

VILLAGE OF RUIDOSO

ORDINANCE 2004-06 (INFORMATION VERSION)

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE III, SECTION 38-62, RELATING TO PROPERTY NUISANCES

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO THAT Chapter 38, Article III, Section 38-62 of the municipal code, relating to property nuisances, is hereby amended as follows:

Sec. 38-62. Property Nuisances.

- (a) *Prohibited conditions.* It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the village to maintain or to allow to be maintained such property in a manner where any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law, including provisions of ordinances of the village.
- (1) The accumulation of dirt, litter or debris;
 - (2) The accumulation and/or storage of boxes, bins, containers, lumber, junk, trash, salvage materials or other similar materials without first providing proper and tight buildings, fences or screened containment areas for storage of such material;
 - (3) Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, as well as hazardous pools, ponds and excavations and/or dangerous containers in violation of section 58-51;
 - (4) Broken or discarded furniture, household equipment and furnishings, or shopping carts;
 - (5) Growth of weeds, vegetation or other nuisances which:
 - a. Are likely to harbor flies, insects, rodents or vermin;
 - b. Are dangerous to public health, safety and welfare; or
 - c. Are obstructing a necessary view of drivers on public streets, roads or driveways;

- (6) Hazardous trees and forest debris as follows:
 - a. Forest debris not in accordance with section 42-80;
 - 1. Forest debris, also referred to as activity slash, is defined as dead forest material resulting from fuels management activity.
 - b. Trees, live or dead, leaning toward a target (i.e., a structure, etc.) on adjoining property which pose a clear and present threat to health and/or property;
 - c. Trees, live or dead, and/or portions thereof that possess significant structural damage, which pose a clear and present threat to health and/or property;
 - (7) Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair;
 - (8) Inoperable or abandoned mobile homes, recreational vehicles, utility trailers, unmounted camper tops, boats, horse trailers, cars, trucks and airplanes or other vehicles that are parked or stored in violation of section 82-36;
 - (9) Graffiti on the exterior of any building, fence or other structure;
 - (10) Solid waste, automobiles not in operating condition, and wastewater, or any conglomeration of residue thereof which emits odors or serves as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the code enforcement officer, is unsightly or dangerous to public health, safety or welfare;
 - (11) Unsafe buildings or other structures which are partially destroyed or collapsed, left in a state of partial construction, or open or abandoned; and
 - (12) Driveways that are so constructed that dirt, gravel and debris wash onto the traveled roadway.
- (b) *Declaration of nuisance; abatement generally.* Any property found to be maintained in violation of subsection (a) of this section is hereby declared to be a public nuisance and shall be abated as provided under subsections c) and (d) of this section. The procedures for abatement set forth in this section shall not be exclusive and shall not in any manner limit or restrict the village from enforcing other village ordinances or abating public nuisances in any other manner provided by law.
- c) *Order to remove or remedy nuisance.* Whenever any nuisance prohibited in this section shall be found to exist upon private property within the village, the code enforcement officer shall order, in writing, the owner, lessee, occupant or person who permits such nuisance to exist to remove or remedy the nuisance within ten days after service of such notice upon them,

unless other provisions of this Code or other village ordinances provide a longer remedy period.

- (d) *Filing of complaint; abatement by village.* If any such property owner or the person who permits such nuisance to exist shall fail to comply with such order, any person interested may file a complaint for violation of this section against such person, or the village may elect to cause the nuisance to be abated by removal of the nuisance and shall have a lien against the property for the cost of such removal.
- (e) *Penalty.* Failure to comply with a valid order of the code enforcement officer shall constitute a petty misdemeanor within the meaning of NMSA 1978, Section 30-8-1, and, upon a finding of a violation of this section, the person committing the violation may be punished in accordance with section 1-6, provided that any fine shall be not less than \$50.00. Each day that the prohibited condition is not corrected or remedied shall constitute a separate offense, and the court shall impose a fine on a per-day basis for each day that the violation is maintained. Application of the penalty set out in this subsection shall not be held to preclude the forced removal of prohibited conditions.