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BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE RESOLUTION NO. 2022-84

Nuisance Abatement

WHEREAS, when the failure of an individual in our community to take care of his or her property interferes with the use and enjoyment of neighboring property owners, Bernalillo County has the power and the ability to remedy the problems caused by nuisance or problem properties; and

WHEREAS, it is the policy of Bernalillo County to encourage properties be maintained in such a manner so as not to become nuisance properties that interfere with the enjoyment of owners and occupants of neighboring properties, and it is further the policy of Bernalillo County to attempt to secure the cooperation of the owner of a nuisance property to remedy the problems caused or created by such property before resorting to legal remedies whenever possible; and,

WHEREAS, when an owner fails to cooperate in cleaning their property, the nuisance abatement ordinance provides a framework and the necessary means to enforce the counties statutory and home rule authority to abate, correct, remove and remedy nuisances in the county to protect the public health, welfare and safety, and to recover the costs of abatement, removal and remediation from those responsible for creating or failing to correct and abate the conditions which constitute such nuisances; and

WHEREAS, the building, structure or property located at 2013 Foothill Rd SW, which is located and more particularly described as Tract 1, Land of Jose Alderete, has been deemed to be a nuisance endangering the health, safety, and welfare of the residents of Bernalillo County by the County Nuisance Hearing Officer, and

WHEREAS, the violations of the County's Property Nuisance Abatement Ordinance include:

1. Lack of, or not properly operative water closet, lavatory, bathtub or shower in a dwelling unit;
2. Lack of, or not properly operative kitchen sink;
3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
4. Lack of adequate heating facilities;
5. Lack of, or improper operation of required ventilating equipment;

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6. Lack of required electrical lighting;
7. General dilapidation or inadequate maintenance;
8. Structural hazards shall include, but are not limited, to the following:
    i. Defective or deteriorated flooring or floor supports.
    ii. Flooring or floor supports of insufficient size to carry imposed loads with safety.
    iii. Members of walls, partitions or other vertical supports that spilt, lean, list or buckle;
9. The building has broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief and/or that has a history of criminal conduct on the property;
10. The building is in an unsecured state that are not securely fenced or adequately lighted to prevent access to trespassers, criminals or others unauthorized to enter for the purpose of committing a nuisance or unlawful act, or the building constitutes an attractive nuisance for children;
11. The building has been vacant for a period of at least six months, and utility connections which enable the provision of electricity, heat, water and wastewater removal have been disconnected for at least six months;
12. General nuisances. The accumulation, collection, dumping, or stockpiling of any garbage, trash, litter, debris, rubbish, tires, appliances, junk or other material;
13. Motor vehicles and mechanical equipment. The presence of abandoned or inoperative mechanical equipment, construction equipment, motor vehicles, mobile homes or other commercial or recreational vehicles or equipment; or the parking, keeping or storing of any inoperative or unlicensed motor vehicle or of a vehicle which is in a state of major disassembly, disrepair, stripping or dismantling;
14. Excessive vegetation or invasive or nuisance plants and or weeds, when found by the inspector to constitute a clear interference with the use and enjoyment of other neighboring properties. Such nuisances may be any natural vegetation, or any noxious plants or weeds recognized as such by the United States or New Mexico Department of Agriculture;
15. Open storage. The presence of garbage, trash, litter, debris, rubbish or junk which has fallen or spilled out of storage or collection containers meant for the same, or the failure to visually screen a collection area for outdoor garbage or trash storage by a solid wall or fencing as required by county ordinances.

WHEREAS, when Bernalillo County finds that a ruined, damaged and dilapidated building or a property is covered with ruins, rubbish, wreckage, debris or that any other nuisance defined in the Property Nuisance Abatement Ordinance exists, which is a menace to the public safety, health, morals, or welfare, or that its unsightly appearance tends to discourage residential or commercial development in the property's immediate area, can declare such building, structure or property to be a public nuisance which must be abated by removal or other corrective action in

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accordance with the Property Nuisance Abatement Ordinance. The Property Nuisance Abatement Ordinance also empowers Bernalillo County with the ability to abate imminent threats to public health and safety.

NOW, THEREFORE be it resolved by the Board of County Commissioners, the governing body of the County of Bernalillo, will place a lien for all costs associated with the entry, securing, and removal of nuisances on the property, as well as costs to maintain the property in its clean and secured state, at the cost and expense of the owner. The reasonable cost of the maintenance, entry, securing, and removal shall constitute a lien against the building, structure, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed. The lien shall be foreclosed in the manner provided in NMSA 1978, §§ 3-36-1 through 3-36-6 this 9th day of August 2022.

BOARD OF COUNTY COMMISSIONERS

Adriann Barboa, Chair

Walt Benson, Vice Chair

Debbie O'Malley, Member

Steven Michael Quezada, Member

Charlene E. Pyskoty, Member

BERNALILLO COUNTY COUNTY CLERK SEAL STATE OF NEW MEXICO

APPROVED AS TO FORM:

DocuSigned by:

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W. Ken Martinez, County Attorney

ATTEST:

Linda Stover, County Clerk