

**SAN JUAN COUNTY, NEW MEXICO
NUISANCE ABATEMENT
ORDINANCE NO. 127**

**AN ORDINANCE REGULATING DAMAGED, DILAPIDATED,
AND RUINED BUILDINGS AND STRUCTURES AS WELL AS
PREMISES COVERED WITH RUINS, RUBBISH, WRECKAGE
OR DEBRIS, AND PROVIDING FOR REMOVAL OF SAME.**

SECTION 1. SHORT TITLE

This Ordinance may be referred to as the “Nuisance Abatement Ordinance”.

SECTION 2. DECLARATION OF PUBLIC NUISANCE

A. Pursuant to NMSA, Sections 4-37-1 and 3-18-5, as amended, the Board of County Commissioners of San Juan County (hereinafter “County Commission”) finds and declares that dilapidated buildings and structures, including mobile homes, manufactured homes, campers, and recreational vehicles, and premises covered with ruins, rubbish, wreckage or debris, invite vandalism, unlawful human occupation, illegal drug use and rodent infestation, and constitute fire, health, and safety hazards, reduce the value of private property, and are attractive nuisances which are detrimental to the safety and welfare of the general public.

B. In view of these findings and determinations, the County Commission hereby declares dilapidated buildings and structures, including mobile homes and manufactured homes, and premises covered with ruins, rubbish, wreckage or debris, to be public nuisances.

C. The County Commission finds that it will promote public health, safety, and welfare to enact provisions to remove dilapidated buildings, structures, including mobile homes and manufactured homes, ruins, rubbish, wreckage or debris from premises in the County.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF SAN JUAN COUNTY, NEW MEXICO:**

SECTION 3. INVESTIGATION

A. Investigation. The County shall, when informed that any premises or property within the County contains any building or structure, including mobile homes and manufactured homes, which is ruined, damaged and dilapidated, or is covered with ruins, rubbish, wreckage or debris, cause an investigation to be made into the premises and shall make findings with reference to such investigation.



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B. Administration. This Ordinance shall be administered by the Community Development Department and Code Enforcement Officer(s), in cooperation with other county departments including but not limited to the Legal Department, County Executive Office, San Juan County Fire and Rescue, Sheriff's Office, and Public Works Department.

C. Enforcement of other ordinances. Any County Health and Safety Ordinance including, but not limited to, Ordinance 4, Ordinance 72, and Ordinance 73, may be enforced through the provisions of that Ordinance or through this Nuisance Ordinance.

D. Privacy Rights. Nothing in this ordinance shall affect the rights of citizens to privacy in and on their property. Entry on property, except in emergency situations, shall be preceded by consent of the owner or occupant or an administrative warrant, or as otherwise regulated by a licensing or permitting ordinance, or the fire code.

E. Voluntary compliance in non-emergency situations. In cases not involving imminent threat to the public health, safety and welfare, the county shall first attempt to secure the cooperation of the individuals who own or occupy the problem property to correct the conditions causing the nuisance within a reasonable period of time as determined by the County. A person whose property is in violation of this Ordinance may apply if they qualify and may be considered for the County's Property Clean-up Hardship Relief Program as a means of correcting the nuisance conditions. Compliance is the goal, before having to resort to enforcement procedures. Under circumstances pursuant to the Clean-up Hardship Relief Program's policies and by written agreement of the landowner, a lien may be placed on the subject property and such lien shall be subject to foreclosure in the manner provided in NMSA 1978, §§ 3-36-1 through 3-36-6. Emergencies affecting public health, safety and welfare must be dealt with as quickly as possible irrespective of whether the cooperation of the owner or occupant of the nuisance property can first be secured.

F. Interpretation. In the interpretation of this ordinance, all provisions shall be liberally construed in favor of the governing body and deemed neither to limit nor repeal any other powers granted under State statutes or other County Ordinances.

SECTION 4. RESOLUTION

If the County, as a result of any such investigation, finds that any premises, tract of land or property within the County, but outside the exterior boundaries of any incorporated municipality or the Navajo Nation, contains any dilapidated buildings or structures, including mobile homes and manufactured homes, ruins, rubbish, wreckage or debris, and that such premises are a menace to the public comfort, health, peace or safety of the County, the County shall adopt a resolution making such findings and ordering the owner, occupant or agent in charge of such property or premises to commence removing the building, structure, including mobile homes and manufactured homes, ruins, rubbish, wreckage, or debris within the time set forth in this ordinance.



SECTION 5. SERVICE OR PUBLICATION OF RESOLUTION

A copy of the resolution adopted by the County Commission pursuant to Section 1, above, shall be served upon the owner, occupant or agent in charge of the property or premises. If the owner, as shown by the real estate records of the county clerk, occupant or agent in charge of the real estate or premises cannot be personally served, a copy of the resolution shall be posted upon the premises and a copy of the resolution shall be published one time in a newspaper of general circulation in the County.

SECTION 6. OPPORTUNITY TO OBJECT, APPEAL

The owner, occupant or agent in charge of such property or premises may, within 10 days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution file a written objection with the County Attorney's office asking for a hearing upon such resolution before the Board of County Commissioners of San Juan County ("County Commission"). If a written objection is filed as required by this section, the County Commission shall:

- a. Fix a date for a hearing upon its resolution and such objection;
- b. Consider all evidence for and against the removal resolution at the hearing;
and
- c. Determine if the resolution should be enforced or rescinded;

The owner, occupant or agent in charge of such property or premises may appeal the County Commission's determination to the district court by giving notice of appeal to the County Attorney's office within five days after determination made by the County Commission and by filing a petition in the district court within 20 days after determination made by the County Commission.

SECTION 7. ABATEMENT

The owner, occupant or agent in charge of such property or premises identified by resolution shall commence the removal of such dilapidated buildings, structures, including mobile homes and manufactured homes, ruins, rubbish, wreckage or debris:

- a. Within ten days of being served a copy of the resolution or of the posting and publishing of the resolution; or
- b. Within five days of the determination by the County Commission following objection by the owner and hearing upon the matter as provided in this section that the resolution shall be enforced; or
- c. If appealed, within 30 days after the district court enters judgment sustaining the determination of the County Commission.

Any person removing any rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.



SECTION 8. FAILURE TO REMOVE AND COST OF ABATEMENT

If the owner, occupant or agent in charge of such property or premises fails to commence the removal of such dilapidated buildings, structures, including mobile homes and manufactured homes, ruins, rubbish, wreckage or debris as set forth in Section 4 of this Ordinance the County will remove such damaged or dilapidated building or structure, including mobile homes and manufactured homes, ruins, rubbish, wreckage or debris at the cost and expense of the owner of such property, and the reasonable cost of the removal thereof shall constitute a lien against the lot, parcel of land and premises from which it was removed. Such lien shall be subject to foreclosure in the manner provided in NMSA 1978, §§ 3-36-1 through 3-36-6.

The County may pay for costs of removal of any such damaged or dilapidated building or structure, including mobile homes and manufactured homes, ruins, rubbish, wreckage, or debris by granting to the person removing such material the legal title to all salvageable material in lieu of all other compensation.

SECTION 9. REMEDIES NOT EXCLUSIVE

Nothing herein shall preclude the county from instituting any appropriate action in law or equity to restrain, correct or abate any violations of this chapter, or to suspend, cancel, or revoke, in whole or in part, any permits issued under any county administrative code, or to pursue all available criminal or civil remedies available under the law. The county may file criminal, civil, injunctive and administrative actions simultaneously to stop any person from harming or injuring the health and safety of the public.

SECTION 10. SAVING CLAUSE

Should any portion of this Ordinance be declared unenforceable after a final, non-appeal decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall, to the extent feasible, remain in full force and effect.

SECTION 11. EMERGENCY CLAUSE AND EFFECTIVE DATE

Because of the urgent need for regulation pursuant to this Ordinance, the Board of County Commissioners declares that it is necessary for the public peace, health and safety that this Ordinance take effect immediately after passage when it is recorded in the book kept by the County for that purpose and authenticated by the signature of the County Clerk. In the event a court of competent jurisdiction finds that the passage of this Ordinance did not constitute an emergency, then the effective date of this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.



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PASSED, APPROVED AND ADOPTED this 23rd day of July, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**



ATTEST:

Tanya Shelby

Tanya Shelby, County Clerk

By: *John T. Beckstead*
John T. Beckstead, Chairman



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