

# ORDINANCE 03-2024

## PROPERTY MAINTENANCE

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOUNTAINAIR, NEW MEXICO:**

### SECTION 1: DEFINITIONS

**Inoperable Vehicle**—Any motor vehicle that is not currently registered or is incapable of being driven under its own power.

**Weeds**—All rank grass, annual plants, and vegetation, excluding trees, shrubs, cultivated flowers, and gardens.

**Dead Tree**—Any tree that is completely devoid of leaves during its growing season or visibly deteriorating, posing a potential hazard.

**Dead Branches**—Branches that have died and remain on trees, shrubs, or plants, posing safety and fire hazards.

**Animal Feces**—Waste matter from animals, including but not limited to household pets.

**Property Owner**—Any person, agent, firm, or corporation having a legal or equitable interest in the property, including tenants and occupants.

### SECTION 2: PURPOSE

The purpose of this ordinance is to promote the health, safety, and general welfare of the residents of the Town of Mountainair by establishing standards for property maintenance. These standards aim to prevent fire hazards, enhance the aesthetic appeal of our community, and ensure a safe and clean environment for all residents.

### SECTION 3: PROPERTY MAINTENANCE REQUIREMENTS

#### A. Exterior Property Areas

1. **Weed Control:** Property owners shall maintain their premises and adjoining sidewalks free from weeds or plant growth in excess of 24 inches. Weeds shall be cut and removed regularly to prevent them from becoming a fire hazard or contributing to unsightly conditions.
2. **Dead Trees and Branches:** Dead trees and branches on the property must be removed promptly by the property owner. Dead trees and branches pose fire and safety hazards, and their removal is essential for community safety and appearance.

3. Litter and Debris: All exterior property areas shall be kept free from any accumulation of rubbish, garbage, or other debris that may pose a health or safety hazard or detract from the appearance of the community.

4. Animal Feces: Animal feces must be disposed of properly by the person(s) responsible. Dumping of animal feces within the town limits of Mountainair is illegal and subject to a fine or cleanup by the responsible individual. Animal owners are required to pick up and dispose of animal feces when walking their pets within the town limits.

5. Dangerous or Abandoned Buildings: Any structures deemed dangerous or abandoned shall be subject to the Town of Mountainair's Abatement of Dangerous or Abandoned Buildings Ordinance.

#### B. Inoperable Vehicles

1. Storage Restrictions: Inoperable vehicles shall not be parked, kept, or stored outside the property boundaries. All inoperable vehicles must be removed from the property after the 90th day of non-compliance. The Town may initiate vehicle removal as specified in Section 4.

### SECTION 4: REPORTING, ENFORCEMENT, PENALTIES, AND APPEALS

#### A. Reporting Violations

1. Violation Report: Violations can be reported to the Town of Mountainair by completing a Property Maintenance Violation Form. Reporting individuals may remain anonymous.

2. Review Process: All forms will be reviewed by the Town Clerk and the Mayor to determine validity. If the violation is considered valid, a notice will be prepared and sent to the property owner. If the violation is considered invalid, no further action will be taken.

#### B. Notice of Violation

1. First Notice: Upon determination of a valid violation, the Town of Mountainair shall issue a written notice to the property owner, specifying the nature of the violation. The property owner will have 60 days from the date of the notice to rectify the issue.

2. Second Notice: If the violation is not rectified within 60 days, a second written notice will be sent, providing an additional 30 days for the property owner to correct the issue.

3. Fine: Failure to comply within 90 days (by the 91st day) will result in the assessment of fines as specified in the Town of Mountainair Fine & Fee Schedule.

4. Recurrent Violations: Rectified violations that occur again are subject to a new violation notice, beginning a new 60-day correction period.

### C. Appeal Process

1. Appeal Rights: The property owner may file an appeal with the Town Council within the initial 60-day violation period to request additional time for rectification or to clarify the definition of a violation. Appeals must be submitted in writing, and hearings will be scheduled during the next available Town Council meeting.

2. Appeal for Extension: The appeal process allows property owners who need additional time to rectify a violation to request an extended rectification deadline, which will be determined by the Town Council.

3. Clarification of Violation: The appeal process also allows property owners to clarify specific circumstances that may influence the definition of a violation. For example, overgrown vegetation that serves a specific purpose may be considered on a case-by-case basis by the Town Council.

### D. Cooperation and Verification

1. Assistance from the Town of Mountainair: The Town of Mountainair will work with property owners who demonstrate verifiable issues preventing timely compliance. Extensions may be granted at the Town's discretion for circumstances that are adequately documented.

### E. Recurrent Non-Compliance

1. Vehicle Towing: After the 90th day of non-compliance, the Town may have inoperable vehicles towed at the property owner's expense. The property owner will be responsible for all towing fees and any additional storage costs associated with the towing process, as outlined in the Town of Mountainair Fine & Fee Schedule.

2. Further Action: If the property owner fails to comply even after paying the applicable fines, the Town of Mountainair reserves the right to initiate legal proceedings against the individual(s).

3. Condemnation and Remediation: The Town of Mountainair may pursue condemnation of the property or carry out the necessary property maintenance tasks at the property owner's expense if non-compliance persists.

**SECTION 5: SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 6: EFFECTIVE DATE**

This ordinance shall take effect 30 days after its adoption and publication as provided by law.

This ordinance is enacted to ensure that the Town of Mountainair remains a clean, safe, and welcoming community, fostering both the well-being of residents and the preservation of our town's natural beauty.

**PASSED, ADOPTED, AND APPROVED THIS TBD DAY OF MONTH, 2024.**

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Peter Nieto, Mayor

ATTEST: \_\_\_\_\_

Cheryl Allen, Town Clerk