



ORDINANCE NO. 2022-02
VILLAGE OF WAGON MOUND
PUBLIC NUISANCES

AN ORDINANCE REPEALLING ORD #67-A, ORD #123, and ORD #306
TO ADDRESS PUBLIC NUISANCES.

WHEREAS, the Village Council recognizes concerns expressed by citizens regarding the current state of the Village with respect to litter, improperly disposed waste, inoperable and/or abandoned vehicles, unattended properties, and proper access for emergency vehicles; and

WHEREAS, the Village of Wagon Mound desires a community that fosters a safe and healthy setting for the comfort and enjoyment of all its residents and visitors; and

WHEREAS, the Village of Wagon Mound finds NMSA 1978 §3-17-1 authorizes municipalities to adopt ordinances not inconsistent with New Mexico state laws for the purposes of “providing for the safety, preserving the health, promoting and improving the morals, order, comfort and convenience of the municipality and its inhabitants;” and

NOW THEREFORE, the Village of Wagon Mound adopts the following ordinance for the regulation of public nuisances consistent with NMSA 1978.

Section 1 - Purpose

This Ordinance adopts local regulations regarding public nuisances including abandoned and/or inoperable vehicles, illegal dumping and remediating unhealthy and/or unsafe private property.

Section 2 – Severability

If any section, paragraph, clause, or provision of this ordinance shall, for any reason, be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 3 – Definitions

The below words and phrases, wherever used in this ordinance, shall be construed as defined by pertinent NMSA 1978 laws and regulations:

ABANDONED VEHICLE – Any type of vehicle or motor vehicle that has been left on private or public property for an extended period of time. It shall be determined by a New Mexico law enforcement agency:

- 1) to have been left unattended on either public or private property for at least thirty (30) days;
- 2) not to have been reported stolen;
- 3) not to have been claimed by any person asserting ownership; and
- 4) not to have been shown by normal record-checking procedures to be owned by any person.

ILLEGAL DUMPING – Disposal of trash, scrap tires, ashes or any solid waste on public or private property in a manner that violates the Solid Waste Act or the Recycling and Illegal Dumping Act.

ILLEGAL DUMPSITE – Location where illegal dumping has occurred.

INOPERABLE VEHICLE – Any type of vehicle or motor vehicle which, for a period of at least thirty (30) consecutive days, parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power; a vehicle that is not registered or does not display a current valid license plate; and a vehicle with one or more flat tires or with one or more windshield or window broken or missing to the extent that visibility is limited so as to make driving such vehicle unsafe.

PUBLIC NUISANCE – Consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:

- a) injurious to public health, safety, morals or welfare;
- b) interferes with the exercise and enjoyment of public rights, including the right to use public property

A person committing a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a petty misdemeanor.

PRIVATE PROPERTY – Any real property owned by a non-governmental entity or entities within the municipal boundaries of the Village.

PUBLIC PROPERTY – Any real property owned by any governmental entity within the municipal boundaries of the Village, including but not limited to, the public way, right-of-way, roads, streets and alleys.

WRITTEN NOTICE – Notice sent by mail, to the owner's address and/or notice affixed to vehicle or property.

Section 4 – Abandoned and/or Inoperable Vehicles

- A. Abandoned and/or inoperable vehicles shall be reported to law enforcement. Law enforcement shall investigate and identify the reported vehicle, identify the legal owner, and record the location and status of the vehicle.
- B. Law enforcement shall notify the Village of Wagon Mound, and the Village shall provide written notice of the report to the vehicle owner by sending a notice via mail and/or by affixing the notice to the vehicle.
 - 1) The notice shall state the vehicle must be moved within thirty (30) days of issuance to avoid citation. The notice shall state the citation fine and fees, and it shall reference this ordinance.
- C. In the case the vehicle remains unmoved after thirty (30) days from the date the notice was issued, the vehicle will be cited as an abandoned and/or inoperable vehicle, and it will be towed at the owner's expense.
- D. Citation Fines and Fees: Abandoned and/or inoperable vehicles shall receive a citation fee of \$50.00 per vehicle per incident, and the owner shall be responsible for working directly with the tow company to pay any costs and/or fees associated with the removal, towing and/or impoundment of the vehicle.

Section 5 – Illegal Dumping

- A. Illegal dumping shall be reported to law enforcement.
- B. A person or persons committing illegal dumping may be identified via:
 - 1) Evidence of identifying materials left at the illegal dumpsite;
 - 2) Video or photographic evidence of the illegal dumping occurring;
 - 3) Any combination of evidence identifying a person or persons dumping illegally.

C. Citation Fines:

- 1) First Offense - A person found having committed illegal dumping shall be fined \$250.00 for the first offense.
- 2) Multiple Offenses – In the case the same person is found having committed illegal dumping more than once, the second and any additional offense shall be fined \$500.00 per offense.

Section 6 – Public Nuisance on Private Property

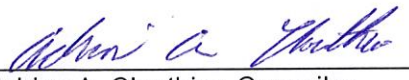
- A. Any private property with conditions that are injurious to public health, safety, morals or welfare shall be deemed a public nuisance.
- B. The Village shall be responsible for identifying and determining properties exhibiting conditions of public nuisance including but not limited to:
- 1) Fire Dangers
 - 2) Harboring rodents, insects, reptiles, and other vermin
 - 3) Vector-borne diseases
 - 4) Dilapidated structures
 - 5) Illegal dumping
- C. The Village shall identify the property owner(s) and shall provide written notice of the conditions causing public nuisance to the owner(s) via mail and/or by posting the notice in a visible location at the property.
- 1) The notice shall state the violation of public nuisance. It shall state the remediation necessary to address the violation, and it shall state the owner has thirty (30) days from the date of issuance to resolve the violation. It shall state the citation fine and reference this ordinance.
- D. In the case a property owner does not resolve the violation within thirty (30) days of the notice being issued, the Village shall report to law enforcement, and the violation will result in a citation.
- E. Citation Fine: Failure to resolve a public nuisance on private property shall receive a citation of \$50.00 per violation.

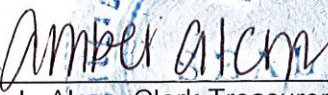
PASSED, ADOPTED AND APPROVED AT REGULAR COUNCIL MEETING THIS 14TH DAY OF JUNE, 2022.

COUNCILORS

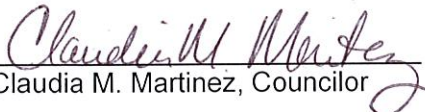

Andres Martinez, Mayor

Eldie R. Cruz, Mayor Pro Tem


Adrian A. Clouthier, Councilor

ATTEST: (SEAL)

Amber L. Alcon, Clerk Treasurer


Paul A. Miera, Councilor


Claudia M. Martinez, Councilor

