16 Development Code. This section states “Landscaping, fences and walls, and shrubs shall not exceed 3 feet within the required sight visibility triangle. Signage and trees between 3 feet and 6 feet tall are prohibited within the required sight visibility triangle.”</p>
Outdoor storage	Sec 18-34	<p>18-34 Outdoor storage</p> <p>THANK YOU for including heavy equipment.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially-zoned property</u> shall be stored and maintained in an <u>orderly manner (e.g. stacked)</u>, shall not prevent emergency access to the primary structure, shall remain free of stagnant water, and shall <u>be located outside the front setback area. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned,</p>	



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			discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.</u> "	
Rodent harborage	Sec 18-35	18-35 Rodent harborage It shall be unlawful... No person shall be allowed to place, leave, dump or permit to accumulate . . . Please replace this awkward terminology throughout the document.	Revise language to read " <del>It shall be unlawful for any person to</del> <u>No person shall</u> place, leave, dump, or permit to accumulate any water, garbage, rubbish, or trash in any structure or premises so that the same may afford food or harborage for rodents or pests."	
Inoperable or abandoned vehicles	Sec 18-38	18-38 Inoperable or abandoned vehicles Alternative for Personal Auto and Hobby Repair Please clarify that this restriction applies only to inoperable vehicles, and also include carports as allowable workspaces. Residences in older sections of LA do not have garages.	See proposed revision in comment 1 on page 1 above.	The proposed revisions one page 1 provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.
Swimming pools, spas, hot tubs	Sec 18-39	18-39 Swimming pools, spas, hot tubs It shall be unlawful... Any swimming pool or similar body of water shall not be allowed to stagnate . . .	Revise language to read " <del>It shall be unlawful to</del> <u>No person shall</u> allow any swimming pool or similar body of water to stagnate, and become polluted or unsafe for its intended use."	
Responsibility for property maintenance	Sec 18-70	18-70 Responsibility for property maintenance in a clean, sanitary, safe, and structurally sound condition . . . (See 18-2) "Clean" and "sanitary" are redundant.	Add definition for clean " <u>Clean means free from litter, garbage, refuse, rodent harborage, pests, and other conditions that present hazards to human health.</u> "  Add definition for sanitary " <u>Sanitary means hygienic and lacking any condition in which an accumulation of filth, trash, or waste is present in such a manner that the condition might constitute a health hazard.</u> "	
Violations	Sec 18-71	18-71 Violations g) add commas before and after "however"	Nothing in this Article <sub>2</sub> however <sub>2</sub> shall in any way limit or prevent the County from taking any legal or equitable actions necessary to abate a public nuisance, taking immediate measures to prevent the imminent harm to or loss of life or property, or abating conditions that present an imminent danger to the health, safety, and welfare of the public.	
Administration and Enforcement	Section 18-73	18.73 Administration and enforcement procedures Flow chart: 3rd tier "Courtsey Letter" should be Courtesy Letter Staff sends courtesy notice of violation letter notifying of violation and requesting voluntary abatement (redundant)	Revise flowchart to address comments.	



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Administration and Enforcement	Section 18-73	Priorities: Medium- and Low-Priority have the same timeframe for resolution. Suggest that Medium be 21 days and Low be 30 days.		Enforcement priorities are recommended to be adopted as an administrative procedure rather than being included in the code. Council and CDAB guidance is needed on this matter and to determine the appropriate timeframe.
Notice	Section 18-75	18.75 Notice (c) iv. The date and time of the Community Development Board Meeting. Delete. CDAB is an advisory board, not an appeals board. Should not be required to be included in the Notice.	Revise language to read “iv. <u>The contact person for the appropriate Code Compliance Officer or Code Official with whom to obtain more information.</u> <del>The date and time of the next Community Development Advisory Board Meeting.</del> ”	The existing Code language in Section 18-36 Notice requires that the date and time of the CDAB meeting be included in the notice. Upon direction from CDAB and Council, this language will be struck and replaced with a contact person for obtaining more information.
	Division 5 Definitions	Division 5. Definitions Exterior property means the open space . . .	Revise language to read “Exterior property <u>means</u> the open space on the premises and on adjoining property under the control of owners or operators of such premises.”	
	Division 5 Definitions	Infestation . . . signs of chewing., (comma, not period)	Revise infestation definition to read “Infestation means the presence, within or contiguous to, a structure or lot of insects, <del>rodents, rats, vermin,</del> or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by <u>rodent harborage and long-term habitation by or frequent presence of pests.</u> <del>rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</del> ”	
	Division 5 Definitions	Inoperable vehicles (singular). . . Delete "or" before (d) and Add "or" before (e)	Revise Inoperable Vehicle definition to read “Inoperable vehicles means any vehicle, <u>including motorcycles,</u> meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: <del>broken</del> shattered or missing windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; <del>or</del> (d) is on blocks or similar devices; <u>or</u> (e) is <del>partially or wholly</del> dismantled <u>and not under active repair.</u> ”	
	Division 5 Definitions	Unsafe condition means unsafe conditions shall include	Revise language to read “Unsafe Condition means <del>unsafe</del> conditions <del>shall that</del> include, but shall not be limited to, any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures, or inoperable vehicles as defined herein, is or may be, an attractive nuisance to children or a danger to the life, premises, occupants, or safety of the public and any unguarded well, cesspool, excavation pit or hole which by virtue of abandonment, dilapidation, or lack of maintenance is a hazard to the public. “	
	Division 5 Definitions	Unsanitary condition means unsanitary conditions are those that pose . . . which may be evidence evidenced . . .	Revise language to read “Unsanitary Condition means <del>unsanitary</del> conditions <del>are those</del> that pose or may pose a threat, hazard, or nuisance to human health which may be evidenced <u>by one or more</u>	



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			of the following conditions: (1) fire or water damage; (2) infestation by rodents or other pests; (3) excessive amounts of litter or junk on the property; (4) abandoned pools or deposits of water that have been polluted; or (5) unclean animal enclosures.”	
General	Division 5 Definitions	General comment: Some definitions use numbers for lists, others use letters. Should be consistent. See Inoperable vehicles, Rodent harborage, Unsanitary condition.		The draft will undergo additional proofing to make numbering or lettering for lists consistent.
Noise and Smoking	Article II Noise and Article III Smoking	<p>ARTICLE II. NOISE</p> <p>18-92 Prohibited noise; decibel provisions.</p> <p>"It shall be a violation" and "It will be a violation" are used interchangeably in this Article. Please be consistent. Preferably rewrite to eliminate the phrase(s).</p> <p>Sec 18-94 Application for special permit.</p> <p>(a) and (b) Clarify which "manager". Also, change "he finds" and "he deems" to gender-neutral terms.</p> <p>ARTICLE III. SMOKING</p> <p>"It is unlawful" is used throughout this Article. Consider replacing with "No person shall."</p> <p>Thank you for considering these suggestions.</p>		Article II Noise and Article III Smoking are not included within the scope of this update.
Light Trespass and Enforcement		<p><b>Light trespass</b></p> <p>Light trespass is a very common nuisance where artificial light falls beyond the property it is intended to illuminate. Such light can be obtrusive to the adjacent property owner. Bright light trespass is an invasion of indoor space when shining through windows, and it ruins any sense of privacy in one’s yard after dark. It is a textbook example of a nuisance.</p> <p>The lighting ordinance aims to curb light trespass. Light trespass is mentioned in the outdoor lighting section (16-4-6) of the current draft of the LAC development code in the following sections: Purpose (4-6(A)2, low-voltage landscape lighting (4-6(E)4B, specialized lighting (4-6(G)5 and 4-6(G)6, roadway lighting (4-6(H)4), EMCs (4-8(F)(IV)15), and in the defined terms (16-6-2).</p> <p>Without an amortization clause, residents who are putting up with light trespass will have to live with it for the foreseeable future. There are many examples of egregious light trespass in Los Alamos County. The offending lights belong to the state, the county, businesses and neighbors. Affected residents are well aware of the problem.</p> <p>The nuisance code should provide a recourse for homeowners to have a light trespass problem fixed. Ideally, such problems would be resolved amicably between the parties involved. Should that fail, the county should step in —on a complaint basis — and enforce the provisions in the lighting ordinance regarding light trespass, regardless of whether the non-conformity would otherwise be allowed to continue.</p>		<p>Amortization of lighting falls within the scope of the Chapter 16 Development Code. The County has approved additional scope that allows the project team to take on a lighting subconsultant, Clanton &amp; Associates, Inc.   Lighting Design &amp; Engineering. The subconsultant will review and revise the lighting section of Chapter 16. Guidance is needed from Council on the topic of an amortization clause.</p> <p>Council guidance indicated light trespass should not be included in Chapter 18.</p>



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		<p>To whom it may concern,</p> <p>I have discovered the proposed new nuisance laws and frankly I am concerned. If the goal is only keep the rich in town this is how it will be accomplished.</p> <p>The county can not decide to dictate what we can and can not keep on our property when they have the same nuisances existing. How can someone who does not have extra funds work on their car with no garage? Have you looked around? Many homes do not and can not accommodate building one either, even if the homeowner could afford it. I can understand wanting to keep up the "image" of the town but why doesn't the county focus on bringing more businesses into the empty buildings? Or tearing down long abandoned safety hazards like the hotel at the front of town? The county makes it so hard to live here much less own a business. Maybe some other restaurants besides McDonald's, Starbucks and sonic. Honestly their customer service is crap and maybe letting in another drive thru option would encourage more small businesses.</p> <p>So many small businesses have left just because the county makes it so difficult to own and operate one. The expenses here are higher, customers are driven elsewhere for cheaper prices, the county offers spots at local concerts to outside businesses rather than local ones (Sirphey for example), and now they are trying to limit what those businesses can store (i.e. heavy equipment, tractors, plows, etc.), as well as the prices for commercial space. Even the movie theater is gone and it was something everyone enjoyed. Covid hit everyone hard but the county hasnt given an inch to help. Infact often they have made these struggles even harder than they already were.</p> <p>At what point will the county focus on the messes they have created and stop creating more? Take a look at Trinity and Diamond intersection right now. The two lanes on Trinity with thousands of commuters attempting to get to and from the labs or other businesses is a mess and a joke. Have you seen people turning left at the intersection of Trinity and Diamond? They turn from the straight lane (possibly what happened with the Prius recently at that intersection or the little truck that forced its way in and rear ended the larger truck) or have to sit in traffic all the way to the high school. Someone is going to end up hurt!</p> <p>This is no longer the town I grew up in. It is now full of empty buildings, struggling businesses, and a government that cares more about the bottom line and the appearance than the well being of the people living here. I truly hope this can become the town it once was but this direction is not how that is accomplished!</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair: 15- Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.”</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance .</p>



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Hobby Repair	Sec 18-38 Inoperable Vehicles	<p>On reflection, I realized that there is one word I would like to add to the nuisance ordinance language that I discussed below (and which I have edited to fix typographical errors). That word is "negative", as in:</p> <p><i>"Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes <u>negative impacts</u> to the neighborhood."</i></p> <p>This revised language recognizes that there are in fact positive impacts to working on one's vehicle in full public display.</p> <p>On 28 Aug 22 11:14 AM, Ryt, Randall wrote:</p> <p>On behalf of Council, I thank you for copying Council with your comments on the proposed nuisance code. I see that you have sent the message to the staff member who is compiling comments and drafting responses. I have also copied the consultant on this reply. Randall Ryt, County Council Chair</p> <hr/> <p><b>From:</b> <b>Sent:</b> Sunday, August 28, 2022 10:37 AM <b>To:</b> Sayeda, Sobia &lt;<a href="mailto:sobia.sayed@lacnm.us">sobia.sayed@lacnm.us</a>&gt;; ~County Council &lt;<a href="mailto:~CountyCouncil@lacnm.us">~CountyCouncil@lacnm.us</a>&gt; <b>Subject:</b> [EXTERNAL]LAC nuisance code review comments</p> <p><b>CAUTION:</b> This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.</p> <p>Greetings Ms Sayeda and LAC Councilors - Upon review of the proposed update to Chapter 18 of the Los Alamos County Code of Ordinances, I have comments regarding the section entitled "Alternative for Personal Auto and Hobby Repair". The proposed section reads:</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair</u>15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance .</p>



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		<p><i>"Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</i></p> <p>First off: wordsmithing: In one case the word "will" is used, and in another the word "shall." Is there a meaningful difference between these two terms in the ordinance, and if so, can that difference in meaning be clarified? Legal documents and guidance often ascribe specific meanings to terms like this. If there is no difference, use one and not the other.</p> <p>More wordsmithing: Both instances of the word "which" should use the word "that" instead.</p> <p>But the important part follows the "and". The author of this sentence seems to assume that dwellings in Los Alamos have a garage ("the garage") or even "fenced areas [that] are not readily visible from public rights of way". This is simply not realistic in parts of our town that were designed and built in the 1940s and 1950s, where garages and accessible back yards were simply not considered. Most homes originally had carports, and many of those have subsequently been converted into living spaces. To insist that garages or areas behind fences be used for vehicle repair is to prevent those without such assets from working on their vehicles. That is quite unfair.</p> <p>Working on one's vehicle is imperative for many residents. From simply changing oil or replacing tires to more extensive repairs, it makes vehicle ownership affordable. In some cases (mine included), as with many older vehicles, the owner MUST work on the vehicle, since there are no competent mechanics in the area for some specialized work. Besides, for many of us, working on vehicles, especially classic ones, is a hobby. Personally, I restore air-cooled Volkswagen buses as a hobby in the Eastern Area of town. And it is a great way to get to know one's neighbors, to boot. I have NEVER had a neighbor (or anyone else) complain about a restoration in progress in the driveway. Far from my vehicles being a "nuisance", on nearly a daily basis I have passersby comment on how much they enjoy seeing an old bus again, and they usually launch into some story about how they drove one across country back in the day. I have spent many hours chatting about these vehicles with other Los Alamos residents (and folks off The Hill, as well) to our mutual</p>		



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		<p>enjoyment, and have made many friends that way. This sort of interaction helps to build our community. It truly adds to the fun of living in Los Alamos.</p> <p>So, how to fix the proposed language? This is simple: Simply strike the language following and including the "and", and put the emphasis on minimizing only negative impacts:</p> <p><i>"Repair, maintenance, or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes negative impacts to the neighborhood."</i></p> <p>Please consider making this change. It works to the benefit and improvement of life in Los Alamos.</p>		
Sidewalks and driveways	Sec 18-30 Sidewalks and Driveways	<p><b>Sidewalks and driveways</b></p> <p>Please limit the language to sidewalks only. Otherwise, the county is being too intrusive. Homeowners are already subject to safety liability as a motivation to maintain safe passage along their non-right-of-ways. Whether or not they should have a skate ramp in their driveway, or a tricycle, etc., should not be at the discretion of the public.</p>	<p>Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.</p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions. Walkways, stairs, driveways, parking spaces and similar areas are included in this requirement to ensure access to structures for emergency services.</p>
Compost	Sec. 18-32 Accumulation of litter, garbage, and refuse	<p>Dear Ms Lawlis:</p> <p>I read in the Los Alamos Reporter that you are accepting comments till September 2. I also read Elizabeth Church's letter "Nuisance Code Revision: Los Alamos Is Not A Homeowners Association" in the reporter.</p> <p>While I agree with the title of Church's letter, I don't think her justification, which is essentially "think of the poor people", is necessary. Our county is not a homeowners association. Restricting what we do with our yards and homes for safety is appropriate. Restrictions for style and uniform appearance are not.</p> <p>I read the proposed Chapter 18 at <a href="https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-">https://www.lacchp18update.org/post/draft-chapter-18-nuisance-code-</a></p>	<p>Revise language to read "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be <u>contained or covered to</u> <del>screened from public view and shall be kept covered, except while turning to</del> ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm the day prior to the</u></p>	<p>Revise language to provide more flexibility for composting.</p>



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		<p><a href="#">update-available-for-review</a>.</p> <p>Overall it seems OK. Here are a few comments or objections:</p> <p>* In Section 18-32 on page 5 the proposed chapter says:</p> <p>Compost piles shall be screened from public view and shall be kept covered, except while turning to ensure contents are not windblown.</p> <p>I agree that we should ensure that contents are not blown by the wind, but I don't agree that the County should prohibit composting in public view.</p>	<p>day of collection as determined by the collections schedule set forth by the County.”</p>	
Outdoor Storage	Sec 18-34 Outdoor Storage	<p>* Also on page 5 the proposed chapter says:</p> <p>Outdoor storage or accumulation of items in residential zoning districts [...] heavy equipment [...] shall be prohibited within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, alley or from the ground level of abutting properties.that are visible from any public street, sidewalk, alley or from the ground level of abutting properties.</p> <p>I like living in Los Alamos because of the other people who live here. I like that many of them are the kind of people who buy serious tools and heavy equipment. I think we should be free to put our heavy equipment at least anywhere we could put a car.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances</u> junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. <del>that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment,</p>	



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			<del>inoperable vehicles, trailers, or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. 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."</del>	
Hobby repair	Sec 18-38 Inoperable or abandoned vehicles	<p>* In Section 18-38 on page 6, the proposed chapter says:</p> <p>Inoperable or abandoned vehicles. [...] Alternative for Personal Auto and Hobby Repair16: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights-of-way.</p> <p>Again, we have lots of people here who work on their cars in public view. I like that.</p>	See proposed revision in comment 1 on page 1 above.	The proposed revisions one page 1 provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.
Exterior surfaces protective treatment	Sec 18-51 Exterior Surfaces Protective Treatment	<p>* In section 18-51, the proposed chapter says:</p> <p>Exterior Surfaces Protective treatment. Exposed exterior metal and wood surfaces, other than decay-resistant woods, shall be protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.</p> <p>This is OK as long as the restrictions are limited to safety issues. Restrictions for style and uniform appearance are not OK.</p>	<p>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 <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight."</p>	Revise language to provide a more minimal requirement focused on safety.
Hobby Repairs	Sec. 18-38 Inoperable or abandoned vehicles	<p>Hello, everybody.</p> <p>I have read the proposed nuisance ordinance updates and have two thoughts as they pertain to my home on Orange street, Western Area 2, by the Denver Steels:</p>	See proposed revision in comment 1 on page 1 above.	The proposed revisions one page 1 provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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		1. The requirement that all vehicle maintenance be performed in a garage imposes a significant burden on neighborhoods with small houses and small lots. It would be nice to see some wording allowing minor maintenance tasks in our driveways.		
Outdoor Storage	Sec 18-34 Outdoor Storage	2. The "Outdoor Storage" section looks like it could prohibit me from parking my bicycle in my driveway bike shed. Some wording here addressing vehicle and/or bicycle storage would be helpful, especially as e-bikes, which can weigh upwards of 75 pounds, are becoming more popular.	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances</u> junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. <del>that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>Items customarily associated with residential uses such as, but not limited to, hoses; lawn furniture; grills and outdoor cooking equipment; sport, game</u></p>	



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			<u>and leisure equipment; children's play equipment; firewood; etc. shall not be considered outdoor storage for the purposes of this Chapter."</u>	
		<p>I also wonder if Luminarias should be specifically allowed, since these appear to be prohibited by the current document.</p> <p>Thanks for your attention,</p>		The proposed language is not intended to prohibit luminarias.
Hobby Repairs	Sec. 18-38 Inoperable or abandoned vehicles	<p>I am writing because I oppose a lot of what is going into the County's nuisance code. I want a code that addresses specific public health, safety, and welfare, and avoids cosmetic issues. Especially where the issues are more a matter of personal choice, and do not physically harm others.</p> <p>One such issue is vehicle maintenance. Although I do not work on my car, I have no problem if others do. I do not have a garage, off-street parking, the ability to get a car into my yard and it is not fenced for privacy if I could. That is an unrealistic and discriminatory expectation, much less a reasonable code.</p>	See proposed revision in comment 1 on page 1 above.	The proposed revisions one page 1 provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.
General		<p>And my garden is planted for pollinators and other wildlife. It is not harming anyone.</p> <p>I especially would not want to put up a privacy fence. That locks me in and blocks my connection to my neighbors. Being fenced in disrupts a sense of community, and has mental health and isolation ramifications.</p> <p>People in Los Alamos want to enjoy their properties freely. I do not want to live in a HOA, where bullies and the power hungry arbitrarily impose their will.</p> <p>Please stick to codes that directly protect the public's health, safety, and welfare.</p> <p>Thank you,</p>		The proposed update aims to focus on conditions that may threaten public health, safety, and welfare, as stated in the purpose statement.



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Topic	Applicable Section	Comment	Revision	Response
Inoperable Vehicles Hobby Repair and Outdoor Furniture	Sec 18-38 and Sec 18-33	<p>I write to comment on the county’s proposed changes to the nuisance code. I write on behalf of myself and others who reside in this gorgeous setting but who do not benefit from the high salaries and extraordinary benefits paid to LANL workers. I am a writer. On average, writers in this country make \$20,000 per year. Others who live here – and contribute to the rich fabric of this town – are teachers and nurses, grocery store workers, day care providers, arborists and carpenters. The proposed code will have a serious, negative impact on seniors and others living on fixed incomes.</p> <p>Los Alamos is not a homeowners association, and yet the code reads as if it were. Much attention has already been paid to the proposed code’s snobbish approach to home-based car repairs. Other aspects of the code as proposed have not received as much attention, such as the provision that would ban homeowners from keeping an upholstered chair or couch on a covered front porch – the code specifies that that kind of non-waterproof furniture would be prohibited. It does not speak to whether or not the furniture is in good shape or comfortable to someone who simply wants to sit and watch the world go by. Instead, it defines quite specifically what type of furniture an individual may keep on the porch. If this is about ratty, vermin-infested furniture left out to decay, that’s another matter. The code does not distinguish.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure, to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</p> <p>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, 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.</p> <p>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way.”</p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance. Remove Section 18-33 Outdoor Furniture.



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Exterior Surfaces protective treatment	Sec 18-51	And what is a homeowner to do when the exterior paint begins to peel – which it will, in our climate? Paint – and not the best paint – is currently running at \$50 a gallon. The cost of paying someone to paint is even more prohibitive. What is someone who does not boast of a \$100k salary do when the code enforcers spot an infraction? What does an elderly person on a limited income do? What does a teacher or nurse or social worker or clerk in a store do when already faced with childcare expenses, uncovered medical expenses, the expense of food and utilities? Does the county genuinely wish to force residents to choose between paying medical bills and making certain that no peeling paint is visible? Does the county next intend to dictate what colors someone may paint their home?	Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior metal and wood surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.</u>	Revise language to provide a more minimal requirement focused on safety.
General		<p>The building code enforcement section of local government has come under intense scrutiny in court. Recently, a business I patronized in Albuquerque for years indicated that it will no longer install windows in Los Alamos, due to the intransigence of the building code enforcers. Now, the county wants to embark upon a program of eradicating peeling housepaint? Does the county truly want to generate more litigation, this time featuring a different section of county operation? Do we really want to spend county resources going to court to enforce removal of a chair from someone’s porch or balcony?</p> <p>A nuisance code serves numerous wonderful purposes: health, safety, and public welfare. These updated provisions are only tangentially related to genuine concerns regarding those matters. They are, instead, snobbish and discouraging to those who want to make this town their home. You can build as many homes as you want up here in an effort to encourage people to live here rather than in surrounding areas – but no one will want to live in this town if it continues to use “health and safety” as a justification for elitism.</p> <p>Thank you for your consideration.</p>		The proposed update aims to focus on conditions that may threaten public health, safety, and welfare, as stated in the purpose statement.
General		<p>Why shouldn’t “aesthetics” be considered in the nuisance code?</p> <p>It should be.</p> <p>Are people proud of the appearance of their property, community, etc. or not? Are they too lazy to keep things neat? Or, some may not know how? Los Alamos County should be one of the most attractive communities in the country. It is NOT.</p>		Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime.



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		<p>What do visitors see? When our children, who grew up in White Rock return for visits, they invariably comment on the many rundown, overgrown, weed infested, etc. properties; how ugly the overall appearance of much of White Rock and Los Alamos is.</p> <p>It is hard to understand.</p>		
Sidewalks and Driveways	Sec. 18-30	<p>SIDEWALKS</p> <p>The county builds the sidewalks; they should maintain them.</p>	<p>Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-<del>x</del>[1] of the Development Code. <u>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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.</u>”</p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>
Hobby Repair	Sec 18-38 Inoperable Vehicles	<p>For working on my car.</p> <p>Please.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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			<p><u>front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</u></p>	
Outdoor Storage	Sec 18-34 Outdoor Storage	<p>I read the Chapter 18 updated July 2022 draft. I oppose this code as written.</p> <p>Sec 18-34 should be modified to apply to the front yard only. (On a related note, the County needs to relax its restrictions on erecting multiple sheds.)</p>	<p>Revise outdoor storage language to read "Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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</u></p>	



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			<p><u>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."</u></p> <p>Revise outdoor storage definition to read "Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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."</u></p>	
Hobby Repair	Sec 18-38 Inoperable Vehicles	Sec 18-38 should be modified to allow maintenance and repairs that begin and end within a reasonable time period (such as a week).	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible <del>from adjoining or surrounding property or</del> from view <del>of a</del> public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively</u></p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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Topic	Applicable Section	Comment	Revision	Response
			<p><u>being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Obstructive Vegetation	Sec 18-31	Overgrown vegetation "on the portion of the public right-of-way abutting thereon", that is, vegetation on County land, cannot be the responsibility of owners of adjacent property. (Perhaps the County should transfer land ownership of such portions to homeowners.)	Revise Language to read "The owner or occupant of any property shall <del>destroy, remove or trim</del> <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) <del>or adjacent property</del> in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be <del>removed or</del> trimmed <u>or removed</u> to maintain a minimum clearance of <del>76</del> feet overhanging sidewalk height and 14 feet overhanging street height."	Current draft language requiring property owner maintenance is consistent with regional and precedent community practices. Rio Rancho includes responsibility for sidewalk maintenance for property owners within Nuisance Code. Albuquerque, Alamogordo, and Rio Rancho place responsibility for maintenance of adjacent planting strips within Streets/Public Improvements section of their codes. This particular recommendation has raised public concern. The project team needs direction from CDAB and Council on whether this content should be struck from the draft or retained.
General		Overall, I support George Chandler's statements (L A Daily Post 8/8/22), such as: "There needs to be more thought put into setting reasonable objective standards for determining whether there is a threat to health safety and welfare" and "Send this back to DPS for more work and direct them to be sensitive to the needs of the older neighborhoods".		The proposed update aims to focus on conditions that may threaten public health, safety, and welfare, as stated in the purpose statement.
General		Hi Councilors;  I was just reading the last 2 versions of the new code. Both are redlined and neither indicates if it's the most recent.		A clean version of the July 2022 draft is available online at <a href="https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_c2ba8c39babd4129a25e7db1cc1cd2f5.pdf</a>
General		I disagree with Mrs. Chandler as far as needing to have the ordinance address esthetics. I think the terms "good repair" and "esthetics" go hand in hand. However there is NO definition of the term "good repair" or even for "structurally sound" !		Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for



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				each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime.
Definitions	Division 5	Depending on whether your talking about a home or a block wall or a wood fence there is a great deal of difference in what people consider "proper state of repair", "good repair" and "structurally sound" that the EXACT definitions of those NEED to be included. Page 15 in one of the versions states: "In good repair means in a condition where the structure fulfills its intended use and meets all other code requirements." is NOT an exact definition ! Especially when there are NO specific code requirements in regard to the situation. I'm especially concerned about dead trees	<p>Revise good repair definition "In good repair means in a condition where the structure fulfills its intended use, <u>is safe and functional</u>, and meets all other code requirements."</p> <p>Add structurally sound definition "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."</p>	Revise language to clarify definition and add a structurally sound definition
Dead and dying trees		<p>Both versions state: "Unsafe Condition means unsafe conditions shall include, but shall not be limited to, any premises or any portion thereof which, as the result of the accumulation or collection of litter, dilapidated structures, or inoperable vehicles as defined herein, 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." BUT this is not addressed in the vegetation paragraph.</p> <p>The "scope" only describes how far the code goes. Therefor "Sec. 18-32Scope The provisions of this chapter Article shall govern the minimum conditions and the responsibilities of a persons for maintenance of structures, including all existing residential and nonresidential structures, premises, and exterior property within the county. Property, structures, and premises shall be maintained in a clean, safe, and sanity condition and shall not cause or create a health, safety, or welfare hazard." is supposed to be specified in the following code itself.</p> <p>I've been harping on the Council for over 3 years now to include dead or dying (mostly dead) trees as currently code enforcement cannot do anything about the great safety hazard to vehicles and pedestrians posed by obviously dead or dying trees falling onto sidewalks and roads.</p> <p>The trees that have fallen on the golf course the last 2 years positively proved that trees do NOT always fall with the prevailing wind ! They fall in the direction of their weakest interior portion.</p>	<p>Revise language in Sec 18-32 Accumulation of Litter, garbage, and debris to read "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard <u>or unsafe condition</u>, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be <u>contained or covered to screened from public view and shall be kept covered, except while turning</u> to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm the day prior to the day</u> of collection as determined by the collections schedule set forth by the County."</p> <p>Revise language in Sec 18-30 to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x[1] of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del></p>	<p>Sec 18-32 Accumulation of Litter, garbage, and debris is intended to address dead and dying trees which present a fire or other hazard in the term "vegetative debris". The proposed revision to the left adds the term "unsafe condition" to this section to clarify the requirement.</p> <p>The language in Sec 18-30 Sidewalks and driveways addresses obstructions within the public right of way. The proposed revision to the left is intended to clarify this requirement.</p>



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		<p>But trees are addressed in the new code ONLY as far as they are an obstruction of sidewalks and roads: Sec 18-31 Obstructive vegetation. And how do you keep a tree in "good repair" ???</p> <p>A specific paragraph stating clearly that any tree that is obviously dead, i.e. large sections of bark missing and no leaves, dying trees, i.e. more than 1/4 of the tree is missing leaves or needles or the needles are brown (an indication the tree is infested with bark beetle larvae),</p>		
Accessory Structures	Sec 18-37	<p>Under the current code, the code enforcement officers tell me the pictures I have attached of the fence line I see every time I open my door meet code, even though both fences (1 fence line covering 4 houses) of the middle 2 houses are falling down, propped up with boards and have damaged and missing boards.</p> <p>The term "deterioration" is defined but in code only used to the condition of "structural members".</p> <p>And "In good repair means in a condition where the structure fulfills its intended use and meets all other code requirements."</p> <p>When it comes to fences one version states: "Accessory structures All accessory structures, including detached garages, fences, and walls, shall be maintained to be structurally sound and in good repair. "</p> <p>This is similar to circular reasoning in that "structurally sound" in regards to a wood fence is subjective. Do these fences meet their intended purpose ??? Who can say ? Obviously as far as the home owners are concerned they do. And what is considered "good repair" of a fence ?</p> <p>These are 2 story homes and I feel anyone who can afford a 2 story home in expensive Los Alamos can afford \$50 for a 12 piece pack of pressure treated fence board and less for non pressure treated: <a href="https://www.homedepot.com/b/Pressure-Treated/N-5yc1vZ1z0n5mi/Ntk-elasticplus/Ntt-fence+boards?Ntx=mode+matchpartialmax&amp;NCNI-5&amp;visNavSearch=fence%20boards">https://www.homedepot.com/b/Pressure-Treated/N-5yc1vZ1z0n5mi/Ntk-elasticplus/Ntt-fence+boards?Ntx=mode+matchpartialmax&amp;NCNI-5&amp;visNavSearch=fence%20boards</a></p> <p>When it comes to fences the code should clearly state: "Walls and fences (cinder block and/or brick) must be maintained in a like new condition. They must be self standing and not held up by propping of any kind. Missing blocks/bricks must be replaced. Blocks/bricks with holes must be patched. Damaged or missing wood fence boards must be replaced. Painted cinder block, brick, and wood walls and fences must be maintained with no extensive peeling, discoloration, or splotchy</p>	<p>Revise good repair definition "In good repair means in a condition where the structure fulfills its intended use, <u>is safe and functional</u>, and meets all other code requirements."</p> <p>Add structurally sound definition "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."</p>	<p>Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime. Direction from Council is needed on this topic.</p>



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		<p>painted sections, i.e. replaced blocks, bricks, and wood must be painted in a very closely matching color. (Note: Lowes, Home Depot, Ace, and any paint store can match the current weathered color with a small sample of the current color).</p> <p>Thank you, Have a Beautiful Day and Stay Well</p>		
Hobby Repairs	Sec 18-38	<p>Dear Jessica,</p> <p>I strongly oppose any nuisance code with language prohibiting openly working on a vehicle.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, 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.</u></p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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			Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."	
General		<p>Dear Council Members:</p> <p>Please do NOT approve the nuisance code/ ordinance tonight as written. There are so many issues with this, I don't even know where to begin.</p> <p>In law, there is the idea of "least restrictive means." Meaning, how can we accomplish the outcome we want, while using the least restrictive means possible? Here, the County is overreaching their boundaries and has seemingly aimed for the *most* restrictions they can possibly place on homeowners. Instead of looking for the "least restrictive means," the County appears to be trying to legislate homeowners out of the right to use and enjoy their property and the general benefits of being a homeowner. Not to mention, the Code treats all properties the same, whether it's a 1950's quad unit or a brand new 3-garage home in Ponderosa Pines. The end result is going to be older and middle-to-lower income residents and homeowners bearing the brunt of the majority of the violations.</p> <p>Thanks to the quirky geography and how this town was built, many homeowners in LA do not have the option of working on their car in their backyard or "an enclosed area," or storing items to be taken to the dump in an enclosed location. And what interest does the county have in the crack in my driveway or the rotting piece of siding on the side of my house?</p> <p>Everything is couched in terms of "safety" and "welfare" for the community but let's all admit that is a BS argument. The community is not less safe because I have an uneven porch or peeling paint or broken bricks next to my front door. The community is not at risk because I have an old car in my front yard or a couch on my deck that can be seen from the street.</p>		The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public.
Accumulation of litter, garbage, and debris	Sec 18-32	There are already nuisance laws in place that can be relied upon in the event that someone's use and enjoyment of their property is being infringed upon by another. Fair enough. The county should not be involved in making sure that my compost pile doesn't blow leaves into my neighbor's yard.	Revise language to read "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be <u>contained</u>	The proposed revised language to the left is intended to provide more flexibility for composting.



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			<del>or covered to</del> screened from public view and shall be kept covered, except while turning to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm the day prior to the day</u> of collection as determined by the collections schedule set forth by the County.”	
Authority to Enter	Sec 18-74	Can the county set standards for public ways like sidewalks and streets? Sure. Can the county request homeowners to take actions when there are real hazards involved like trees close to power lines or construction materials protruding into the street? Sure. Can the county officials just wander into my backyard to check the condition of my pergola? NO. There are lines that can be drawn, must be drawn, to protect and respect the rights of the community. There IS a least (or lesser) restrictive means to respect the property & home owners rights and keep the community safe, and surely the County has access to attorneys who can craft ordinances like that. Has the county even attempted to do that? Not according to the Nuisance Code as it’s written.	Revise language in Section 18-74 to state “ <del>Where it is necessary to make an inspection to enforce the provisions of this Article, or whenever the Code Compliance Officer or Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Article, the Code Compliance Officer or Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code. The authority to enter shall not include the interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied. 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.”</del>	Revise language to clarify requirement that a warrant or property owner permission is required prior to entering into private property areas for inspection.
General		Further, in the code, the County needs to separate out commercially owned properties (or those for commercial use) from privately owned ones. Commercial property owners have a legally higher standard of maintenance and a legally higher duty to patrons to maintain their premises in good condition and notify the public of dangerous conditions. They also should have a higher duty to the community to keep their buildings presentable and in decent repair. Many of the commercial properties in town share and benefit from parking lots, green spaces, county streets and thoroughfares, and - as it appears currently - preferential treatment at times from county officials. Accordingly, commercial properties should be reasonably expected to keep their properties in working order with an eye to having an exterior that is clean and well-maintained.		Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime. Direction from Council is needed on this topic.



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		<p>I understand the County and community interest in attending to certain properties which are in such disrepair or so much of an eyesore that the entire town feels affected. But don't punish the whole to get at the one or the two. Don't punish the property owners and taxpayers (!!) who purchased a home partially so that they COULD do their own repairs, renovations, remodels, enjoy their decks, allow their children to freely leave bikes and toys in the yard, and feel the satisfaction of being in their own space.</p> <p>Of course some people, to the great discomfort and annoyance of their neighbors, take full advantage of home ownership and "let it all hang out," so to speak. That's where HOA's really come in handy. But this is not the county's problem - the county should be VERY limited in its involvement in this realm of private home ownership!</p> <p>Going back to the least restrictive means: if it's not genuinely hazardous or putting the community at risk or affecting the use and/or safety of a public right of way, the County should be asking "is this something the County should be responsible for? Is this something the County should be monitoring?" You could also ask, "Is this something that necessitates the investment of the County's money, time, and resources?" Because I'm pretty sure we can all think of higher priorities for the county, and better use of its resources, than worrying about the cardboard boxes or weeds in my front yard.</p>		
Violations	Sec 18-71	<p>Lastly, the clause that "each calendar day will be a separate violation" is ridiculous. We all know that one cannot get instant or easy access to materials or decent workers here. Heck, when a major emergency happens - like a flooded basement or electrical hazard - it can take weeks just to get someone to return your call! (And Some might say that this the county's fault, in a way... with its reputation for being a hindrance to small businesses succeeding here...) So for the county to come in and say each day could result in a separate violation punishable by criminal offense (criminal offense?!?), knowing full well the lack of general maintenance and repair services and materials available in northern New Mexico, feels unjustly punitive indeed.</p> <p>Any violation (though there should be significantly fewer than what is listed in this draft) should have a grace period. Perhaps there should even be a cap as to how many violations the County can issue to a homeowner per month/year. Given the on-going debacle with Sirphey, and how the issue started out (with violations), it is not far-fetched to think the County could abuse this nuisance code as it's currently written.</p> <p>Really, there are so many things wrong with this code, it would be best to toss the whole thing and start over with what the county should ACTUALLY be caring about. Start there and ask "what are the least restrictive means we could use to accomplish this?"</p>		<p>This language is based on an existing standard and code enforcement practice within the County. Los Alamos Code Sec. 1-8(a) states "General penalty and continuing violations. Whenever in this Code or any rule or regulation promulgated under the provisions of this Code any act is prohibited or declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Every day of any violation of this Code constitutes a separate offense."</p>



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		It's becoming more and more the case that people who work here and participate in our town life are lucky if they have the opportunity and means to LIVE here. Don't put yet more obstacles in place for potential (or current) homeowners to invest in this community.		
Sidewalks and Driveways	Sec 18-30	1) Sidewalk maintenance that includes clearing of brush, vegetation, snow, debris, rock, dirt, etc. is good, but I think homeowner repair or replacement might be onerous.	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-<del>x[1]</del></del> of the Development Code. <u>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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</u>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
Administration and Enforcement Procedures	Sec 18-73	2) In the section that allows for complaints by one homeowner against another, I think it would be good to remind people that their complaints are not anonymous and that their identity is not protected in the event of an IPRA. Thank you!		Public records requests are governed by the Inspection of Public Records Act (IPRA), NMSA 1978, §14-2-1 to – 12. Communicating these requirements to members of the public reporting a suspected violation is recommended to be an administrative practice, and not included in the code language.
Sidewalks and Driveways	Sec 18-30	Sobia: Can you confirm that the sidewalks referenced in Section 18-30 of the Chapter 18 rewrite are the public sidewalks that parallel the street in front of properties?  Most of the objections we are hearing is the notion that property owners would be held responsible for maintenance of the public sidewalks. The rest of 18-30's reference to "walkways, stairs, driveways, parking spaces and similar areas" you could read to mean areas on private property.  Please clarify whether "sidewalks" does refer to the public sidewalks that seem to be the point of contention for this section.  Thanks,	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-<del>x[1]</del></del> of the Development Code. <u>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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</u>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions. Walkways, stairs, driveways, parking spaces and similar areas are included in this requirement to ensure access to structures for emergency services.
Sidewalks and Driveways	Sec 18-30	Sorry, I caught a meaningful error/typo in my comment to you.  Please use this for sidewalks and driveways.	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to</del>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions. Walkways, stairs, driveways, parking spaces and similar areas are included in this requirement to ensure access to structures for emergency services.



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		<p>Last sentence was riveted to say “should not be”</p> <p>Thank you!</p> <p><b>Sidewalks and driveways</b></p> <p>Please limit the language to sidewalks only. Otherwise, the county is being too intrusive. Homeowners are already subject to safety liability as a motivation to maintain safe passage along their non-right-of-ways. Whether or not they should have a skate ramp in their driveway, or a tricycle, etc., should not be at the discretion of the public.</p> <p>Also, please remove language about sidewalk repair. This should be within the domain of the county. All residents use the sidewalk, one homeowner should not be responsible for fixing it.</p> <p>The only repair options that might be reasonable would be excessively, crumbling cement stairs that lead to utility access or mail delivery.</p>	<p><del>maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-<del>x[1]</del> of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.”</del></p>	
Outdoor Furniture	Sec 18-33	<p>Please consider the following comments for the nuisance code draft.</p> <p><b>Outdoor furniture</b></p> <p>Strike the whole thing. As long as the furniture is not attracting rodents, or clearly a fire hazard, then it’s up to the homeowner what kind of chair they want to use outside.</p>	<p><del>Outdoor furniture</del></p> <p><del>Furniture, other than outdoor furniture as defined by this Article, shall be prohibited on any yard, unenclosed porch, deck balcony or other exterior areas of any premise.</del></p>	Strike Sec 18-33 Outdoor Furniture from proposed language.
Outdoor Storage	Sec 18-34	<p><b>Outdoor Storage</b></p> <p>An accumulation of junk can become a problem due to rodents, snakes, and fire. Not to mention that a personal junk yard exceeds the limits neighbors should be expected to tolerate. Please try to quantify this— as written this could be too broadly applied and infringe upon the rights and privacies of property owners.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially-zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not</u></p>	



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			<p><u>inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	
Movable and temporary storage	Sec 18-35	<p><b>Movable and temporary storage</b></p> <p>The tent/canopy seems too ambiguous. Also, I would like to see a minimum of seven days granted without a permit for any temporary device. Additionally, instead of “out of public view”, language that moves temporary storage to a side or back yard would be preferred. Not all yards have the ability to hide storage from public view and as such, this ordinance cannot be applied fairly.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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</u></p>	<p>Recommendation to retain movable or temporary storage structures as written due to safety concerns about structural integrity of temporary tents / canopies during snow events, high winds, etc.</p> <p>Revise outdoor storage language as shown to the left.</p>



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			<p><u>outside. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	
Inoperable vehicles	Sec 18-38	<b>Inoperable vehicles</b> This should only apply to vehicles on public property, such as vehicles stored on the road. If someone wants to keep an inoperable vehicle on their property, then that’s their business. If this is truly needed in the county, then it should be regarding the storage of multiple inoperable vehicles, and not a single inoperable vehicle. If the public doesn’t like the way a single inoperable vehicle looks, they can look the other way. This is way too intrusive to the rights of homeowners and private property.		Vehicles on public roadways are governed by Los Alamos Code of Ordinances Chapter 38 Traffic and Vehicles. The proposed draft language regarding the storage on inoperable vehicle on private property is based on and similar to existing code language regarding the storage and number of allowable inoperable vehicles found in Los Alamos Code of Ordinance Sec. 16-281.
Exterior surfaces protective treatment	Sec 18-51 Exterior surfaces protective treatment	<b>Exterior surfaces protective treatment</b> At maximum, use the revised language. It would also be nice to have a time element. If there is a hail storm, and the roof is damaged, it takes time for repair. So any disrepair should be allowed for a minimum number of months before a homeowner will get any kind of warning or violation.	Revise language to read “Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> 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.”	The current language is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.



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Outdoor Storage	Sec 18-34	<p>Additionally, all language should make it clear that trailers with a hitch, and campers or boats that can be towed or driven do not fall under this ordinance.</p> <p>Thank you for considering these comments,</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</u> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	<p>Storage of recreational vehicles is addressed in the updated Chapter 16 Development Code Use Specific Standards Section 3-2(D)(XI). Language in Chapter 18 regarding outdoor storage has been revised to clarify requirements and remove trailers</p>
Hobby Repair	Sec 18-38 Inoperable Vehicles	<p>Thank you for the detailed response, and for the County Council members' attention to this matter. I have been discussing this with my neighbors, and of the two options presented, we are in favor of Option 1 which would remove the Section 18-38 language on Alternative for Personal Auto and Hobby Repair. While</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles</p>	<p>The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.</p>



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		<p>we understand the intent of Option 2, it is unnecessarily cumbersome for both the County and homeowner.</p> <p>To build on point 2 in my initial email, I would also like to reiterate that in many cases opaque covers may be more aesthetically unpleasing than the vehicle itself, so we are also in favor of removing this from the draft document as well.</p>	<p>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 motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p><u>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</u></p>	
Obstructive Vegetation	Sec 18-31 Obstructive Vegetation	I'll be interested to hear about any revisions you're considering to the vegetation sections. I noticed that neither councilors who wrote to me today addressed this. Which is fine, although perhaps telling.	Revise Language to read "The owner or occupant of any property shall <del>destroy, remove or trim</del> <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight	The proposed revisions to the left are proposed for Sec 18-31 Obstructive Vegetation



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		<p>We found the county park's notice in the paper on Sept 2nd about encroaching vegetation on county property and their plea for the public to be patient, alongside the nuisance code proposals, to be somewhat amusing. We certainly hope that the county will be just as patient with county residents about vegetation we're expected to clear.</p> <p>Thank you,</p>	<p>triangle per Section 16-4-2(C)(IV) <del>or adjacent property</del> in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be <del>removed or</del> trimmed <u>or removed</u> to maintain a minimum clearance of <u>76</u> feet overhanging sidewalk height and 14 feet overhanging street height."</p>	
General		<p>Dear Councilmembers,</p> <p>This communication serves as comment to the proposed Chapter 18 nuisance code. A municipality like Los Alamos County receives the benefit of defining a nuisance, within the parameters of NM Statutes. It also bears the burden of ensuring that it's codes actually serve their intended purpose to protect the public health, welfare and safety of its residents. Setting quasi-criminal ordinances for curb appeal under the guise of public safety ordinances is contrary to the intended purpose of this county's right to define nuisances.</p> <p>NM Court opinoins have held that public nuisances are those that must a affect a "consdierable amount of people". When reviewing the commissioned survey, the top concerns were fire hazards, abandoned building, structural hazards and trash. (See page 6 of survey results).</p> <p>In those cases in which NM Courts have found that a nuisance did not exist was a neighborhood factory which caused dead fish smell; surely if that is insufficient I cannot see how curb appeal becomes a nuisance.</p> <p>The survey itself contained leading questions regarding whether individuals should allow weed to be defined subjectively. As a researcher who designed and analyzed large (25,000 + ) surveys; leading questions are faulty and biased way to collect information. Allowing citizens to subjectively decide what constitutes an ordinance is overreach.</p> <p>Please remember that an ordinance is a QUASI-CRIMINAL rule. The city imposes fines, must provide a notice for a hearing, and the rights of individuals are circumscribed. This is not to be taken lightly.</p>		<p>The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The draft has been reviewed by both Los Alamos County's legal team and the consultants legal counsel for compliance with New Mexico State Statutes and case law.</p>
Regulation of Exterior Structure	Division 3	<p>- asking individuals to repair items on their driveway or stairs is not a matter of PUBLIC safety; the public does not use that property and it is a clear overreach of government.</p>		<p>The regulations in Division 3 Regulation of Exterior Structure are all based on the existing standards found in Chapter 18. These types of standards are also included in the International Property Maintenance Code and the codes of local communities included in the precedent research. Standards such as these ensure safe access for emergency services.</p>



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Sidewalks and Driveways	Sec 18-30	- In light of this, the city should also note that NM statutes indicate that a municipality is under a legal duty to keep the streets and sidewalks in a safe condition. Maintaining sidewalk safety is not a private liability.	Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-<del>x{1}</del></del> of the Development Code. This includes any object that <u>obstructs the free flow of pedestrian or vehicular traffic thereon, and obstructions impairing the line of sight, particularly within required sight triangle per Section 16-4-2(C)(IV) of the Development Code.”</u>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
General		- ordinances can have a severe effect on individuals with disabilities, low income and in many cases have served as a method to regulate underserved communities. I urge the city to reconsider whether the proposed nuisance draft actually serves the purpose it purports. I ask the city to closely look at each proposed rule and match it against survey results. LAC residents deserve that transparency.		The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The recommended enforcement approach is a hybrid compliance-based and complaint-based system with a focus on education to curb nuisances before they become violations and partnerships with community groups and resources to prevent and abate nuisances.
Violations		<p>I am writing in my capacity as a private citizen and speak for no other person or organization in these comments.</p> <p>After reviewing the most recent version of Chapter 18 from DPS’s website, I am tempted to reiterate CDAB's previous recommendations that were not implemented either by Council or in this draft. I want to instead comment about consequences, both intended and unintended, and provide specific thoughts on a few categories.</p> <p>Intended consequences</p> <p>18-71(b): “Violations may be enforced by issuing notices of violation and, if necessary, by filing a criminal complaint in Municipal Court”</p> <p>Los Alamos County created and implemented this code with full knowledge that it could result in criminal charges. The fact that no one has been sent to jail over a nuisance violation does not change the fact that criminal charges were and remain an intended consequence of our nuisance code. I'm not indifferent to the argument that creating a civil court is a massive administrative undertaking, but our lack of judicial options does not make this an acceptable situation. Perhaps creative use of a quasi-judicial body modeled after P&amp;Z could adjudicate at certain stages and allow for appeals to advance to court while protecting residents’ rights to due process.</p>		The type of violation is not intended to change from the existing code to this draft. The implications of receiving a violation order for those individuals with a security clearance would be determined by the agency administering the clearance. The County provides a Courtesy Letter requesting voluntary abatement of a nuisance prior to issuing a violation order to allow individuals to avoid receiving a violation order.



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		<p>It is also essential to note that in New Mexico, there is a right to an attorney “when the offense with which the defendant is charged is punishable by imprisonment.” Chapter 18 nuisance code violations default to the general penalty of criminal charges with a fine of no more than \$500 or 90 days in jail. County Attorney Leaphart once reminded members of the public providing public comment on code enforcement at a Council meeting of their right to remain silent. At some point in the notification / citation process, residents should probably be reminded of their Sixth Amendment right to an attorney should the issue go to court.</p>		
Exterior surfaces protective treatment	Sec. 18-51 Exterior surfaces protective treatment	<p>Exterior surfaces protective treatment is an example of unintended consequences. I am sympathetic to efforts to force property owners to deal with truly dilapidated homes. When we look at a house that is literally falling apart, in a "know it when we see it" sense, there's broad consensus that it's bad and should be abated.</p> <p>However, casting a net to capture that house's peeling paint, chipped stucco, cracked foundation, exposed metal framing, etc. also captures a house with paint peeling on a couple of exterior window frames. From an enforcement perspective, both the house in total disrepair and the house with paint peeling on two windows are in violation of the code and must be enforced equally. The current wording criminalizes what a reasonable person could consider to be in an acceptable range of "I'll get to it when there's more time/money/urgency" in order to have an ordinance to use for uncommon edge cases.</p> <p>I'll reiterate what others have said--enforcement practices can vary widely based on who is in charge, and the ordinances must consist of clear guidance that cannot be reinterpreted later.</p>	<p>Revise language to read “Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.”</p>	<p>The current language is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.</p>
Obstructive Vegetation	Sec 18-31	<p>What the Rewrite Gets Right</p> <p>In one of the best solutions implemented in this rewrite, weeds became “obstructive vegetation.” A huge kudos to those who suggested and supported this change. Focusing on the undesirable end result that is actually a public nuisance (obstructing access, use, or visibility in public areas) removes the subjectivity and controversy surrounding weeds, particularly the fact that not all areas of weeds are the same, but must be treated the same under the law.</p> <p>The overarching solution to most of the remaining controversial issues is to use the same concept that was used for weeds: legislate the actual problem and not the potential for the problem.</p>		
Sidewalks and	Sec 18-30	Sidewalks	Revise language to read “Sidewalks, walkways, stairs, driveways,	Revise language to remove maintenance obligation of the sidewalk surface.



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Driveways		Maintaining sidewalks free from obstruction is a perfect, clear-cut example of where property rights end and public interest begins. That is an outstanding use of Chapter 18 and should be a primary focus of enforcement. I concur with Councilors who noted that we should not assign responsibility for maintenance of the actual sidewalk concrete to the property owner or occupant.	Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-4-2(C)(IV) of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.</del> ”	Proposed revision retains the requirement that walkways be kept clear of obstructions.
Outdoor Furniture	Sec 18-33	<p>Outdoor Furniture</p> <p>My “weather-resistant furniture that is designed and manufactured for outdoor use” deteriorated in the sun and weather just as much as furniture that is not designed for outdoor use would, if at a different rate. The main voiced concerns were aesthetics, i.e., not wanting to look at deteriorated/rotting/unpleasant furniture. Presumably Councilors would also not want to have to look at deteriorated furniture even if it had been designed for outdoor use. While I personally think a municipality should not criminalize situations based on the aesthetic sensibility of the majority of elected officials at a particular moment in time (for example, October 2022 vs March 2023), there is merit to an argument that once something has reached a state of actual deterioration, a health and safety issue also exists.</p> <p>Because furniture designed for the outdoors can reach the same undesirable state that furniture designed for indoor use can, a better solution is to define “deteriorated” in a way that encompasses the actual goal with clarity and specificity. Then, you can allow furniture of any design, in any state, to exist outdoors; if or when it meets the clear and specific criteria of deterioration, it is classified as a health and safety issue and must be abated, just like any other health or safety issue.</p>	<del>Outdoor furniture Furniture, other than outdoor furniture as defined by this Article, shall be prohibited on any yard, unenclosed porch, deck balcony or other exterior areas of any premise.</del>	Strike Sec 18-33 Outdoor Furniture from proposed language.
Outdoor Storage	Sec 18-34	<p>Outdoor Storage</p> <p>The definition of outdoor storage: “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of goods, products, tools, machinery, equipment, inoperable vehicles, trailers, or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code.”</p>	Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances</u> junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any	



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		<p>Tools and goods for the home maintenance this code seeks to enforce—such as hammers, nails, socket set, drills, screws, paint scraper, paint brushes, shovel, circular saw, bags of dirt for the garden, flower pots, plant trellis, etc.— are necessary for a principal use of my residential property: home and yard maintenance. I am allowed to store, place, or locate on my exterior property the needed tools, products, goods, etc. in, for example, my unenclosed carport. These may be contained in toolboxes or weatherproof tubs (e.g., Rubbermaid). A code enforcement official would need a warrant to see the inside of such containers to determine whether the contents are for a permitted use or not, making the enforcement of this section virtually impossible. I support cutting it entirely in favor of, again, a meaningful definition of health and safety hazard that will address the severe edge cases without casting a legislative net that catches anything short of empty carports and porches.</p>	<p><del>residentially zoned property 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. that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	
Rodent Harborage	Sec 18-35	<p>Rodent Harborage</p> <p>I have not seen peer-reviewed research indicating that rodents can tell the difference between operable and inoperable cars, or that they prefer “weeds” over an aesthetically pleasing wildflower garden. Anecdotally, many locals seem to share the experience of having to repair an operable vehicle—including vehicles driven daily—due to rodent damage. It would be beyond reason to prohibit operable vehicles, even though they can also harbor rodents, making arguments about hantavirus appear somewhere between poorly thought out and disingenuous. In the case of structures (which enforcement officials would need a warrant to enter), there is no guarantee removing all trash, rubbish, etc. will</p>	<p>Revise language to read “Rodent harborage means any condition <del>that which</del> provides shelter or protection for <del>pests insects</del> and rodents; thus, favoring their multiplication and continued existence <u>leading to infestation</u> in, under, or outside a structure or lot. Rodent harborage may be identified by one of more of the following signs: 1) the presence of live or dead rodents; 2) the presence of rodent nests made up of many kinds of materials, such as bits of paper, straw, rags, etc.; 3) rodent odor from rodent urine; 4) the presence of droppings; 5 ) evidence of gnawing; 6) rub marks or deposits of body oil and dirt from rodents found along frequently traveled routes as an indicator of habitual pathways; 7) the presence of runways or frequently traveled paths along floors, stairs, and shelves</p>	



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		<p>eliminate an infestation. This fact is reflected in the ordinance when it states the occupant is responsible for extermination, not just removing the allegedly causal conditions.</p> <p>Again, I strongly encourage that the County use the code to address the undesirable end result, which in this case is an infestation: change “...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” to “...trash in any structure of premises that is so infested. The property owner or occupant shall be responsible....”</p>	<p>where droppings, rub marks, and stains from rodent urine are found; 8) the presence of burrows that consist of tunnels dug below ground and are used by rodents for nesting and as a path for travel.</p> <p>Revise infestation definition to read “Infestation means the presence, within or contiguous to, a structure or lot of insects, <del>rodents rats, vermin,</del> or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by <u>rodent harborage and long-term habitation by or frequent presence of pests. rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</u>”</p>	
Exterior surfaces protective treatment	Sec. 18-51 Exterior surfaces protective treatment	<p>Screening as a solution</p> <p>Anything that provides screening as a requirement or solution is purely aesthetic. In the statistically valid survey, Los Alamos County residents found overwhelming consensus that the code should focus on health and safety. There is room for some interpretation of what is encompassed by health and safety that veers into appearances. “When does chipped paint that people don’t want to look at become a safety issue?” is a question worth asking in this context. “Should we require people to pull a permit and build a fence that can withstand a significant snow load in order to store their home maintenance tools without being criminals?” is not.</p> <p>I commend the work that has been done so far, but this still has a long way to go.</p>	<p>Revise language to read “Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.”</p>	<p>Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime. Direction from Council is needed on this topic.</p> <p>The previous draft language regarding exterior surfaces protective treatment is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.</p>
Sidewalks and Driveways	Sec 18-30	<p>Greetings,</p> <p>I would like to comment specifically on the sidewalk maintenance part of the code that requires homeowners to repair their sidewalks. I believe the county should explain to everyone WHY this is changing. Personally, I have not heard why this change has to happen. Also, I am opposed to this change, unless there is a clear and compelling reason to make this change.</p> <p>Second, can the county come up with some compromise such as cost sharing, and permit fee's being removed or reimbursed? Also, will this apply to commercial properties as well? It appears that business sidewalks are the worst in the county.</p> <p>Thanks</p>	<p>Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x{1} of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code.</del>”</p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>
General		Health and safety only.		Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic



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		<p>Why make me a criminal when my weeds grow in the torrential rains and my blue tarp cover blows in the horrendous wind storms as they topple trees (don't get me started on golf course haters, too). I have had to deal with this code enforcers before because the pig feeder in my yard wasn't pretty enough for Los Alamos; now it has flowers. Really, citing me for such petty matters is not helpful and does much more harm than good for our town site.</p> <p>Re-do the draft nuisance code for health and safety only... we are not an HOA.</p>		<p>considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime. Direction from Council is needed on this topic.</p>
General		<p>Having just returned to town after being gone for more than a month, we finally had a chance to read the draft Chapter 18 code, otherwise call the nuisance code. Below are some thoughts and concerns that hit my gut and mind as I read it. They are in no particular order.</p> <p>Every section should highlight the specific public health, safety and welfare issue associated with that section so that it validates these issues and does not just look like rules for "esthetic" reasons.</p>		<p>Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime. Direction from Council is needed on this topic.</p>
Definitions	Division 5	<p>Sanitary condition needs to be better defined. Do we need to be able to eat off the floor? Does having a mouse or snake in your yard make it unsanitary? What about gophers that go from the parks into our yards or allowed to proliferate in easements?</p> <p>Much of the code seems to discriminate against people that are "do it yourself" people; like fixing their car, changing their oil in their driveway, building things, etc., or people who do not have garages.</p>	<p>Add definition for sanitary "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"</p> <p>Revise unsanitary condition definition language to read "Unsanitary Condition means <del>unsanitary</del> conditions <del>are those</del> that pose or may pose a threat, hazard, or nuisance to human health which may be evidenced by one or more of the following conditions: (1) fire or water damage; (2) infestation by rodents or other pests; (3) excessive amounts of litter or junk on the property; (4) abandoned pools or deposits of water that have been polluted; or (5) unclean animal enclosures."</p>	
Movable or temporary structures	Sec 18-33	<p>Not allowing an awning over your car to protect it from the weather (strong sun, snow, and rain) discriminates against people who do not have carports or garages, or even a place to build such structures. Many homes in Los Alamos were purpose built this way in the past.</p> <p>The county does not supply enough space to park campers and such so people often have to use their own property.</p>		<p>Recommendation to retain as written due to safety concerns about structural integrity of temporary tents / canopies during snow events, high winds, etc</p>
		<p>Grass and leaf compost piles should not be covered as they "haystack" in our dry climate and need the rain to keep the material damp. May also need watering and turning to aerate and encourage temperatures to break down materials.</p>	<p>Revise language to read "All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean</p>	<p>Revise language to provide more flexibility for composting.</p>



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		Only food compost could be a problem as it attracts animals and should be covered. That is not necessarily going to keep bears and other animals out.	and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be <u>contained or covered to</u> <del>screened from public view and shall be kept covered, except while turning</del> to ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm the day prior to the day</u> of collection as determined by the collections schedule set forth by the County."	
County-owned property		The county has been an offender of many of these codes that are proposed. Lately they are not taking care of Trails and Parks like they did in the past causing a huge weed problem to properties that border such places and around town in general. Even before the rains started this spring there were weeds growing in our yards that I had never seen before. There is a proliferation of elm shoots, Virginia creeper, purslane, bindweed. to just name a few. Does this have anything to do with not treating parks and public areas any more? Walking around our neighborhood I see weedy elm bushes that are proliferating and becoming difficult to remove. Is this the problem?		The proposed code language would apply to County owned properties.
Sidewalks and Driveways	Sec 18-30	<p>The county does not remove weeds from sidewalks that they are responsible for that causes the sidewalks to fall apart. For example along Trinity Drive, which required recent repair of curbs. Is part of the New Code taking responsibility for public places like paths, sidewalks, parks, etc. away from the county and making citizens responsible for their care and maintainance? We have an aging population now that is unable to shovel paths, and maintain certain property to the esthetic levels proposed in this code. How is the County going to compensate for this? How many weeds have you pulled recently. It is a real backbreaker!</p> <p>When it comes to safety the County ignores past history when they renew some paths and replace features like small bridges and grates in paths that were there for a reason. Consequently the paths are improperly rebuilt and become ice covered places and are very dangerous (eg. path by the old tennis courts and below western area park). This is a true safety problem not just an eyesore.</p>	Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-x{1} of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
Exterior surfaces protective treatment	Sec 18-51	<p>What does removal of oxidation stains form the outside of a house or repainting if there is some paint chips coming off have to do with "safety, health or welfare"? Sounds like esthetics to me.</p> <p>Beauty is in the eye of the beholder.</p> <p>One person's wildflower garden is another person's weeds.</p>	Revise language to read "Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good repair. Exposed exterior <del>metal and wood</del> surfaces shall be <u>rated for exterior use to ensure that they retain their quality over time and shall be</u> protected from the elements, rust, corrosion, and decay by painting or other weather-coating protective covering or treatment. <del>Peeling, flaking and chipped paint shall be eliminated, and surfaces</del>	Members of the public have expressed the desire for regulations to include aesthetic considerations and, conversely, the desire for regulations to be focused only on safety concerns without any aesthetic considerations. Other communities include a balance of aesthetic and safety considerations in their codes and that balance looks different for each community. Aesthetic related regulations often rely on theories about property care and maintenance reducing crime. Direction from Council is needed on this topic.



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			<del>repainted. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</del> 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.”	The previous draft language regarding exterior surfaces protective treatment is based on recommendation within the International Property Maintenance Code. The proposed revision is more general and gets at the idea of exterior surfaces being durable and rated for outdoor use.
Pests	Definitions	What insects are we talking about? Pollinators? Ants? Mosquitos? We are told we have to learn to live with deer, bear, mountain lions, etc., do insects count? I would say we have an infestation of deer!!! Which has become a huge safety hazard in many ways.	<p>Add definition of pest “<u>Pest means any organism that spreads disease, causes destruction, or may otherwise create a potential health hazard.</u>”</p> <p>Revise language to read “Rodent harborage means any condition <del>that which</del> provides shelter or protection for <del>pests insects</del> and rodents; thus, favoring their multiplication and continued existence <u>leading to infestation</u> in, under, or outside a structure or lot. Rodent harborage may be identified by one of more of the following signs: 1) the presence of live or dead rodents; 2) the presence of rodent nests made up of many kinds of materials, such as bits of paper, straw, rags, etc.; 3) rodent odor from rodent urine; 4) the presence of droppings; 5 ) evidence of gnawing; 6) rub marks or deposits of body oil and dirt from rodents found along frequently traveled routes as an indicator of habitual pathways; 7) the presence of runways or frequently traveled paths along floors, stairs, and shelves where droppings, rub marks, and stains from rodent urine are found; 8) the presence of burrows that consist of tunnels dug below ground and are used by rodents for nesting and as a path for travel.</p> <p>Revise infestation definition to read “Infestation means the presence, within or contiguous to, a structure or lot of insects, <del>rodents rats, vermin,</del> or other pests such kind or in such numbers as to create a potential health hazard or nuisance, as identified by <u>rodent harborage and long-term habitation by or frequent presence of pests. rodent sightings or sounds, rodent pathways, signs of chewing, rodent holes, nests, droppings, carcasses, or other evidence.</u>”</p>	Revise language as stated in the column to the left to clarify infestation, rodent harborage, and pest definitions.
Wildlife feeding		Why do we need to hire a contractor to help write this code (and it seems like many other codes in the past) when that money could be used for better purposes? Also these contractors do not understand the history, soul and character of this town. Los Alamos is a unique town! This is a very participatory town where people are very involved, for example, singing, band, orchestra, theater and art groups. Or they are traveling, hiking, biking, etc. Their priorities are often being outdoors and active enjoying great New Mexico weather and being with family. They are not into having very fancy houses and yards. (the yards issue might partially be because the deer eat everything, so why bother)		Feeding wildlife is a concern that has been considered during the drafting of this Chapter. Precedent community codes do not address the feeding of wildlife. Language addressing wildlife feeding is not recommended due to the difficulty enforcing such a provision.



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		<p>I think that we are sometimes missing the “elephant in the room” when it comes to “public health, safety, and welfare” in this town as outlined in this code.</p> <p>One real safety and health issue that is not even mentioned in this code is about controlling the inordinate number of deer that have been allowed to proliferate exponentially in this town since the big fire of 2000. They wander the streets, paths, parks and peoples property. They intimidate people, cause damage to property, and eat everything in sight. They have become so tame that you can’t even get them off your property. Some people feed them and and even supply salt blocks for them. In the fall season the males become even more aggressive. The large number of deer encourage predators to come into town such as bears and mountain lions which also promotes a safety hazard.</p> <p>How do you expect people to keep their property esthetically pleasing when you can’t even grow things without the deer stripping the bark on Aspen trees, eating the pine trees and bushes as high as they can reach or eating every flower you try to plant. Thus, yards become overgrown with weeds and other deer-destroyed materials.</p>		
Dogs off-leash and barking		<p>Another safety issue not mentioned is the proliferation of off-leash dogs, and early and late hour and all day barking. There has been an increase of dog excrement on paths, along paths, in parks, and in yards. This seems like a health issue, and unnecessary since the county has put in poo-bags for dog around town, near parks, and such.</p> <p>Does this code have any application to animal nuisance? Don’t we have a leash a law? What about barking at all hours of day or night?</p> <p>With all the deer around if dogs are not on a leash they spook deer that then run into peoples property and destroy fences and gardens, etc. This is both a safety and nuisance problem.</p> <p>There are only some pf my concerns and since I up against a deadline I will send this, but I am sure there could be more concerns with this code. Especially the “snitching” aspect.</p>		Dog barking and leashing is not within the scope of the property maintenance regulations in Chapter 18. County regulations regarding dog leashing exist in Section 6-3 Animals at Large and Section 6-4 Dogs- Voice and Sight Control. Barking is regulated by Sec 6-6 Unreasonable animal noise prohibited.
General		Please consider using the lens of true health and safety issues when considering code enforcement regulations. There are all levels of income and physical ability of residents in Los Alamos and White Rock. In my opinion true Health and Safety issues should be the only criteria for code enforcement against residents.		The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public.



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		Thank you		
General		Los Alamos County has perhaps the most diverse set of neighborhoods and housing in New Mexico, and perhaps the whole country. The range of types of dwellings, their age, the terrain on which they were built, and the age of the supporting infrastructure makes it impossible to have one set of rules that can be applicable to all, unless they are very general in nature or have provision for many exceptions. Writing the latter would be very difficult to do and has apparently not been considered.		The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public.
Public comment period		Enough valid concerns and objections have been voiced about proposed revisions to make it clear that the revisions, if they are to be accepted and to be of any positive value, should not have to be completed by some arbitrary deadline.		Public comments are welcomed as valuable input in the Code Update process. This comment matrix attempts to address each comment and incorporate suggested changes as feasible and appropriate. Comment deadlines allow the project team time to incorporate all the changes into the draft before the next iteration of review by the Council Council.
Inoperable vehicles	Sec 18-38 Inoperable Vehicles	<p>I've lived in the county for 36 years, the last 33 of which we've been fortunate to have had a garage large enough to perform vehicle maintenance inside. However, whenever the weather permits, which is most of the time, it is done outside. It is not big enough, however, to allow removal of the transmission and transfer case of a full-size extended cab pickup. When that was done a couple of years ago, the truck was on blocks in front of the house, on a concrete driveway with cracks, for a couple of weeks, and no neighbors were offended, as far as I know. Thirty-six years ago, I did most of my own vehicle maintenance partly to minimize expense. I'm fortunate that vehicle maintenance no longer involves economic considerations, but it certainly, for me, has the benefit of mental stimulation and sense of accomplishment, figuring out how to safely perform heavy tasks as my physical strength naturally decrease with age. You've heard enough about vehicles in public comments, but they are not an insignificant issue, and they are related to other issues.</p> <p>In thinking about whether to provide some input on this nuisance controversy, and recognizing that we are a little isolated in White Rock, some time was spent driving by former addresses. When I first came to town I rented part of a duplex near the top of the 35th Street hill. I remember fondly the 54 inches of snow in 48 hours in 1987 during which the landlord and I shoveled the driveway several times and kept a pathway from a bed-ridden neighbor's front door to the street cleared, in case it might be needed for emergency responder access. I remember less fondly the failure of a pseudo-diesel's injection pump as I started the drive to work on a Saturday night to assist with resolution of a random equipment malfunction.</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p>This section shall not apply <u>to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure.</u> to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the</p>	The proposed revisions to the left provide clearer standards for hobby repairs and clearer exemptions for routine vehicle maintenance.



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		<p>Inoperative vehicle on the street for a couple of weeks until the pump was repaired and returned, and then vehicle maintenance not in a garage or driveway, but in the street, when the pump was installed back in the engine.</p> <p>Next place was an efficiency on Central with parking on Iris Street. Steel frame single-pane windows that probably didn't seal very well. Landlord said the elderly lady who lived below had "circulation that was shot," he wanted to make sure she was plenty warm, and if it got too hot for me on a cold winter day to just open my windows as necessary. This is mentioned as a reminder that much post-WWII housing in Los Alamos can serve indefinitely with proper maintenance. That group was, I was told, built cost-plus - whatever a contractor could get and haul up The Hill. That group had hardwood floors, which I was instructed to keep waxed. Oak or red oak in the 1/8 of the building I rented. I was told that the floors in a building further east were black walnut. Last week it appeared that the windows had been replaced and each unit has its own mini-split, probably for both cooling and heating. Renters are probably still performing vehicle maintenance in the angle parking on Iris Street.</p> <p>Then on (actually the first neighborhood we drove through) to the first place my wife and I both lived, north end of a duplex, about the only rental in the area, if recollection is correct, on 33rd Street near Aspen Elementary. Concrete pad for parking by the street. To build a garage, it would have been necessary to excavate or tunnel into the side of the hill. But not impossible - a second story has been built on top of what we lived in.</p>	<p><u>vehicle.</u></p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, 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.</u></p> <p><del>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</del></p>	
Enforcement		<p>And then on to the great variety of dwellings southeast of Aspen Elementary, where the wonderful monsoon rains of this summer have resulted in more vegetation, some would say weeds, than have been seen in several years. In that area, there was only one house noted that appeared to be a real problem. The house appeared to be uninhabited and abandoned. What surrounded it were definitely weeds. That looked like something in which county government should be involved. Any problems neighbors might have with what might be considered excess vehicles, non-fitting tarps, etc. would be better dealt with in the neighborhood by close-by residents than pointing to county rules that are likely to pit neighbor against neighbor, to the benefit of no one.</p> <p>What I propose is something much more difficult than writing a lot of rules that by definition will be broken. That is some method by which, if neighbors talking face-to-face with neighbors cannot solve a problem that differs from neighborhood, not arbitrary county, acceptable standards, then some representative from the county, possessing education and experience in helping people communicate,</p>		<p>The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The recommended enforcement approach is a hybrid compliance-based and complaint-based system with a focus on education to curb nuisances before they become violations and partnerships with community groups and resources to prevent and abate nuisances.</p>



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		step in to assist in correcting the perceived problem. Or help all involved to understand that it is something that all can agree to live with, perhaps with minor adjustments to whatever is creating the perceived problem.		
Storage	Sec 18-34	<p>A little bit about building materials. In my opinion, it's good to have a few 2X4s lying around in case one wakes up on a Saturday morning with an idea to build something. It they are on the floor of a carport, visible from the street, so what? And why would one want them to be covered with a tarp? That is just an open invitation to rodents. In fact, any construction materials, so long as they are arranged so as not to be rodent habitat and are monitored frequently enough to ensure that they don't become rodent habitat, should be permitted. I will go as far as to say that any object in back of a line drawn across the front wall of a house is nobody's business but the property owner. And even stuff in front of a house, if it does not vary from the prevailing standards in the neighborhood and is not rodent habitat and is not a hazardous attractive nuisance for neighborhood children, should not be the subject of county rules.</p> <p>If you've read this far, thanks for considering. Your reward is what I hope is taken as a little facetious humor: There is need for a county ordinance to fine Mother Nature for every diamondback rattlesnake that She allows to cross from county land into the backyards of residents who live on perimeter lots. There seems to be more this year than usual.</p>	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially-zoned property</u> 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. <del>that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	Revised outdoor storage language to be more flexible and allow storage within carports.



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General		<p>(nuisance comments due Sept. 2nd)</p> <p>Comments on the draft nuisance code will be taken through Sept. 2nd, 2022. You can write to: <a href="mailto:jessical@dpsdesign.org">jessical@dpsdesign.org</a>; <a href="mailto:sobia.sayed@lacnm.us">sobia.sayed@lacnm.us</a>; <a href="mailto:council@lacnm.us">council@lacnm.us</a> (Note: this letter represents only my personal views. I have no legal training nor public administration experience. I am, in every way, a lay-person.)</p> <p>Everyone should ask “How can the proposed nuisance code be misconstrued and used against me?” (Then go submit comments.) In its current form, it seems there are a lot of ways.<sup>1</sup></p> <p>A great nuisance code should exhibit two attributes: precise execution and community-driven intent. An imprecise nuisance code leaves wiggle-room which creates conflict between citizens and over-eager complaint-issuers (or inspectors). A nuisance code that is not community-driven will alienate portions of the community, which will engender non-compliance.</p> <p>Precision matters – there should be no ambiguity about what a “dismantled” vehicle is. I would rather not argue about whether missing door-handle constitutes a “dismantled” (and therefore 1/3rd inoperable...somehow) vehicle. A legal document warrants precision and unambiguous language. If a “broken window” is actually shorthand for “shattered/missing” but not “cracked from hail damage,” the longer definition ought to be used.<sup>2</sup> Otherwise, 5-10 years from now a new overeager code enforcement official may issue citations that go against the intent of the code’s authors. Ultimately, this could end up as more costly lawsuits against the county.</p> <p>My concern is that the current draft nuisance code lacks precision in many critical ways. Certainly much has been written on this through other letters and through comments shared with DPS, which are also available at <a href="https://www.lacchp18update.org/">https://www.lacchp18update.org/</a>. I commend a string of comments correcting many grammar issues – in the court of law, these matter; particularly when violations can lead to a criminal complaint in Municipal Court. (How many county residents might run into issues at the Lab because of new criminal records? How might that affect the Lab’s mission?) My fear is that without continued public comment, the sections that still remain ambiguous will stay ambiguous.</p>	<p>Revise Inoperable Vehicle definition to read “Inoperable vehicles means any vehicle, <u>including motorcycles</u>, meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: <del>broken</del> <u>shattered or missing</u> windows or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; <del>or</del> (d) is on blocks or similar devices; <u>or</u> (e) is <del>partially or wholly</del> dismantled <u>and not under active repair</u>.”</p>	<p>The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. A major goal of this code update is to clarify the code standards to make clear the property maintenance standards for both property owners and for code enforcement staff.</p> <p>The definition of inoperable vehicles has been revised as shown to the left to clarify that cracked windows and windshields do not constitute an inoperable vehicle..</p>
		<p>Community buy-in matters equally, if not more-so. A nuisance code ought to be the equivalent of the greatest common factor of community members’ preferences. Karen might hate to see overgrown xeriscaped lawns, and also wants to walk down sidewalks unobstructed. Chad wants to store some building materials in his front yard, and also wants to walk down sidewalks unobstructed. A codified nuisance (at the legally enforceable level) should only dictate nuisances</p>		<p>Public comments are welcomed as valuable input in the Code Update process. This comment matrix attempts to address each comment and incorporate suggested changes as feasible and appropriate. Comment deadlines allow the project team time to incorporate all the changes into the draft before the next iteration of review by the Council Council.</p>



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		<p>that both Karen and Chad find in common (obvious and objective health and safety problems, no 110 dB backyard concerts at 3am, etc.)</p> <p>Has there been enough community buy-in for the proposed changes? Based on conversations with neighbors, co-workers, and observing Facebook, there hasn't. Certainly there is significant push-back on many aesthetics items or things many believe only belong in an HOA. My concern is that these code changes may be bending towards opinions that don't truly represent the community. Are there plans to do an "exit survey" to gain feedback on changes from a representative sample of community members? Will the code reflect the community?</p> <p>Los Alamos was founded as a town of over-educated tinkers. That tinkerer tradition has continued, in the same 1950s houses that early scientists and engineers resided in. It is truly a unique place "where discoveries are made." It seems to me that the code update is written for any average community rather than Los Alamos specifically. If the reason behind outlawing building materials in the front yard really is a concern that thefts will increase (the broken window theory), is there supporting research about crimes-of-opportunity rising in remote, well-employed communities that already have abnormally low crime rates despite many apparent nuisance code violations (just under 1,000 per year, according to the consultant's "Research &amp; Best Practices" document)?<sup>3</sup> The code should reflect Los Alamos, not subject Los Alamos to a mixture of other counties' codes.</p> <p>I'll conclude with a final concern: low-income support. Violation of the updated nuisance code may lead to costly repairs and maintenance. And while some repairs are worthwhile, many will see the aesthetic repairs as a waste of needed resources. Sure, a fitted car cover might only be \$50. But to a fixed income, working-class individual, that's a lot. As someone now on a Lab income, I often need to remind myself of what it was like living below the poverty line. It's really hard. The Department of Public Utilities has a low-income assistance program for a reason. That the program exists demonstrates an interesting mechanism for nuisance code support of low-income persons. If the county proceeds with this nuisance code update, I sincerely hope they consider using a similar "nuisance assistance program" to help low-income individuals finance sidewalk repairs and other nuisance violations. Afterall, if it's a nuisance to the community – why shouldn't the community help resolve the issue when external support is needed?</p> <p>1 Improper car parking or storage on private property, any item left in the front yard, any item that is visible from a public place (or from a neighbor's house or yard, good luck if you've got a chain link fence), RV or trailers may need to be hidden below a 6ft fence in the backyard (as I read the code, think about that height restriction), a seemingly arbitrary 12% APR on a lien for violations, "Weeds" or xeriscaped lawns, plants or trees overhanging sidewalks up to 8ft in the air, requiring custom-fit car covers, requiring ability to demonstrate "active" repair of</p>		



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		<p>an inoperable vehicle within the last 30 days (shouldn't burden of proof be on the accuser?), etc.</p> <p>2 To be clear, the consultants have responded positively to this specific comment, and many other comments in their presentation materials at <a href="https://www.lacchp18update.org/">https://www.lacchp18update.org/</a>. Their process to navigate the project is commendable. But, problems still remain.</p> <p>3 <a href="https://www.lacchp18update.org/_files/ugd/0fefb3_c8fba73c488d4d81b8ad25db57a7dd6e.pdf">https://www.lacchp18update.org/_files/ugd/0fefb3_c8fba73c488d4d81b8ad25db57a7dd6e.pdf</a>, a detailed &amp; interesting read including the revision process, which would work great for less unique communities.</p>		
Hobby Repairs	Sec 18-38 Inoperable Vehicles	<p>Dear Council,</p> <p>I'm particularly concerned about the attitude and comments surrounding car maintenance and the new code proposal from your recent meeting. I'm concerned that residents of Los Alamos won't be able to work on their cars because they don't own a garage, and I'm concerned about Mr. Izraelevitz's and Ms. Derkacs's comments about the need to add weeds back into the code. In fact, I'm going to refer you to Brandi Engeman's recent letter published in the LA Reporter - not only do I agree with it in its entirety, I want to emphasize that:</p> <p>1. This town has few garages, especially in the Western Area and North Community. Do these residents not get to perform car maintenance at home anymore? What does this mean for people working lower paying jobs, or who live on social security, especially when you are trying to attract people to work in lower paying jobs?</p> <p>It's looking like doing car repairs at home won't be possible for any of us without the luxury of a garage. This is a town with a unique home building history, and many of the homes that made this town's industry possible to access *don't have garages.* Please respect that.</p> <p>But, perhaps the councilors mean to imply that there are suddenly lots of contractors, funds, and permitting resources available to build quite a lot of garages for the residents of these communities?</p>	<p>Revise language in Sec 18-38 Inoperable Vehicles to read "Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right-of-way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right-of-way.</p> <p>This section shall not apply <u>to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure.</u> to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</p> <p><u>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident's name, the dismantled parts are neatly stored out of public view when not actively being restored, and the vehicle is fully covered with an</u></p>	



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			<p><u>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.</u></p> <p><u>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall be performed within the garage or behind fenced areas which are not readily visible from public rights of way."</u></p>	
Obstructive Vegetation	Sec 18-31	<p>2. Regarding weeds, I prefer the proposed code the way it currently is written. Adding in verbiage about height of weeds does sound like an HOA rule, and I absolutely don't support this. Please don't change the way the proposed code is currently written.</p> <p>Again, Los Alamos is a town, not an HOA, and a town has residents with varying economic resources- please keep this in mind and remember that our town needs people working many different types of jobs (with many different pay levels) to make it thrive.</p> <p>Here is Ms. Engeman's recent letter to the editor: <a href="https://losalamosreporter.com/2022/09/01/blue-tarps-and-scraping-by/?fbclid=IwAR2mazAbdPeja1zrvVE9rMSGjS0IZs-FaNFAY4PgaC7jSwJyt0Jx3l630mA">https://losalamosreporter.com/2022/09/01/blue-tarps-and-scraping-by/?fbclid=IwAR2mazAbdPeja1zrvVE9rMSGjS0IZs-FaNFAY4PgaC7jSwJyt0Jx3l630mA</a></p> <p>I will most definitely be taking your comments and voting into consideration in upcoming elections.</p> <p>Thank you,</p>		<p>The current code language states "All premises and exterior property shall be maintained free from weeds or plant growth in excess of 18 inches. 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. 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."The term "weed" and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.</p>
General		<p>Good afternoon,</p> <p>I am a White Rock resident and have been following the discussions around and the text of the draft nuisance codes. I am URGING the county to reconsider the nature of this code and focus on things that truly "POSE A THREAT TO HEALTH, SAFETY, AND WELFARE" of county residents, instead of things various councilors have decided for the rest of us that "we don't want to see." If you are scared of someone threatening or offending your taste, you likely don't belong in a rugged, remote mountain town with few local businesses and personal contractors, but full of brilliant, creative, skilled, self-starters. That's what HOA communities are</p>		<p>The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The draft has been revised to provide more flexibility in outdoor storage, to clarify vehicle maintenance requirements do not apply to short-term routine maintenance tasks, and to remove the requirement that property owners maintain the sidewalk surface, as outlined in this comment matrix.</p>



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		<p>for. I have not seen a single citizen speak out in favor of this draft, but I've seen dozens of arguments against it. The council's actions MUST reflect this if you continue to claim you represent Los Alamos County.</p> <p>There is nothing wrong with a tarp, of any color.. There is nothing wrong with servicing your own vehicles and teaching your kids how to work on cars, or storing items in your carport, or having a workshop area visible from the street. Also, any of the home maintenance items are things that should be handled by building and insurance inspections and ongoing as required by insurance companies. They should not be part of a county NUISANCE code, until the point the issue becomes a danger to the community.</p> <p>I severely doubt that my property would ever be impacted by most of these ordinances because most of my yard is concealed behind the house and fence. I don't have a sidewalk. I have a large two-car garage. I'm just lucky that I bought this particular house, and that all the storage that goes with my particular hobbies and interests, and my kid's, fit in my utility room and concealed backyard. I'm grateful I'm not looking at expensive modifications or moving just so we can enjoy our property.</p> <p>I am a Los Alamos resident on purpose though - because of the open spaces, lack of HOAs, because we are allowed to endanger ourselves climbing and exploring public lands if we choose. We celebrate all the weirdness of the people, the quirks and art of each neighborhood, the creativity, the ability for folks to try something new, and THAT MOST PEOPLE MIND THEIR BUSINESS AS LONG AS YOU MIND YOUR OWN.</p> <p>This code just gives power to the serial gripers. The ones who complain about everything. They will use up precious county resources reporting violations. Lawsuits will waste more money. I am so tired of watching this council ignore the obvious and openly stated opinions of the residents. We don't care if a council member or neighbor would "prefer we lived more like them." We want all of our Los Alamos neighbors to be themselves, express themselves, and take care of their lives, families, properties as they see fit, within the bounds of public health and safety.</p> <p>Please don't screw up this town, or sabotage the next council election by continuing to ignore what your constituents want. This Nuisance Code will likely be the final nuisance tolerated by those considering ousting a member from their seat. I know it is for me.</p>		



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General		<p>Hi all - I'm a constituent in Los Alamos and want to submit a public comment on the Chapter 18 Nuisance Code rewrite. I am opposed to anything being included in the code that is not health or safety related.</p> <p>Some of the changes proposed place an undue burden on those of different economic backgrounds. Areas of particular concern include Division 2. Much of the language is written too vaguely to protect those with limited time and resources. I am concerned that working families with young children might get caught up in violations that have nothing to do with the health or safety of the public. Language that impedes on the rights of private property owners is not acceptable in this code.</p> <p>Please consider the whole community in your role representing everyone in our county. Thanks for your time.</p>		The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public.
Sidewalks and Driveways	Sec -18-30	<p>Hi Jessica, sorry I realize this comment is 10 days past the deadline, but I feel like it's important to point out that regarding the sidewalk maintenance, the sidewalks are all owned by the county. Our property lines typically stop 2-3 feet up from the sidewalk (it varies, as it's based on a distance from the street centerline). So it's not a matter of keeping up something that crosses our private property, the sidewalks are not even on our property.</p> <p>For example, this is my lot (250) at 2733 Walnut St. These property lines were established in 1965 when the Dept of Energy privatized all the residential land in Los Alamos (prior to that it was all owned by DOE and rented to workers). My property line, and most of the others in LA County, were established as a 24' buffer from the road centerline (though it's not always centered). So I don't even own all of my front yard technically. The 8.5' of my yard closest to the road is actually owned by the county, as is the sidewalk and curb.</p> <p>My lot is not special, this would be found in 95% or more of private lots in the county. Rather than using easements, the county actually owns that land, for underground utilities and public sidewalks and roads.</p> <p>So I don't think you can have it set up that residents are responsible to fix the concrete on sidewalks when we don't even own them.</p>	<p>Revise language to read "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-<del>x(1)</del> of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del></p>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
Enforcement Procedures	Sec 18-75 Notice	<p>Hello,</p> <p>I have a question regarding the notice of violations and possible criminal complaints that can arise from not heeding the nuisance code.</p>		Notices are sent to the owner of record and the property address, if different from the owner of record because in many cases, that is the only record the County has of who occupies a residence. When a suspected violation is identified, County staff typically do not know which individual residing on the property is responsible for the violation and therefore is unable to address the violation to a specific individual.



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		<p>I am concerned about the joint nature of property ownership and who's name is on that criminal complaint and NOV.</p> <p>It is extremely unfair to one spouse who has absolutely nothing to do with the actions that precipitate the violation yet their name is on it because they are joint owners of the property.</p> <p>As the spouse of someone who works on cars and has received multiple NOVs, in a small town it is extremely embarrassing to me to have my name attached to that.</p> <p>Please consider the innocent spouse in your drafting and enforcing of this code.</p> <p>Thank you.</p>		
General		<p>Good morning, Jessica:</p> <p>I'm kind of new to this ongoing code enforcement discussion and I'm no attorney, but I do think we need something to help with neighbors who think they can just let their properties go and look like a ghetto, but we also cannot infringe on rights. Where is that balance? I've had a neighbor whose driveway looks like a used car lot and a neighbor who destroyed his house and property through neglect and sheer laziness. He drug carpet out of the house into the front lawn and chopped down trees and left them there. What an idiot. It does affect property values. I don't envy you. Los Alamos is unique. I personally think White Rock has more of an issue than the Hill. Someone should be able to change the oil in their car/ truck but I don't think it's okay to tear down a vehicle and leave it for months in the driveway. Sigh.</p> <p>Look at other small town codes. Look at Clovis, NM. Look at Canyon, TX where I'm from. Hold off on passing anything for now, please, till we can address some of the issues.</p> <p>I hope my comments help in some small way.</p> <p>Thank you,</p>		<p>The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The Technical Code Review, available online here: <a href="https://www.lacchp18update.org/files/ugd/0fefb3_b20c2347ce014d44b071a0c361c0408b.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_b20c2347ce014d44b071a0c361c0408b.pdf</a> , reviewed precedent community codes and national best practices for nuisance codes. This document provides an overview of the project team's research and recommendations for those items relevant and applicable to Los Alamos County.</p>
Obstructive Vegetation	Sec 18-31	<p>At the county council meeting the discussion of tree trimming was discussed and raising the limit to 7 or 8 feet to accommodate the 6 feet, 8 inches ADA compliance requirement. I would like to recommend 7 feet versus 8 feet. Many people like myself are just over 5 feet. We can reach 7 feet with clippers but the average person must stand on a ladder or step stool to trim to 8 feet. I believe</p>	<p>Revise Language to read "The owner or occupant of any property shall <del>destroy, remove or trim</del> <u>or remove</u> all trees, plants, shrubs or vegetation, or any parts thereof, which overhang or extrude into any abutting sidewalk, public right-of-way, planting strip, clear sight triangle per Section 16-4-2(C)(IV) or adjacent property in such manner as to obstruct or impair the free and full use of the sidewalk</p>	<p>The clearance of 6 ft was selected to match the Sight Visibility Triangle language within the Chapter 16 Development Code Section 4-2(C)(IV). Language is revised to 7 ft .</p>



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		there is increased liability to the county for homeowners standing on ladders on public sidewalks to trim vegetation to meet a county code. I do not think we want to require homeowners to hire contractors to trim when the average person could do it if the lower limit were in place. Please restrict this to 7 feet. It meets the goal and reduces risk and liability. Thanks	or street, including the interruption or interference with the clear vision of pedestrians, bicycles, or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the street or public rights of way. Vegetation shall be <del>removed or</del> trimmed <u>or removed</u> to maintain a minimum clearance of <u>76</u> feet overhanging sidewalk height and 14 feet overhanging street height."	
General		<p>This whole thing is saddening at best. As an American disabled vet this entire rewrite of the nuisance code goes against everything I fought for for this country. The CDD, DPS, and Los Alamos county council are over reaching and trying to take many constitutional rights away from its citizens. I for one will not vote for any sitting members in the coming election if this whole thing isnt scraped and started anew. I for one will not stand for this. I also know many citizens will stand with me. The Syrphy lawsuit wasn't enough of a wakeup call?</p> <p>Who are any of you to trespass "legally" stay off our land. You don't like my house or my cars don't look. Your elitist views are not welcome here!</p> <p>TL:DR a nuisance is something that is a public safety concern for a lot of people, this is overreach; violations means you created a nuisance, and know your rights, included citations where possible. Photo credit: the wild garden we inherited.</p> <p>What does the NM Courts say is a nuisance?</p> <p>A public nuisance is one which adversely affects public health, welfare, or safety. Town of Clayton v. Mayfield, 82 N.M. 596, 485 P.2d 352 (1971). A public nuisance affects the rights of citizens as part of the public and must affect a considerable number of people or an entire community or neighborhood. Spur Industries, Inc. v. Del E. Webb Development Co., 108 Ariz. 178, 494 P.2d 700 (1972).</p> <p>home rule charter means LAC defines a nuisance, but see page 6. The survey results say fire hazards, abandoned buildings, structural hazards, and trash were actual concerns of a "considerable amount of people". <a href="https://www.lacchp18update.org/files/ugd/0fefb3_472b95e31b614106b999311174dda065.pdf">https://www.lacchp18update.org/files/ugd/0fefb3_472b95e31b614106b999311174dda065.pdf</a></p> <p>I'd be willing to bet that that considerable amount was referring to abandoned commercial properties. Especially as that survey was multiple choice and didn't allow citizens to actually respond how they feel!</p> <p>This is a case in which "Dead fish smell" from a neighborhood factory was NOT ENOUGH to be considered a public nuisance.</p>		The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The draft has been reviewed by both Los Alamos County's legal team and the consultants legal counsel for compliance with New Mexico State Statutes and case law.



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		<p>what has been found a nuisance?: an unfenced junk yard where the person planned to BURN CARS.</p> <p>2. Home rule charter allows municipalities to define a nuisance, abate a nuisance and impose penalties upon a person who CREATES or ALLOWS a nuisance to exist.... Owning a vehicle is not creating a nuisance. Nor a tractor. Nor working on a vehicle of any kind. Nor anything on my property, as the things on my property can't threaten public safety as the public should not be on my property! Again trespassing.</p> <p>NM courts “will not interfere with [the] city’s determination regarding [the] reasonableness of its public health regulations unless it is plain and palpable that there is no real or substantial relation between the ordinance and its object” (internal quotation marks and citation omitted)); Mitchell v. City of Roswell, 45 N.M. 92, 98, 111 P.2d 41, 44 (1941 if the ordinance is called a public health nuisance and it's about aesthetic curb appeal this can be contested.</p> <p>3. municipalities have been held liable for damages when they abated nuisances that were...surprise! not a nuisance 46 Am. Jur. 2d, A.L.R 362</p> <p>4. you have a right to a hearing for any violation of an ordinance: CNMSA 3-18-17</p> <p>(e) a hearing provided for a contested nuisance ordinance offense or violation shall be held by a hearing officer appointed by the presiding judge of the civil division of the district court with jurisdiction over the municipality, and the hearing itself shall be conducted following the rules of evidence and civil procedure for the district courts. The burden of proof for offenses or violations and defenses is a preponderance of the evidence. A determination by the hearing officer shall not impose a total amount of penalties, fines, fees and costs in excess of that provided in the nuisance ordinance;</p>		
Sidewalks and Driveways	Sec 18-30	<p>Other tidbits: the condition of your sidewalk is LAC's job ; they may regulate repair. See code below; regulation of private property (stairway and driveway) is likely an overreach.</p> <p>Liability of municipality to keep streets and sidewalks in safe condition. — A municipality is under a legal duty to keep its streets and sidewalks in a reasonably safe condition for the use of the public, and for the negligent failure to perform this duty it is liable in tort to a person thereby injured.</p> <p><a href="https://nmonesource.com/nmos/nmsc/en/item/373997/index.do">https://nmonesource.com/nmos/nmsc/en/item/373997/index.do</a></p>	<p>Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-</del></p>	<p>Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.</p>



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		I will be seeing if any of this in any near to this form is passed. And will be collecting as many other citizens as possible to join in!	<del>x[1] of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del>	
Weeds		I live in White Rock, and believe the town is safer and healthier, since there are height limits on weeds. Please continue these limits.		The term “weed” and the appropriate enforcement thereof has created much debate within the community. The current draft utilizes vegetation rather than weeds and focuses County enforcement efforts on obstructive vegetation in areas that create public health and safety concerns, i.e. those overhanging sidewalks, public right-of-ways and required clear sight triangles.
Sidewalks and Driveways	Sec 18-30	Hi Jessica and Sobia, I'm a homeowner on North Mesa and have a few comments on the draft version of the nuisance code.  Section 18-30 Sidewalks and Driveways I think this section should be removed in its entirety. Sidewalks are installed by county. Anything installed in an easement by the county should be the county's responsibility to maintain. I am not expected to make sure the water mains or roads are in good condition, but these are in the same category of county facility as a sidewalk. Further, if a driveway or path is on my property and not for public use, the threshold at which I deem it to be in disrepair should be at my discretion. This is a subjective threshold and not defined here. Just remove this section.	Revise language to read “Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be <del>kept in a proper state of repair and</del> maintained in a safe and passable condition, free from obstructions and hazardous conditions. <del>The owners or occupant of property where these features are located shall be responsible to maintain these areas and to repair defects and hazards located thereon. The obligation of maintenance shall include but not be limited to maintenance of a constant grade, repair of substantial holes, cracks or spalling, and removal of rubbish, debris or vegetation impeding into a required clear path or sight triangle per Section 16-</del> <del>x[1] of the Development Code. 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 sight triangle per Section 16-4-2(C)(IV) of the Development Code."</del>	Revise language to remove maintenance obligation of the sidewalk surface for the property owner. Proposed revision retains the requirement that walkways be kept clear of obstructions.
		Section 18-32 Accumulation of litter, garbage and refuse Remove sentence about compost. There is no need to discourage people from being environmentally responsible with their trash. Leaving this in just threatens that the country will cite you for your good intentions. Poorly maintained compost can be dealt with using previous statements about sanitary containment of refuse.	Revise language to read “All exterior property and premises, whether improved or vacant, shall be free from any accumulation of litter, garbage, refuse, or vegetative debris which causes or creates a fire, health, safety, or welfare hazard, except in approved receptacles for collection. Every property owner or occupant shall dispose of all litter, garbage, refuse, or vegetative debris in a clean and sanitary manner by placing such materials in approved receptacles for collection, or by taking it to an approved disposal facility. Dumpsters and similar large receptacles shall be shielded from the public view per the requirements outlined in Section 16-4-4(E)(IV) of the Development Code. Compost piles shall be <u>contained or covered to</u> <del>screened from public view and shall be kept covered, except while turning to</del> ensure contents are not windblown. All other such receptacles shall be kept in orderly manner and may only be moved to the curb <u>no earlier than 5:00 pm the day prior to the day</u> of collection as determined by the collections schedule set forth by the County.”	Revise language to provide more flexibility for composting.



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Outdoor Furniture	Sec 18-33	Section 18-33 Outdoor furniture Remove in entirety. If furniture decays to the point of being refuse, it is in violation is section 18-32.	<del>Outdoor furniture Furniture, other than outdoor furniture as defined by this Article, shall be prohibited on any yard, unenclosed porch, deck balcony or other exterior areas of any premise.</del>	Strike Sec 18-33 Outdoor Furniture from proposed language.
Outdoor Storage	Sec 18-34	Section 18-34 Outdoor storage Outdoor storage. I'm not sure how this has any impact on health, safety, or welfare. Remove entirely. Junk is already discussed in section 18-32	<p>Revise outdoor storage language to read “Outdoor storage or accumulation of items in residential zone districts consisting of but not limited to <u>abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings, equipment, machinery, appliances</u> junk, building or construction materials not in use for construction on the property, heavy equipment, household appliances, salvage materials, tires or vehicle parts, or similar items that are not manufactured or intended for storage or use on any residentially zoned property shall be 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. <del>that does not prohibited unless otherwise allowed by this Code, within any yard, unenclosed porch, carport, other partially enclosed structure, deck or balcony that are visible from any public street, sidewalk, or alley or from the ground level of abutting properties.</del> The storage of such materials within a garage or other fully enclosed structure shall not be considered outdoor storage for the purposes of this provision. <u>Storage within carports is permitted, provided storage does not inhibit parking within the carport. 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. 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.”</u></p> <p>Revise outdoor storage definition to read “Outdoor storage means the keeping, storing, placing, or locating on exterior property on any premises for more than 30 consecutive days, of abandoned, discarded, nonfunctional or inoperable household items, appliances, furnishings goods, products, tools, machinery, equipment, <del>inoperable vehicles, trailers,</del> or other similar items that are not allowed as a principal use or an accessory use of the premises or property under Chapter 16 Development Code. <u>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.”</u></p>	



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Exhaust vents	Section 18-36	Section 18-36 Exhaust vents Does this mean I can't idle my vehicle while I forgot something in my house. I think this is meant to pertain to vents in buildings? It is not clear.		The language in Section 18-36 Exhaust vents exists in the current Chapter 16 language. This does refer to venting from buildings that might create hazardous conditions.
Inoperable vehicles	Section 18-38	Section 18-38 Inoperable vehicles I think the only concerns regarding inoperable vehicles for health, safety, and welfare are the following: leaking of fluids causing environmental hazards, parts or all of them that are not properly secured such that they enter the public right of way in an uncontrolled manner. What is in both new and old versions appear to be focused on aesthetics only, and aesthetics are not a health safety or welfare issue. Rewrite to address actual health and safety issues or remove entirely.	<p><del>Revise language in Sec 18-38 Inoperable Vehicles to read “Storage or encroachment of inoperable vehicles, as defined by this Chapter, in the public right of way is prohibited. Storage of inoperable vehicles within a front yard is prohibited, except if the lot, because of topography, shape, or the location of the structures, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no safety hazard, then one (1) inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle. No more than three (3) inoperable vehicles may be stored in a combination of the rear yard and side yard; provided that they are enclosed with a fence or wall or each is covered with an opaque cover designed to fit the motor vehicle such that the vehicle is not a safety hazard or visible from adjoining or surrounding property or from view of a public right of way.</del></p> <p><del>This section shall not apply to a vehicle stored in an enclosed structure, to vehicles on the premise of a business in an area where an activity is within the contemplated purposes of a duly licensed business with the appropriate zoning or permitted as part of a Special Use and, provided it complies with all use requirements of the district and any conditions imposed by the approving bodies, or where any number of inoperable vehicles are kept in an enclosed structure. to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.</del></p> <p><del>Any dismantled or inoperative vehicles, or parts thereof, actively being restored, as defined by this Chapter, are permitted to be stored on the property for a period not to exceed six months, provided the motor vehicle is registered in the resident’s name, 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.</del></p> <p>Alternative for Personal Auto and Hobby Repair15: Repair, maintenance or hobby activities performed on personal vehicles owned by the owner(s) or occupant of the property will be done in a manner which minimizes the impact to the neighborhood and, shall</p>	The proposed revisions to the left provide clearer standards for hobby repairs, focused on potential hazards, and clearer exemptions for routine vehicle maintenance.



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			be performed within the garage or behind fenced areas which are not readily visible from public rights of way."	
Unsafe conditions	Section 18-52	<p>Section 18-52 Unsafe conditions</p> <p>There are a number of technical terms that require an advanced degree and further specifications of the building materials to evaluate. Are we expected to hire an engineer or architect each year to tell us if the anchorage of floor to roof columns are not exceeded by nominal live and dead loads? How is this going to be enforced? Isn't this something that should be dealt with in the building code? Let's leave all of these issues there.</p>		<p>The language in Section 18-52 Unsafe conditions exists in the existing Chapter 18 language and in the International Property Maintenance Code. The intent of these standards is to ensure that structures are maintained in a safe condition. In most situations, structures are well constructed and can be maintained in such a safe condition without the need for review by professionals.</p> <p>Enforcement duties fall upon the City manager's designee, which typically includes code enforcement staff, building officials, and County engineers who have the professional expertise to assess such hazards.</p>
Article II Noise and Article III Smoking		<p>Articles I and II are structured differently making it harder to read. Article I has divisions, and definitions are the final division. Article II starts with definitions as a section. Maybe make these more consistent.</p> <p>Articles II and III appear to be restatements of issues that are covered by local laws and other ordinances. If other ordinances deal with these issues, do we need these articles at all?</p> <p>Thanks for taking the time to review my comments and concerns regarding this draft code.</p> <p>Best,</p>		<p>Article II Noise and Article III Smoking are not within the scope of this update. The County has noted the need to update these articles.</p>
General		<p>Hi Jessica, Sobia, and County Council members,</p> <p>Thanks for all the work you've put into drafting the code. I wanted to send in my feedback as a constituent &amp; native of Los Alamos. I am opposed to anything being included in the code that is not health or safety related. For example, banning people from working on cars in their driveway, having furniture on their porches, or having children's toys in their yards all strike me as extremely heavy-handed. You are also creating an unfunded mandate by regulating things like paint peeling by requiring people to fix this (completely aesthetic) issue at their own expense. This is extremely classist and I'm disappointed it's being put forward. Please take the chance to revise this code to one that is more welcoming to people of all income levels.</p> <p>Thank you so much for taking the time to read my comment.</p> <p>Best,</p>		<p>The proposed revisions aim to provide the minimum standards necessary to support the purpose statement and to guard the health, safety, and welfare of the public. The draft has been revised to provide clearer standards for hobby repairs, focused on potential hazards, and clearer exemptions for routine vehicle maintenance. The language has also been revised to clarify and provide more flexibility for outdoor storage and to remove references to peeling paint. Those revisions are outlined within this comment matrix and reflected in the revised Chapter 18 draft.</p>
Violations	Sec 18-71	HI,		The type of violation is not intended to change from the existing code to



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		<p>I'm forwarding this letter from a community member for your information - I'd appreciate it if you could relay comments/concerns to Jessica for review/consideration as we proceed with the drafting process.</p> <p>Thank you and take care, Sara</p> <p>Good morning,</p> <p>I have CC'd John on here, but John feel free to use this as a reference/FYI only.</p> <p>Sobia and Jessica, feel free to add this to the public comment matrix as well. This was a concern I brought up at the meeting that has since been reiterated to me by several neighbors and family members in town.</p> <p>I have a question about the section of the Chapter 18 code I would like to have clarified prior to the meeting on 9/9 (which is not on the LAC Calendar, btw, despite being mentioned at the council meeting on Tuesday).</p> <p>Under the violations section of the draft rewrite, I see the following language: (j) Upon the failure to abate a violation pursuant to the issuance of a Notice of Violation, a criminal citation to Municipal Court may be issued.</p> <p>Can you please tell me if this 1) has always been a criminal violation and 2) if not, why has it been changed to one. Finally, what are the repercussions for LANL "cleared" employees should they receive multiple criminal violations and how do we foresee this working for those who cannot pay fines? I do not know the entire legal ramifications, but, for instance, when you don't pay parking fines a bench warrant can be issued. Would we foresee something similar to that process playing out for folks who have a couch on their front porch they choose not to remove? Will there be caps on the fines and court fees that can accumulate due to a nuisance violation? Will the community understand that while something may be "unlawful" (stated earlier in this section), that does not make it illegal and feel empowered to seek legal counsel if they feel they are being unduly penalized or singled out for violations?</p> <p>I am very concerned about criminalizing this code. It will have unintended consequences. I'm not sure this county can handle another spate of lawsuits right now, and I'm wondering if all the consequences have been thought through.</p> <p>Thank you in advance,</p>		<p>this draft. The implications of receiving a violation order for those individuals with a security clearance would be determined by the agency administering the clearance. The County provides a Courtesy Letter requesting voluntary abatement of a nuisance prior to issuing a violation order to allow individuals to avoid receiving a violation order.</p>