



6a.

Minutes

11.14.2019

Special Canvassing
Meeting Minutes

Cibola County Commission
Special Canvassing Meeting
Thursday November 14th, 2019

The Cibola County Commission held a Special Canvassing Meeting on Thursday November 14th, 2019 at 4:00 pm in the Cibola County Commission Center

Elected Officials Present Staff

Daniel Torrez, Chairman
Robert Windhorst, 1st Vice Chairman
Ralph Lucero, 2nd Vice Chairman

Kate Fletcher, County Manager
Michelle Dominguez, County Clerk
Denise Salcido, Filing/Recording

1. CALL TO ORDER

Chairman Torrez called the meeting to Order at 4:00 pm.

2. ROLL CALL

Chairman Torrez does roll call 3-2 Commissioners in attendance.
Commissioner Garcia and Commissioner Lowery were absent

3. Pledge of Allegiance Recited by all.

4. Prayer Commissioner Windhorst led us in prayer.

5. Approval of Agenda

Motion to approve agenda made by Commissioner Windhorst, second by Commissioner Lucero
3-0 affirmative

6. New Business- Action May Be Taken

a) Canvassing of 2019 Local Election

Motion to Accept the Official results of the 2019 Local Election made by Commissioner Windhorst, second made by Commissioner Torrez 3-0 Affirmative

7. Announcements

The Next Regular Commission Meeting will be held on Thursday, November 14th, 2019 at 5:00 pm in the Cibola County commission Chamber Room

8. ADJOURNMENT

Commissioner Torrez called to adjourn the meeting at 4:14 pm.

PASSED, APPROVED, and ADOPTED this 3rd day of December 2019

BOARD OF COUNTY COMMISSIONERS

Daniel Torrez, Chairman

Robert Windhorst, 1st Vice Chairman

Ralph Lucero, 2nd Vice Chairman

Martha Garcia, Commissioner

Christine Lowery, Commissioner

ATTEST:

Michelle E. Dominguez, Cibola County Clerk

Date: _____

SEAL



6b.

Minutes

11.14.2019

Special Commission
Meeting Minutes

Cibola County Commission
Special Meeting
Thursday November 14, 2019

The Cibola County Commission held a Regular Meeting on Thursday November 14, 2019 at 5:00 pm in the Cibola County Commission Center

Elected Officials Present Staff

Daniel Torrez, Chairman
Robert Windhorst, 1st Vice Chairman
Ralph Lucero, 2nd Vice Chairman

Kate Fletcher, County Manager

Michelle Dominguez, County Clerk
Marisa Baca, Filing/Recording

A. CALL TO ORDER

Chairman Torrez, called the meeting to Order at 5:00 pm.

B. ROLL CALL

Chairman Torrez does roll call-3-2

C. Pledge of Allegiance

Recited by all.

D. Prayer

Commissioner Windhorst led us in prayer.

E. Approval of Agenda

Motion to approve the agenda made by Commissioner Lucero, second by Commissioner Windhorst 3-0 affirmative.

F. Commissioner's Report

Commissioner Lucero- Not really that much, the only thing is that we had a Veteran's Day celebration on Veteran's day at Friendship Park, and it was a really, really good turn out, and it seems to be getting better every day, every year. Then also we went and helped placed flag at the cemetery for Veteran's Day along with the people from the American Legion, and then I also went to a meet for economic development meeting last week, an there will also be another training session this weekend. That's it.

Commissioner Windhorst- Two weeks ago, Commissioner/Chairman Torrez and I had a cleanup in San Rafael, and it was a great turn out, and San Rafael looks very beautiful. The county has also put a new road through San Rafael and is working on one that is going through Bluewater. We are very grateful that things are going well enough that we can do things like this and be qualified to be able to get the money to do these types of things. We are grateful to the state for providing the money. We also had Veteran's Day as Commissioner Lucero mentioned and I want to thank State Representative Harry Garcia for the time he has put into making that park a memorial for veterans. One of the things I really love about living in this community is the love that we show our veterans, I think it is something that should be done throughout this nation. We should revere them for the sacrifices they have made to help us keep our freedoms. I just want you to know Representative Garcia how grateful we are for your contribution also for your contributions of seeing to it, that the capital outlay money has been used here in the area and you have brought that in. We are grateful and thankful to you for that. The other night I had a meeting in Bluewater with some of the staff from the County; Anna Larson, Judy Horacek, and Dustin Middleton. We talked about the ordinance in place in our county to start cleaning up properties that have issues with cleanliness. I was very impressed with the presentation that Anna Larson gave, and the plans we have for enforcement, such as, tire dumps, houses that have junk all around them and clean things up. So, it was a very good meeting and I was grateful to have a chance to do that. Thank you very much.

Commissioner Torrez- I myself have said the roads are done in San Rafael cleanup was a success. Veterans Day was a success. I did not happen to make either one of them, but I see all the people, I had other chores to tend to. Other than that, thank you all, thank you Mr. Vigil thank you for smashing the dumpsters. Other than that, we will move on.

G. Public Comment

Harry Garcia thank you Mr. Chairman, thank you members board, ladies and gentlemen. Just a little update on what is happening. We had a meeting in Santa Fe last Friday with the city manager, the project coordinator Donald Jaramillo, myself and, Senator Clemente Sanchez on getting money for First Street because they were one million eight hundred thousand dollars short to finish this project, that has already been granted to us. (Torrez. Is that going to go all the way down First Street?) that will finish the whole project, that is a done deal. It is shovel ready, I talked to the Secretary of Transportation in Santa Fe and that money should be awarded before January. It was amazing how fast it happened because it takes months, another thing is last year I gave a lot of money to the City and we need to share the wealth, so this time around we will have an abundance of money again, I think, so we are going to lean more towards the County, to help the County out, that is a fair thing to share. Keep in mind that I have six county's that I represent, so my money will be a little less than the Senator's, we will be fair about everything. I wanted to let you know to make sure your audits are in order, cause when the money comes out and they are not in order you're not going to be able to use it. It is a good gesture because I hate to dump two million dollars into a project and then you can't use it, and what I am hearing is we should be getting over three million for the representatives but do not quote me to that. That is what I am hearing, and the Senators will get more. Thank you

all for being here, and giving me a chance to speak, and you are doing a good job, and keep it up, and you know by working together is a lot better than working apart from each other.

Windhorst and thank you for the football field.

One more thing there is a young lady in Ms. Martinez here that is always helping, for the veterans rally she got four or five hundred dollars from her company and brought us lunch for everybody thank you for everything.

H. Minutes

a. Minutes from October 24th, 2019 Regular Commission Meeting

Motion to approve both Minutes from October 24th, 2019 Regular Commission Meeting minutes. Motion made by Commissioner Windhorst, second made by Commissioner Torrez 3-0 affirmative.

I. Reports

- a. Manager Report- Kate Fletcher, County Manager-** Thank you so much chairman and commissioners, wow we are just chugging along, thank you Harry Garcia for mentioning all the things you did and how excited with all that money and well done on that because that is not a small that's great, with the audits I want to let everybody know they were here last week and they finished their polling and I don't know for sure we won't know for a long time when it will be released but it will be on time, and it will be much better, so we will be stronger when we request for money next term. I wanted to add something about the village and the city and the county and talk about how we have to work together, when the funding was decided last time my first response was we are all one, so when those requests were approved and you decided what to do I still felt that the county was blessed just to be able to, we are a part of the city we are a part of the village are everybody, so I mention that we are going to be stronger and I think we will be ready this time for what we are going to be requesting. So, I just want to say thank you very much for that. I'm not going to be too long this time because I am always so too long, we have so very good presentations and reports I want to say we are short-handed on our staff they are all at the DFA budget conference, I hope they are all behaving themselves but they are all busy so I am on my own here but it has been kind of nice it has been quiet Anna is here and I am looking forward to her presenting this presentation if there is any question we can just move on.
- b. Anna Larson-** Good evening commissioners, general public, I was asked to give this presentation about what the new planning coordinator, what my job is and what I have been working on. The first thing I have been working on is then census 2020 complete count committee the State of New Mexico is one of the most undercounted state in the last census in the U.S., Cibola county is one of the most undercounted

counted in the state. So we have formed a complete count committee with the assistance from the state we have been provided granted funding in order to do outreach for, to provide census information to everybody in the county, to try to get everybody counted, so that fund requests, services, and all of that will help the county because of the counts improving. We have partnered with the City of Grants and the Village of Milan, picture is from the feast day at Pueblo of Laguna which we attended, other community-based organizations, Grants Main street, The Chamber of Commerce's and some of the veterans' groups. I have created a census 2020 Facebook page, if everyone you like the page and share it so we can get out information about what is coming up, we shared information about the jobs, we shared information about the myth and facts on census. If we can get the word out to the rest of the community. We will be attending are attending multiple events activates that will provide that information.

I am also the certified flood plan manager for Cibola county, I have to maintain the certification as a CFM, so I take training that is required by the state of New Mexico, follow up on all contraction industry division permits to insure they are in compliance with any flood plate development. I respond to issues and complaints of any flooding or drainage issues. This drain you see here have been sort of repaired but not completely repaired, we are working on a RFP to get that drain repaired along with a drainage inspection of all of the county owned drainage channels, these are the kinds of thing I am working on, these are in our budget, we got a quote for how much it will cost us to fix this drainage as well the inspections, and creating a plan for maintenance for them. So, all of this is in our budget, and we just need to finalize this the RFP and get it up to date.

I am also working with the commission on the road department, as part of the road review board we have done a review on some of the roads that Gary has asked to review for removal from maintenance or add to maintenance, we do have our signs and we are waiting on our three appointed road review individuals, to actually review those roads. Once that is done, they will either be added or removed from the maintenance list, we also need to work on prioritize major road project. I also help Gary with road complaint, I review easements, and land ownerships, I also assist Gary in the road infrastructure permit request, in helping fill out those permit requests.

In addition, I am working on updating the environment and safety ordinance, we already the three-ordinance related to illegal dumping, tire dumping, and abandoned buildings. The problem with that is that there is limited enforcement on those three ordinances so we are rolling them all together in a environment safety ordinance, which we are going to present the draft is done with us, we are going present it at the December commission meeting to request to publish it, and have the commission vote on it in January, the ordinance exists already we are just clarifying who can enforce it and adding enforcement capability. Judy and I are also conducting meeting around the county with funding from New Mexico clean a beauty grant, we are educating the public about the ordinance and holding community clean ups that will

help keep our communities cleaner. And I have also developed a procedure manual for the enforcement of these ordinances. I also do planning and zoning, I receive calls about building permits, septic permits, and water permits. Does that county have zoning? How come that guy can build a RV park there? And so on and so forth, my answer to those question, I set up community meeting thru-out the county we had a public meeting regarding the cell tower installation near the Village of Milan in the recent past, I just attended a meeting with community wildfire planning, today, I issue letter to residence regarding any zoning issues and mobile home placement permit requirements. And respond to complaints. I also am helping with the Zuni mountain trail project and am preparing for the next phase of the project as well as any upcoming funding applications. Try to attend as many community meetings as possible and follow up with them on anything the county might be working on with them. We also finalized the business registration ordinance it was passed at the past commission meeting, we have reviewed the information and we have approximately 147 businesses that are located in Cibola county, however at the present time less than 10 percent of all business are properly registered this is one of the ordinance created in the 90's and it didn't have any enforcement capabilities, we will be send letter and putting a press release in the paper and inform the public about the business registration, we have also created a packet of information on business registration, question and answers, requirements. The clerk's office will be helping to mail out the new application for the renewals in December. Any other duties I work with the project's coordinator, on grants, provide maps, assist with documents and research. I am still working with the clerk's office in providing with copies of maps and plats, I am also working with the assessor office for the same reasons since my previous position was at the assessor's office, I am still answering some of there mapping questions. I help with the rural addressing with verification when needed.

J. Presentation-

Lori Vigil- reporting drug abuse and statistics in Cibola County
Lori introduce Cindy (unknown last name)

K. New Business- Action May Be Taken-

a) Consideration of Resolution 19-69

Motion Supporting the 2020 Legislative Priorities of the NM Counties
Motioned by Windhorst 2nd Lucero 3-0 affirmative

**b) Consideration of Resolution 19-70 Recommendations of Advisory Committee
Regarding Reinvestment of Current Investments**

Motioned by Windhorst 2nd by Lucero 3-0

**c) Direction to Staff Regarding Appraisal for Vacant Lot R#19333, 700 E. Roosevelt Ave
Complex Grants NM 87020**

Windhorst- does not feel that it will be a good about selling, thinks it will block off property, will make it look blocked off. Does not want to sell. They have been pushing

Lucero- agrees with Windhorst selling will take up space from Taco Village and Smith's. I think once we decide not to sell, we should get the county Manager to annex all the properties together. So, we won't have this issue anymore

Motioned Lucero 2nd by Windhorst 3-0

d) Consideration of Resolution 19-71 Cibola County Credit Card Policy

Motioned by Windhorst 2nd by Lucero

L. Announcements

The Next Commission Meeting will be a Special Commission Meeting held on Thursday, December 12th, 2019 at 5:00p.m. in the Cibola County Commission Chambers. Cibola County Offices will be closed Thursday November 28th, and 29th, 2019 in observation of the Thanksgiving Holiday.

M. Adjournment

Commissioner Torrez adjourned the meeting at 6:05p.m.

PASSED, APPROVED, and ADOPTED this 3rd day of December 2019

BOARD OF COUNTY COMMISSIONERS

Daniel Torrez, Chairman

Robert Windhorst, 1st Vice Chairman

Ralph Lucero, 2nd Vice Chairman

Martha Garcia, Commissioner

Christine Lowery, Commissioner

ATTEST:

Michelle E. Dominguez, Cibola County Clerk

Date: _____

SEAL



X.

**Reports not
Presented**

Road Dept.

Cibola County Road Dept.

700 E. Roosevelt Suite 50

Grants NM 87020

505-285-2570 Phone 505-285 3656 Fax



Tuesday, November 19, 2019

To: Kate Fletcher - County Manager

Fr: Gary Porter - Public Works Director

Re: Monthly Report: 10/01/19 - 10/31/19 (October)

Regular Maintenance

Blade & Shape

<u>Road</u>	<u>Description</u>	<u>Miles</u>
C34	Pine Hill Road	7.700
C33	Candy Kitchen Road	10.000
C1	Marquez Road	16.208
C38	O'Dells Ranch Road	3.150
C35	Fencelake Community Roads	3.064
C32	Zuni Trail	10.000
Total Miles		50.122

Special Projects

C34	Pine Hill Rd. - Put up signs, clean cattle guards and culverts, fix wingwalls and culvert, haul base course and millings for shoulder work.
C13	San Jose Loop - Put up signs, spread grass seed on shoulder.
C5	Moquino - Clean culverts and roadway, put up signs, paint guard rail and cut debris on bridge.
C1	Marquez Rd. - Clean culverts and cattle guards.
C35A	Moreno Hill Rd. - Shoulder work.
C35	Fencelake Community Rds. - Clean culverts and cattle guards, fix wingwalls and cattle guards.
C27	Vida Buena Road - Put up signs.
C6	Seboyeta-Bibo Rds. - Put up signs.
C33	Candy Kitchen Road - Clean culverts and cattle guards, put up signs.
C49	Zuni Canyon Rd. - Put up signs.
C47	Mesa Ridge Rd. - Put up signs.

C7 Cubero Loop - Put up signs.
C58 San Rafael - Shoulder work.
C32 Zuni Trail - Clean culverts and cattle guards.
C48A Timberlake Rd. - Clean culverts and cattle guards, haul base course.
C52 El Gallo Rd. - Remove signs.
C28 Bluewater Village - Paint guard rails.

2018/2019 Co-op

C13 (CAP) San Jose Loop - C & E hauling base course.

Cibola County Road Dept.

700 E. Roosevelt Suite 50
Grants NM 87020
505-285-2570 Phone Fax 505-287-3656



MAINTENANCE REPORT

October 2019

<u>Department</u>	<u>Unit Number</u>	<u>Total Parts & Oil</u>	<u>Hours Worked</u>	<u>Mechanic Rate</u>	<u>Total on Repair Order</u>
Road Dept.	138	235.42	3	\$ 16.00	\$ 283.42
Road Dept.	153	32.99	1	\$ 16.00	\$ 48.99
Road Dept.	155	33.34	1	\$ 16.00	\$ 49.34
Road Dept.	155	0	4	\$ 16.00	\$ 64.00
Road Dept.	157	22.2	2	\$ 16.00	\$ 54.20
Road Dept.	157	0.69	0.5	\$ 16.00	\$ 8.69
Road Dept.	Pressure Washer	\$2.23	0.5	\$ 16.00	\$ 10.23
				TOTAL	\$ 518.87
<u>Department</u>	<u>Unit Number</u>	<u>Total Parts & Oil</u>	<u>Hours Worked</u>	<u>Mechanic Rate</u>	<u>Total on Repair Order</u>
Building & Grounds	G-67587	\$29.91	1	\$ 16.00	\$ 45.91
				TOTAL	\$ 45.91
<u>Department</u>	<u>Unit Number</u>	<u>Total Parts & Oil</u>	<u>Hours Worked</u>	<u>Mechanic Rate</u>	<u>Total on Repair Order</u>
Clerks	G-55649	\$8.00	0.5	\$ 16.00	\$ 16.00
Clerks	G-64240	\$46.02	1.5	\$ 16.00	\$ 70.02
				TOTAL	\$ 86.02
<u>Department</u>	<u>Unit Number</u>	<u>Total Parts & Oil</u>	<u>Hours Worked</u>	<u>Mechanic Rate</u>	<u>Total on Repair Order</u>
Sheriffs	00038-G	30.94	0.5	\$ 16.00	\$ 38.94
Sheriffs	05228-G	35.96	1	\$ 16.00	\$ 51.96
Sheriffs	G-68418	84.91	4	\$ 16.00	\$ 148.91
Sheriffs	G-85729	8	2	\$ 16.00	\$ 40.00
Sheriffs	G-90204	24.39	1	\$ 16.00	\$ 40.39
Sheriffs	G-90205	24.55	1	\$ 16.00	\$ 40.55
Sheriffs	G-92102	27.97	1.5	\$ 16.00	\$ 51.97
Sheriffs	G-96110	\$27.97	1	\$ 16.00	\$ 43.97
				TOTAL	\$ 456.69

Cibola County Road Dept.

515 W. High Street

Grants NM 87020

505-285-2570 Phone 505-287-3656 Fax



FUEL REPORT - CIBOLA COUNTY ROAD DEPARTMENT October 2019

UNLEADED						
UNIT #	VEHICLE #	COST/MILE	MPG	MILES	TOTAL GAL.	TOTAL COST
127	G-18473	#VALUE!	#VALUE!	N/U	0.000	\$ -
128	G-18464	0.76	3.39	190	56.000	\$ 144.85
130	G-15638	#VALUE!	#VALUE!	N/U	0.000	\$ -
131	G-29800	#VALUE!	#VALUE!	N/U	0.000	\$ -
132	G-29091	#VALUE!	#VALUE!	N/U	0.000	\$ -
133	G-23696	0.18	14.34	152	10.600	\$ 27.41
134	G-23697	#VALUE!	#VALUE!	N/U	0.000	\$ -
135	G-39980	#VALUE!	#VALUE!	N/U	0.000	\$ -
136	G-39988	#VALUE!	#VALUE!	N/U	0.000	\$ -
138	G-95862	0.17	15.90	1,890	118.900	\$ 322.45
139	G-57384	0.58	4.47	76	17.000	\$ 43.97
140	G-57619	#VALUE!	#VALUE!	N/U	0.000	\$ -
141	G-57618	0.16	16.62	1,820	109.500	\$ 283.24
146	146	#VALUE!	#VALUE!	N/U	0.000	\$ -
147	G-66164	0.00	#DIV/0!	143	0.000	\$ -
148	G-66165	0.12	22.06	353	16.000	\$ 41.39
150	G-70482	0.08	32.38	518	16.000	\$ 41.39
151	G-78718	0.15	17.00	2,761	162.400	\$ 420.06
152	G-64239	0.21	12.55	389	31.000	\$ 80.17
153	G-86952	0.11	23.99	2,881	120.100	\$ 310.62
154	G-86953	0.15	17.48	1,094	62.600	\$ 161.95
155	G-86954	0.11	23.81	2,050	86.100	\$ 222.69
156	Diesel Air Coprpressor	#VALUE!	#VALUE!	N/U	0.000	\$ -
157	G-91750	0.14	18.69	3,209	171.700	\$ 444.13
Extra Gas Card	Extra Gas Card	#VALUE!	#VALUE!	N/U	0.000	\$ -
TOTAL GAS					977.900	\$ 2,544.32

DIESEL FUEL						
UNIT #	VEHICLE #	COST/MILE	MPG	MILES	TOTAL GAL.	TOTAL COST
137	G-50237	0.23	11.96	299	25.000	\$ 67.81
209	G-18476	#VALUE!	#VALUE!	N/U	0.000	\$ -
212	G-30550	0.47	5.73	795	138.700	\$ 376.15
213	G-30549	#VALUE!	#VALUE!	N/U	0.000	\$ -
214	G-38441	#VALUE!	#VALUE!	N/U	0.000	\$ -
215	G-67372	0.50	5.47	512	93.600	\$ 253.85
216	G-67371	#VALUE!	#VALUE!	N/U	0.000	\$ -
217	G-70782	0.54	5.05	477	94.400	\$ 256.02
218	Distributor	#VALUE!	#VALUE!	N/U	0.000	\$ -
219	Water Truck	0.53	5.11	948	185.600	\$ 503.37
220	New Transport	0.74	3.97	543	136.900	\$ 400.04
221	New Dump Truck	0.44	6.21	630	101.500	\$ 275.27
305	305	0.00	#DIV/0!	10	0.000	\$ -
306	306	0.00	#DIV/0!	3	0.000	\$ -
307	307	#VALUE!	#VALUE!	N/U	0.000	\$ -
308	308	3.68	0.74	43	58.300	\$ 158.13
309	309	#VALUE!	#VALUE!	N/U	0.000	\$ -
310	310	#VALUE!	#VALUE!	N/U	0.000	\$ -
311	311	0.00	#DIV/0!	3	0.000	\$ -
312	312	#VALUE!	#VALUE!	N/U	0.000	\$ -
313	313	#VALUE!	#VALUE!	N/U	0.000	\$ -
314	314	#VALUE!	#VALUE!	N/U	0.000	\$ -
416	416	8.20	0.33	70	211.600	\$ 573.88
417	417	6.45	0.42	80	190.300	\$ 516.12
418	418	6.90	0.39	86	218.900	\$ 593.67
501	501	#VALUE!	#VALUE!	N/U	0.000	\$ -
525	525	#VALUE!	#VALUE!	N/U	0.000	\$ -
Extra Diesel Card	Extra Diesel Card	#VALUE!	#VALUE!	N/U	0.000	\$ -
TOTAL DIESEL					1454.800	\$ 3,974.31

***N/U = NOT USED**



7a.

Workshop

Strategic Plan Forecasting

5 & 10 Year

No Documentation at This Time 11.25.2019



8a.

New Business

Ordinance 20-001

Environment and Safety Ordinance



**CIBOLA COUNTY
ORDINANCE 2020-001**

**COMPREHENSIVE ENVIRONMENT AND SAFETY ORDINANCE
PROSCRIBING CERTAIN ENVIRONMENTAL HAZARDS AND NUISANCES BY
CHAPTER AND PRESCRIBING PENALTIES AND ABATEMENT**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Cibola County Board of Commissioners has determined that the health, safety and general welfare of the residents of Cibola County would best be served by the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED that the Cibola County Board of Commissioners does hereby establish this Comprehensive Environment and Safety Code consisting of relevant Chapters that may be subsequently added, deleted, or amended by following the process of passing an Ordinance.

ARTICLE I: GENERAL PROVISIONS

A. Short Title

This ordinance shall be known and may be cited as the “Cibola County Environment and Safety Code” and shall be referred to elsewhere as “this Ordinance”.

B. Jurisdiction

This Ordinance shall be enforceable in the unincorporated areas of the County.

C. Enforcement

The County Sheriff and the County Code Enforcement Officer are authorized to enforce and prosecute this Ordinance on behalf of the Cibola County Board of Commissioners. In addition, the Cibola County Fire Marshal is authorized to enforce and prosecute Chapter 4 of this Ordinance on behalf of the Cibola County Board of Commissioners.

D. Conflict

The regulations provided herein are held to be the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, or abrogate or annul any other valid state or federal law. In the event the provisions of this Ordinance conflict with other County rules, regulations or ordinances pertaining to the subject matter herein, the provisions of this Ordinance shall prevail.

E. Repealer

Ordinance 97-3 "The Outdoor Lighting Control Ordinance"; Ordinance 16-05 "Abatement of Dangerous or Abandoned Buildings, Structures, Mobile or Manufactured Housing, Wreckage and Debris"; Ordinance 16-04 "An Ordinance Prohibiting the Accumulation of Refuse, Solid Waste & Litter and Providing for Penalties, Civil Remedies, Severability, and Effective Date"; Ordinance 16-03 "An Ordinance Prohibiting Illegal Tire Dumpsites, the Importation of Scrap Tires into Cibola County and Providing for the Abatement of Illegal Tire Dumpsites" are hereby repealed and replaced by this Ordinance.

F. Savings Clause

If any article, section, paragraph, clause, word or phrase of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

ARTICLE II: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

ABATEMENT

Means to reduce in amount, degree or intensity or to eliminate.

ACCUMULATION

To gather or collect into a mound, heap, mass, or coverage; forming a steadily increasing quantity.

AGRICULTURAL USE

Means the beneficial use of scrap tires in conjunction with the operations of a farm or ranch that includes construction projects and aids in the storage of feed.

ARROYO

Includes any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

ASHES

Fire residue of any kind, including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible to spontaneous combustion.

BUILDING CODE

The Uniform Building Code promulgated by the International Conference of Building Officials or any building code adopted by this jurisdiction.

CIVIL ENGINEERING APPLICATION

Means the use of scrap tires or other recycled material in conjunction with other aggregate materials in engineering applications.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer or equivalent and his or her designees, employees, or inspectors.

CONSTRUCTION OR DEMOLITION (C&D) DEBRIS

Materials generally considered water-insoluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure, and includes rocks, soil, tree remains, trees, and other vegetative matter that normally results from land clearing. If such debris is mixed with any other type of solid waste, it loses its classification as construction and demolition debris.

DAYS. All references to DAYS shall refer to calendar days.

DEBRIS

All waste building material, including, but not limited to, bricks, concrete blocks, shingles, roofing material, lumber, pipe, commercial construction wastes, and any other matter that is commonly known as "debris."

DISMANTLED OR PARTIALLY DISMANTLED VEHICLE

Any motor vehicle or trailer from which some parts or parts which are ordinarily a component thereof have been removed or are missing.

DISPOSE

Means to deposit scrap tires into or on any land or water.

FIRE MARSHAL. The Cibola County Fire Marshal or Fire Chief and his or her designee, employee, volunteer, or inspector.

GARBAGE

Includes all waste food, swill, carrion, slops, and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals.

HAULER

Any person who collects refuse or debris from any property not owned by that person.

HAZARDOUS WASTE

Means the storage and/or dumping of scrap tires in a quantity and concentration that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or that may pose a substantial present or potential hazard to human health or the environment, or as otherwise defined by the Hazardous Waste Act.

HAZARDOUS WASTE ACT

Means NMSA 1978 Section 74-4-1 *et seq.*

HOUSEHOLD

Means any single and multiple residence, hotel or motel, bunkhouse, ranger station, crew quarters, campground, picnic ground or day-use recreation area.

ILLEGAL DUMPING

Means disposal of scrap tires in a manner that violates Recycling and Illegal Dumping Act and/or this Ordinance.

ILLEGAL DUMPSITE

Means a place where illegal dumping has occurred except as stated in Subsection A of Section V of this Ordinance.

IMPORT

Means to carry, transport or bring scrap tires, for the purpose of disposal, from outside of the jurisdictional boundaries of Cibola County into the jurisdictional boundaries of Cibola County.

INOPERATIVE OR INOPERABLE MOTOR VEHICLE

A motor vehicle from or on which the engine or motor, the transmission or transaxle, drive shaft, differential, steering mechanism, axles, wheels, body, doors, windshield, headlights, taillights, or any other part of the vehicle is removed, damaged, wrecked, partially dismantled, or in such a state of disrepair that the vehicle cannot be either moved under its own power, driven, licensed or operated on a public road, street, highway, or any other public thoroughfare.

INSPECTOR. The Fire Marshal or Building Inspector any subsequently titled position charged with the responsibility of making inspections to enforce the provisions of the Uniform Building Code, the New Mexico Building Code or any Cibola County Building Regulations.

LIEN. Any unpaid assessment for costs associated with removal of any property as identified in this Ordinance, together with interest and penalties on all of the foregoing and cost in connection therewith, which is a lien on real property duly recorded in the land records of the County Clerk.

LANDFILL

A facility designed for the disposal of refuse and solid waste permitted in accordance with EID Regulation EID/SWMR-2 and this chapter.

LITTER

Any quantity of improperly discarded solid waste, decaying or nondecaying solid or semisolid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, construction debris, fast-food packages, candy wrappers, cigarette butts, and/or

plastic, glass, trash, debris, rubbish, refuse, garbage, or junk parts and scrap materials found in public areas or generated while traveling in a motor vehicle.

MOTOR VEHICLE

Means a vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semitrailer.

OUTDOOR LIGHTING FIXTURE

Means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights; whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

OWNER. The property owner, whether or not residing in the premises.

PERSON

Any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

PREMISES. An improved or unimproved structure, designed for private or commercial use.

PUBLIC AREA

Any land owned by the community or open to common use, such as streets, roads, sidewalks, alleys, arroyos, or other public ways, and any and all public parks, spaces, grounds, and buildings.

RECYCLING

Means any process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

RECYCLING AND ILLEGAL DUMPING ACT

Means NMSA 1978 74-13-1 *Et Seq.*.

REFUSE

Includes garbage and rubbish.

RUBBISH

Includes, but is not limited to, all dismantled or partially dismantled motor vehicles, inoperable motor vehicles, dismantled or partially dismantled mobile homes or trailers, waste paper, metal, paper cartons, cardboard, tree branches, yard waste, wood, glass, plastic, discarded furniture, signs, and appliances or parts thereof, tin cans, dirt, ashes, bottles, liquid petroleum waste, such as motor oil and similar items, and all other unwholesome material of every kind, not including garbage.

SCRAP TIRE

Means a tire that is no longer suitable for its originally intended purpose because of wear, damage or defect.

SCRAP TIRE BALING

Means the process by which scrap tires are mechanically compressed and bound into block form.

SCRAP TIRE GENERATOR

Means a person who generates scrap tires, including retail tire dealers, retreaders, scrap tire processors, automobile dealers, automobile salvage yards, private company vehicle maintenance shops, garages, service stations and city, county and state government, but does not include persons who generate scrap tires in a household or in agricultural operations.

SCRAP TIRE HAULER

Means a person who transports scrap tires for hire for the purpose of recycling, disposal, transformation or use in a civil engineering application.

SHERIFF

The Cibola County Sheriff or his or her authorized deputies.

SHIELDED

Means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

SOLID WASTE

Means, but is not limited to, any garbage, litter, refuse, debris, rubbish, yard waste, appliances, inoperable vehicles, construction and demolition debris, or other discarded material originating from residential, industrial, or commercial sources.

TIRE

Means a continuous solid or pneumatic rubber covering that encircles the wheel of a motor vehicle;

TIRE DERIVED FUEL

Means whole or chipped tires that produce a low sulfur, high-heating-value fuel;

TIRE DERIVED PRODUCT

Means a usable product produced from the processing of a scrap tire but does not include baled tires;

TIRE RECYCLING

Means a process in which scrap tires are collected, stored, separated or reprocessed for reuse as a different product or shredded into a form suitable for use in rubberized asphalt or as raw material for the manufacture of other products; and

TIRE RECYCLING FACILITY means a place operated or maintained for tire recycling but does not include:

(1) retail business premises where tires are sold, if no more than five hundred loose scrap tires or two thousand scrap tires, if left in a closed conveyance or enclosure, are kept on the premises at one time;

(2) the premises of a tire retreading business, if no more than one thousand scrap tires are kept on the premises at one time;

(3) premises where tires are removed from motor vehicles in the ordinary course of business, if no more than five hundred scrap tires are kept on the premises at one time;

(4) a solid waste facility having a valid permit or registration issued pursuant to the provisions of the Solid Waste Act or regulations adopted pursuant to that act or registration issued pursuant to the Environmental Improvement Act; or

(5) a site where tires are stored or used for agricultural uses.

YARD WASTE

Vegetative matter resulting from landscaping, land maintenance and land-clearing operations.

CHAPTER 1 **LITTERING AND SOLID WASTE**

WHEREAS, the Cibola County Board of Commissioners finds that the unsightly and unhealthy conditions caused by littering, the improper disposal and dumping of refuse, the dumping of refuse upon public rights of way and public lands, the poor maintenance and repair of property, and the proliferation of unscreened salvage yards result in a significant detriment to the health, safety, and prosperity of Cibola County and its residents; and

WHEREAS, the Cibola County Board of Commissioners deems it necessary and desirable to prescribe standards to help maintain property values and the property tax base in Cibola County, and to provide an aesthetically pleasing community; those are necessary to supplement voluntary anti-litter and beautification measures to abate unsightly and unhealthy accumulations of debris and trash; and

WHEREAS, the Cibola County Board of Commissioners finds it necessary and desirable to prescribe regulation to guide the future growth and development of the County and to protect natural resources in accordance with the Cibola County Comprehensive Plan.

1.1 PROHIBITED ACTIVITIES

A. Accumulation and Disposal. It shall be unlawful to allow any solid waste, rubbish, refuse, or C&D debris to collect or accumulate on any property or other premises within the County.

- i. No person shall be permitted to accumulate any solid waste, litter or debris on property owned, leased or occupied by that person within two-hundred (200) feet of another occupied premises, except in covered water-tight containers made of metal or plastic.
- ii. Debris resulting from construction or demolition of structures may be collected within an active construction site only if the solid waste is contained in such a manner that it will not be carried or deposited by the elements upon any road, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, private property, or into any premises within the County.

- iii. No person shall discard solid waste, rubbish, or refuse anywhere outdoors within the boundaries of the County except at a time and place approved for collection of that person's solid waste under the terms of this chapter and regulations authorized by said sections or other provisions of this Code or ordinances of the County. No person shall place solid waste in the solid waste receptacle of another person, business or institution without permission.
- iv. All solid waste generated within or brought into the County is owned by and is the responsibility of the generator until such time as the waste is deposited in a landfill or approved solid waste facility or removed by a licensed private contractor, except where state or federal requirements prohibit transfer of ownership. Any person who removes solid waste from a property shall take ownership of the waste until it is taken to a convenience center, transfer station, or landfill.
- v. No person shall place solid waste, rubbish, or refuse on the premises of a Cibola County convenience center or landfill except during the regular posted operating hours.

B. **Littering.** No person shall throw, place, dump, or dispose of any solid waste, litter, or C & D debris on any road, street, gutter, sidewalk or alley, or on any public property or another's private property or dispose of in such a manner that it may be carried or deposited by the elements upon any road, street, sidewalk, alley, sewer, parkway or other public place or private property within the County.

C. **Hazardous accumulations and conditions.** It shall be unlawful for any person to allow the following conditions to exist on any premises he owns, rents or occupies unless a valid Junkyard License has been obtained pursuant to the provisions of NMSA 1978, Section 67-12-9:

- i. The existence of three or more or any combination of nonoperational motor scooters, motorcycles, cars, trucks, buses or other vehicles regulated by the New Mexico Department of Motor Vehicles, unless the vehicle owner, property owner, or property lessee can show substantial progress in restoration or repairs to the nonoperational vehicle in the last 30 days or purchase orders, invoices or estimates for repair work to be done in the next 30 days; provided, however, that this section shall have no application where:
 - a. A person is engaged in a New Mexico Department of Motor Vehicles licensed vehicle dismantling business and any nonoperational vehicles are enclosed by a fence of solid construction of wood, brick, metal, or other similar materials, not less than seven feet in height above the level of the ground and maintained in a sightly, safe and secure condition; or,
 - b. Any inoperable vehicles are not visible to the public from any road or street abutting such property, or, if visible, any

nonoperational vehicles are enclosed by a fence of solid construction of wood, brick, metal, or other similar materials, not less than seven feet in height above the level of the ground and maintained in a slightly, safe, and secure condition.

ii) The existence of nonoperational refrigerators or freezers or any other type of appliance, furniture, vehicle or other container that has a space large enough for a person of any age to enter into with a door, hatch, lid, or cover of any kind capable of closing or sealing which could prevent the escape of any person, not within a licensed sanitary landfill or a licensed commercial salvage business registered with the State of New Mexico.

iii) The existence of piles of rubbish, refuse, household trash, debris, grass, weeds, tree limbs, or any other type of material(s) which are or may be susceptible to infestation by rodents, reptiles, insects, or noxious weeds or any other type of animal or plant that is or can be injurious to people, animals or the environment, not within a licensed sanitary landfill or New Mexico Environment Department or other regulatory agency regulated facility.

1.2 CIVIL REMEDIES

A. Subject to any limitations or otherwise provided by law, the Sheriff or County Code Enforcement Officer is authorized, upon issuance of a warrant, to inspect any property where he has probably cause to suspect that unlawful accumulations of solid waste, litter or C & D debris may exist, and to enforce this chapter.

(1) If upon the basis of such inspections, observations or complaints, the Sheriff or County Code Enforcement Officer finds that Section 1.1 has not been complied with or that a violation exists, he/she shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person), where the unlawful refuse, solid waste, or litter accumulations exist, to properly correct such conditions within a designated period of time from 10 days up to 30 days.

(2) If the person or persons to whom the notice is sent fail(s) to take the specified action with a period of 30 days from receipt of notice, the County may issue a citation in Magistrate court.

(3) Upon the failure, neglect, or refusal of any person, owner, tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein within the time prescribed (or within five days of the return of such prescribed notice undeliverable if the notice is served by mail), the Board of County Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.

(3) The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorneys' fees. Costs for correction of unlawful accumulation of refuse, solid

waste, or litter shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

- B. Nothing in Subsection A of this section shall be construed to require any notice before the filing of a Magistrate Court action for a civil or criminal violation of this section.
- C. If the Sheriff or State or County Fire Marshal finds that the unlawful accumulation of solid waste, litter or C & D debris presents a clear and present danger to the public health, safety and welfare, and immediate measures are required to alleviate this clear and present danger, the County Manager may waive notification period contained in 1.2(A)(1).
- D. The Board of County Commissioners may apply to the District Court for appropriate injunctive relief to compel compliance by any person within the provisions of this Ordinance.
- E. The County shall maintain files of the inspections, notices and actions taken pursuant to this Section. Costs incurred by the County in undertaking corrective actions shall be documented and the files shall be open for public review during normal business hours.

1.3 CRIMINAL PENALTIES

Any person violating or failing, or refusing to comply with the provisions of this Ordinance and the Codes adopted may be prosecuted in any court of competent jurisdiction within the County, and shall be punished by (1) a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both; (2) no more than one thousand dollars (\$1,000) for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill; (3) no more than five thousand dollars (\$5,000) for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act [Chapter 74, Article 4, NMSA 1978]; and in accordance with Section 4.37-3 NMSA 1978. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense. After the effective date of this Ordinance, all violations are subject to issuance of a citation.

CHAPTER 2

TIRE IMPORTATION AND ILLEGAL TIRE DUMPING

WHEREAS, the Board of County Commissioners has found that the illegal dumping and disposal of scrap tires has become an environmental, public safety, and health threat as well as blight on the landscape and that illegal tire dumping poses a substantial present or potential hazard to human health and/or the environment; and,

WHEREAS, the Board of County Commissioners has found that the greatest danger posed by illegal tire dumpsites is the possibility of a catastrophic fire occurring due to the large quantities of petroleum and other chemicals in tires since a burning tire pile creates thick, black, toxic smoke as well as large discharges of contaminated oil. The contaminated oil can enter surface water or groundwater, causing

serious pollution problems. Once a tire pile is burning, the fire is extremely difficult to extinguish. Furthermore, the shape of a tire allows for easy entrance and containment of rainwater. This creates an ideal breeding habitat for mosquitoes.

2.1. PROHIBITED ACTS and CIVIL REMEDIES

A. A person shall not store or use in a civil engineering application, except for agricultural use, more than one hundred scrap tires anywhere in Cibola County, unless the person has a valid permit or registration from the Environment Department.

B. A person shall not operate or maintain a tire recycling facility unless the facility has a valid permit issued pursuant to the provisions of the Recycling and Illegal Dumping Act or is a facility where tires are stored and used for agricultural uses and complies with rules enacted pursuant to the Recycling and Illegal Dumping Act.

C. A person shall not transport scrap tires for hire to a place other than a tire recycling facility unless the place is specifically excluded from the definition of a "tire recycling facility".

D. A person shall not transport scrap tires for hire either for disposal or recycling purposes without being registered as a scrap tire hauler by the Environment Department pursuant to rules adopted in accordance with the Recycling and Illegal Dumping Act.

E. No person who is not a registered scrap tire hauler in possession of a scrap tire manifest approved by the Environment Department who is delivering tires to a tire recycling facility with a valid permit issued pursuant to the Recycling and Illegal Dumping Act or to a facility that complies with rules enacted pursuant to that Act shall import tires into the County.

F. A scrap tire generator shall not release scrap tires to a person other than a registered scrap tire hauler pursuant to the Recycling and Illegal Dumping Act.

G. A person shall not engage in the open burning of scrap tires.

H. A person shall not store or dispose of scrap tires or tire-derived products in a manner that creates a public nuisance, promotes the breeding or harboring of disease vectors, creates a hazardous waste or creates a potential for fire or other health or environmental hazards.

G. Except for agricultural uses, a person shall not store scrap tires or tire-derived products for a period exceeding twelve months unless specifically authorized by the Secretary of the Environment.

H. A scrap tire hauler shall not transport scrap tires without possessing a New Mexico scrap tire manifest approved by the Environment Department.

I. A person shall not engage in, maintain or allow illegal dumping.

J. The Board or the County Manager on behalf of the Board may bring an abatement action pursuant to the provisions of NMSA 1978 Section 30-8-8 (1963) to eliminate an illegal dumpsite.

2.2. CONTINUED FAILURE TO ABATE

Each day an offending condition remains unabated beyond the time allowed for abatement by an appropriate court shall constitute a separate violation of this Ordinance.

2.3 CRIMINAL PENALTIES

- A. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and/or ninety (90) days in jail.
- B. Persons violating this Ordinance by illegally dumping scrap tires on public or private property shall upon conviction, be subject to a fine not to exceed one thousand dollars (\$1,000.00) and/or ninety (90) days in jail for each separate offense.
- C. Persons violating this Ordinance by illegally disposing of scrap tires in a quantity or manner that violates the Hazardous Waste Act, NMSA 1978 Section 74-4-1 *et seq.* shall upon conviction be subject to a fine not to exceed; five thousand dollars (\$5,000.00) and/or ninety (90) days in jail for each separate offense.
- D. The County will cooperate in prosecutions brought by the State under NMSA 1978, Section 74-13-16.

CHAPTER 3 **OUTDOOR LIGHTING CONTROL**

WHEREAS, The Night Sky Protection Act, NMSA 1978, Section 74-12-7(B) does not prohibit county ordinances that are equal to or more stringent than the provisions of that Act; and,

WHEREAS, the safety and welfare of County residents is enhanced by safe, low energy lighting that reduces glare and enhances the night sky.

3.1 MINIMUM REQUIREMENTS

- A. All outdoor lighting fixtures shall be shielded except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less unless the fixture is extinguished by an automatic shutoff device between the hours of 11:00 pm and sunrise.
- B. No mercury vapor outdoor lighting fixtures shall be sold or installed.
- C. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 pm except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 pm at a ballpark, outdoor amphitheater, arena, or similar facility.

3.2 EXEMPTIONS. The following are exempt from the requirements of this Ordinance.

- A. Outdoor lighting fixtures on advertisement signs on interstates and federal primary highways.
- B. Navigational lighting systems at airports and other lighting necessary for aircraft safety.
- C. Outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.

3.3 PENALTIES

- A. An offense, for the purpose of this Chapter, is defined as thirty (30) days from the date of a warning or adjudication of guilt. If the violation continues after the expiration of thirty (30) days following either of these triggering events, a subsequent offense will occur.
- B. For a first offense, the alleged violator will be warned in writing.
- C. For a second offense or subsequent offense, persons violating this ordinance shall, upon conviction, be subject to a fine of up to three hundred dollars (\$300.00).

CHAPTER 4 **DANGEROUS OR ABANDONED STRUCTURES, MOBILE OR MANUFACTURED** **HOUSING, WRECKAGE and DEBRIS**

4.1 PURPOSE AND DECLARATION OF NUISANCE

- A. This Ordinance is designed to promote the public health, safety and general welfare; to secure safety from fire hazard and health hazards; and to promote the environment and preserve and improve the environmental quality of the county. This Ordinance is further designed to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the County, or otherwise available by law whereby dangerous or abandoned or ruined buildings, structures, mobile or manufactured housing, wreckage, rubbish, debris and other items creating a public nuisance may be required to be repaired, vacated or demolished and removed.
- B. All buildings or structures within the scope of this Ordinance which are determined after inspection by the county official to be dangerous as defined in this Ordinance and all abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris as defined in this Ordinance is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition and/or removal in accordance with the procedures specified.

4.2 DANGEROUS BUILDING

For the purpose of this Ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that the conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

- A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- E. Whenever any portion or member or appurtenance thereof is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 1/2 of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for the buildings.
- G. Whenever any portion thereof has wrecked, warped, buckled or settled to an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of:
 - 1. Dilapidation, deterioration or decay;
 - 2. Faulty construction;
 - 3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building;
 - 4. The deterioration, decay or inadequacy of its foundation; or
 - 5. Any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

- J. Whenever the exterior walls or other vertical structural members list, lean or buckle to an extent that a plumb line passing through the center of gravity does not fall inside the middle 1/3 of the base.
- K. Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, 50% damage deterioration of its non-supporting members, enclosing or outside wall or coverings.
- L. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
1. An attractive nuisance to children;
 2. A harbor for vagrants; or criminals; or
 3. As to enable persons to resort thereto for the purpose of committing unlawful acts.
- M. Whenever any building or structure has been constructed, exits or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code, or of any law or ordinance of this state of jurisdiction relating to the condition, location or structure of buildings.
- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the:
1. Strength;
 2. Fire-resisting qualities or characteristics; or
 3. Weather-resisting qualities or characteristics required by law in the case of newly constructed building of like area, height and occupancy in the same location.
- O. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or, otherwise, is determined by the health officer to be insanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease.
- P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.
- Q. Whenever any building or structure is in a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- R. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period on excess of 6 months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public.

4.3 INSPECTION and INTERPRETATION

- A. **Interpretation.** The County Fire Marshal (hereinafter referred to as county official) shall have the power to render interpretations of this Ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the applications of its provisions. These interpretations, rules and regulations shall be in conformity with the intent and purpose of this Ordinance.
- B. **Inspections.** The Fire Marshal and his/her designated inspectors, the County Sheriff and his/her deputies, or the Code Enforcement Officer and his/her designated inspectors are hereby authorized to make inspections and take action as may be required to enforce the provisions of this Ordinance.
1. **Right of entry.** When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the county official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violations of this Ordinance which makes the building or premises unsafe, dangerous, hazardous or otherwise a public nuisance, the county official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if the building or premises are occupied that credentials be presented to the occupant and entry requested. If the building is unoccupied, the county official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the entry is refused, the county official shall have recourse to the remedies provided by law to secure entry.
2. **Liability.**
- i. The county official charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties required by this Ordinance or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons of property as a result of an act or by reason of an act or omission in the discharge of these duties. A suit brought against the county official because of an act or omission performed by the building official or employee in the enforcement of any provision of any codes or other pertinent laws or ordinances implemented through the enforcement of this Ordinance or enforced by the county official shall be defended by the county until final termination of the proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.
 - ii. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Ordinance enforcement agency or its parent jurisdiction be held as assuming any liability by reason of the inspections authorized by this Ordinance or any permits or certificates issued under this Ordinance.

4.4 CRIMINAL VIOLATIONS and PENALTIES

A. It shall be unlawful for any person, firm or corporation to maintain dangerous or abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris or otherwise maintain a public nuisance in violation of this Ordinance.

B. It shall be unlawful for any person, firm, or corporation to fail to comply with any Resolution or Court Order issued pursuant to this Chapter of this Ordinance.

C. It shall be unlawful to disobey or deface a posted Notice as described by Section 4.6(B).

D. No person will obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or olds any estate or interest in any building which has been ordered demolished or removed under the provisions of this Ordinance; or with any person to whom the building has been lawfully sold, whenever the officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in the building or structure, or purchaser is engaged in the work of demolishing and removal of debris of any building, pursuant to the provisions of this Ordinance, or in performing any necessary act preliminary to or incidental to the work authorized or directed pursuant to this Ordinance.

E. Each violation of this Ordinance shall be punishable by a fine of no more than three hundred dollars (\$300) pursuant to NMSA 1978 Section 4-37-3 (1993).

4.5 NOTICE TO ABATE

A. **Commencement of proceedings.** When the county official has inspected or caused to be inspected any building or premises and has found and determined that the building or premise is dangerous or abandoned, contains wreckage, rubbish or debris or is otherwise a public nuisance the county official shall commence proceedings to cause the repair, vacation, demolition and/or removal of the premises in violation of this Ordinance.

E. **Notice.** The county official shall issue a notice directed to the record owner of the property. The notice shall contain:

- a. The street address and a legal description sufficient for identification of the premises upon which the dangerous or abandoned building, manufactured or mobile home wreckage, rubbish or debris or public nuisance is located.
- b. A statement that the county official has found the property contains on the premises a dangerous or abandoned building(s), manufactured or mobile home(s), wreckage, rubbish or debris with a brief concise description of the conditions found to render the building or premise a public nuisance.
- c. A statement of the action required to be taken as determined by the county official.
- d. If the building official has determined that the building or structure must be repaired, the notice shall require that all required permits be secured therefore and the work physically commenced within the time (not to exceed 60 days from the date of the

notice) and completed within the time as the building official shall determine is reasonable under all the circumstances.

- e. If the county official has determined that the building or structure must be demolished, the notice shall require that the property be vacated within the time as the county official shall determine is reasonable (not to exceed 60 days from the date of the notice); that all required permits be secured therefore within 60 days from the date of the notice; and that the demolition and removal be completed within the time as the county official shall determine is reasonable.

F. **Service of Notice.** Any notice including resolutions, and any amended or supplemental notice or resolution, shall be served upon the record owner and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:

- i. The holder of any mortgage or deed of trust or other lien or encumbrance of record; and
- ii. The owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.
- iii. The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this section.

G. **Method of service.** Service of the notice or resolution shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt request, to each person at their address as it appears on the last equalized assessment roll of the county or as known to the county official. If no address of any person so appears or is known to the county official, then a copy of the notice and order shall be so mailed, addressed to the person, at the address of the building involved in the proceedings. The failure of any person to receive the notice shall not affect the validity of any proceeding taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

H. **Proof of service.** Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the county official.

4.6 VOLUNTARY COMPLIANCE WITH NOTICE TO ABATE

- A. Any premises declared a public nuisance under this Ordinance shall be made to comply with one of the following:
 - i. The building shall be repaired in accordance with the current building code or other current code application to the type of substandard conditions requiring repair; or,

- ii. The premises shall be demolished and debris removed by the property owner.

B. If, after sixty (60) days of notice being served pursuant to Section 4.5, work has not commenced to remove or repair the dangerous structure, and extension has not been granted, the County Official shall cause the premises described in the notice to be posted at each entrance thereto: DANGEROUS BUILDING. DO NOT OCCUPY. IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING WITHOUT PERMISSION FROM THE COUNTY OR TO REMOVE OR DEFACE THIS NOTICE. [SIGNED COUNTY OFFICIAL OF CIBOLA COUNTY]. The findings of the County Official or the Commission's Resolution should be posted along with this Notice. No person shall remain or enter except that entry may be made to repair, remove or demolish the structure under permit or permission from the County. Such Notice shall continue to be posted unless and until the Commission fails to pass a Resolution contemplated by Section 4.7, the District Court orders otherwise, or repairs or demolition is accomplished.

- I. Upon receipt of an application from the person required to conform to the order and an agreement by the person that he or she will comply with the order if allowed additional time, the county official may, in his or her discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete the repair, rehabilitation or demolition, if the county official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The County Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises.

4.7 FAILURE TO COMPLY WITH NOTICE TO ABATE

- A. Failure of the record owner of the property to comply with any notice issued by the county official pursuant with Section 4.5 or with completion of voluntary abatement pursuant to Section 4.6 shall result in the county official to submit a report to the manager with the department's findings.
- B. In the event that the county official's findings determine that any building or structure is ruined, damaged and dilapidated, or a premise is covered with ruins, rubbish, wreckage or debris the Manager shall cause the matter to be presented to the Commission at a regularly scheduled Commission meeting.
- C. The findings of the county official shall be presented to the Commission who may then, by resolution, find that the dangerous or abandoned building, manufactured or mobile home, wreckage, rubbish or debris is a public nuisance to the health, safety and welfare of Cibola County and requires the renovation or the removal by the county of the building, structure, ruins, rubbish, wreckage or debris.
- D. A copy of the resolution shall be served upon the property owner(s) (such as mortgage company) and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:

- a. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
 - b. The owner or holder of any lease of record; and
 - c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.
 - d. If the owner, as shown by the above records cannot be served within the confines of Cibola County, a copy of the resolution shall be posted on the building, structure or premise and a copy of the resolution shall be published in a newspaper of general circulation at least 2 weeks prior to the meeting of the Commission.
 - e. The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this Ordinance.
- E. A copy of the Resolution shall be filed and recorded with the County Clerk. When the repairs ordered have been completed or the buildings, structures, or mobile homes demolished and removed, the county official shall file a new certificate with the County Clerk certifying that the premises have been abated and are no longer a public nuisance.
- F. Within ten (10) days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner or occupant or agent in charge of the building, structure or premise shall commence repairing the premise or removing the building, structure, wreckage, rubbish, or debris, or file a written objection to the County Manager requesting a public hearing before the Commission.

4.7 OBJECTIONS AND APPEALS

- A. **Objection.** Any aggrieved property owner or occupant may file a written objection to the notice issued by the county official. The objection shall be filed in the office of the County Manager.
- B. Upon the proper filing of a written objection, the Commission shall:
- a. Fix a date for a hearing on its resolution and the objection.
 - b. Consider all evidence for and against the removal resolution at the hearing under oath or affirmation.
 - c. Determine if its resolution should be enforced or rescinded.
- C. **Appeal.** Any person aggrieved by the determination of the Objection may appeal to the District Court as follows. The District Court will hear the matter as provided by law and enter judgment in accordance with its findings.
- a. Giving notice of appeal to the Manager within 30 days after the determination of the Objection is made by the Commission; and,
 - b. Filing a petition in the District Court within 30 days after the determination of the Objection is made by the Commission.

4.8 FAILURE TO COMPLY WITH RESOLUTION TO ABATE

- A. **Failure to Abate.** If the property owner or occupant or agent in charge of the building, structure or premises fails to commence removing the building, structure, ruins, rubbish, wreckage or debris within ten (10) days following the expiration of the time to Object to the Resolution (4.6 E and 4.7 A), or within ten (10) days following the expiration of time to appeal the determination of objection (4.7 C); or within ten (10) days of the upholding of the Resolution by the District Court unless the Court sets another timeframe, or, if completion of abatement is not accomplished within forty-five (45) days of commencement unless a different timeframe is set by the Commission, the Court, or written agreement between the parties, this Section will apply.
- B. **Abatement by County.** The County may institute any appropriate action to abate the building or premises as a public nuisance. If the Resolution required demolition, the county official may cause the building to be demolished and the materials, rubble and debris therefrom removed and the lot cleaned. The premises shall be left in a clean, level and safe condition if demolished. The work may be accomplished by personnel or by private contract under direction of the County Manager. If the Resolution required repair, the County will procure a licensed contractor to complete the work.
- C. **Costs.** The cost of the work will be paid from the demolition and removal account, and may be made a special assessment lien against the property involved.

4.9 DEMOLITION AND REMOVAL ACCOUNT

- A. **Generally.** The Cibola County Commission will establish a special revolving account to be designated as the demolition and removal account. Payments will be made out of the account upon the demand of the Manager or his or her designee to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of demolition and removal of abandoned buildings, manufactured or mobile homes, wreckage rubbish and debris from the premises.
- B. **Maintenance of Fund.** The Commission may at any time transfer to the repair and demolition account, out of any money in the general fund of this jurisdiction, the sums as it may deem necessary in order to expedite the performance of the work of demolition, and any sum so transferred shall be deemed a loan to the repair and demolition account and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the demolition and removal account. Any donations received from private sources shall only be used for the intended purpose of the fund and shall not revert to the general fund for any reason.
- C. **Repayment of Fund.** All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of the county, who shall credit the same to the demolition and removal account

4.10 LIENS

- A. The reasonable cost of removal or repair 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.
- B. The lien shall be foreclosed in the manner provided in NMSA Section 3-16-1, et seq. and 4-37-1, et seq.
- C. The County Manager or his or her designee shall file in the office of the County Clerk any notice of property lien created by ordinance or under authority of law. The notice of lien shall include:
- i. The number of the ordinance under which the lien is established;
 - ii. The fact that a lien is established;
 - iii. The general purpose of the lien;
 - iv. The name of the owner of the property against which the lien is established as determined from the records of the county assessor/ clerks;
 - v. The description of the property against which the lien is established;
 - vi. The amount of the lien;
 - vii. If the lien is for more than one period of time, the date for which the lien is established;
 - viii. The lien shall be attested in the name of the County Clerk under the seal of the county.
- D. The principal amount of any lien imposed for a county assessment shall bear interest at the rate of 12% per year or as provided by law from the date of filing the notice of the lien unless otherwise provided by law.
- E. After the filing of the notice of lien in the office of the County Clerk, the county shall have a lien upon the property described in the notice of lien. The filing of the notice of lien shall be valid notice of the existence of the lien and of the contents of the lien. No lien shall affect the title or rights to or in any real estate, of any purchaser, mortgagee in good faith or judgment lien creditor, without knowledge of the existence of the lien, unless the notice of the lien is filed in accordance with NMSA § 3-36-1 in the office of the County Clerk of the county in which the real estate affected thereby is situated. All county liens filed in conformity with NMSA §§ 3-36-1 et seq. and § 4-37-1 shall be first and prior liens on the property subject only to the lien of general state and county taxes. All foreclosure proceeding on delinquent liens shall follow the statutory requirements as set forth in NMSA §§ 3-36-1 et seq. and as authorized by NMSA § 4-37-1.
- F. The County Clerk may release a lien against any specific property by:

- i. Entering and signing a receipt of payment upon the notice of the lien filed in the office of the County Clerk; or
- ii. Issuing a separate receipt which recites that payment of the lien with any accrued interest and penalty has been made.

4.11. AUTHORITY FOR INSTALLMENT PAYMENT OF LIEN ASSESSMENTS WITH INTEREST

A. The Manager or his or her designee, in his or her discretion, may determine that assessments in amounts of \$500 or more shall be payable in not to exceed 5 annual installments.

B. The determination to allow payment of the assessments in installments, the number of installments, interest as provided by law shall be in writing and verified by the parties.

4.12 LIEN ON ASSESSMENT

A. Priority.

- i. Immediately upon its being placed on the assessment roll, the assessment lien shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the lots or parcels of land assessed, respectively.
- ii. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity.
- iii. The lien shall continue until the assessment and all interest due and payable thereon are paid.

B. **Interest.** All assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 12% per annum from and after the date or as provided by law.

4.13 COLLECTION OF ASSESSMENT AND FORECLOSURE

- A. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes.
- B. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to the assessment including foreclosure proceedings as provided by law.

CHAPTER 5 **WATER CONSERVATION**

WHEREAS, Counties shall consider ordinances and codes to encourage water conservation and drought management planning. NMSA 1978, Section 4-37-9.1; and,

WHEREAS, water resources in Cibola County, both ground and surface, are limited; and,

WHEREAS, at all times of the year and in all areas of the County, it is critical to conserve our water resources.

5.1 APPLICABILITY

Agricultural water users or agricultural water rights are excluded from the provisions of this Chapter.

5.2 PROHIBITED ACTIVITIES

- A. Watering of outdoor plants or landscapes between the hours of 11:00 AM and 6:00 PM between the months of May and September.
- B. Vehicle washing without the use of a shut-off hose nozzle.
- C. Operating a water system with a leak.
- D. Emptying a swimming pool more than once per year.
- E. Maintaining a swimming pool, spa, or hot tub without a cover to prevent evaporation.
- F. Planting sod or grass seed that contains Kentucky Bluegrass.
- G. Using water in a non-beneficial way.
- H. Allowing water to escape off the property where it originates.
- I. Providing unrequested water at an eating establishment.
- J. Changing towels or linens daily for the same guest at a lodging establishment unless requested by the guest.

5.3 ENFORCEMENT

- A. The Cibola County Sheriff and the County Code Enforcement Officer are authorized to enforce this Chapter.
- B. The County may issue a formal warning notice prior to filing a citation in Magistrate Court. The Notice should contain a timeframe for abatement of the prohibited activity, if applicable.

5.4 PENALTIES

- A. Persons violating this Chapter shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and/or ninety (90) days in jail.
- B. All violations on a single date at a single address shall constitute one offense.
- C. Notwithstanding Section 5.4(A), a person who violates a provision of this Chapter shall be sentenced to a one hundred dollar (\$100.00) fine for the first offense and a two hundred twenty-five (\$225.00) fine for the second offense.

PASSED and **ORDAINED** this _____ day of _____, 2020.

Daniel Torrez, Chairman

Robert Windhorst, Vice Chair

Ralph Lucero, Second Vice Chair

Martha Garcia, Member

Christine Lowery, Member

ATTEST:

Michelle Dominguez
County Clerk



8b.

New Business

Ordinance 20-002

Regulation of Burial
of Private Property



**CIBOLA COUNTY
ORDINANCE 2020-02**

**REGULATING THE INTERMENT OF HUMAN REMAINS UNDER CERTAIN
CIRCUMSTANCES AND PROVIDING PENALTIES**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Cibola County Board of Commissioners has determined that the health, safety and general welfare of the residents of Cibola County would best be served by the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED that the Cibola County Board of Commissioners does hereby establish this Ordinance Regulating the Interment of Human Remains and providing penalties for violation.

ARTICLE I: GENERAL PROVISIONS

A. Application

This ordinance applies only to the burial or disposal of human remains outside of formally designated cemeteries, either public or private.

B. Definition

“Human remains” or “remains” refers to a human body or skeletal remains. Cremated remains are excluded from this definition.

C. Jurisdiction

This Ordinance shall be enforceable in the unincorporated areas of the County.

D. Enforcement

The County Sheriff and the County Code Enforcement Officer are authorized to enforce and prosecute this Ordinance on behalf of the Cibola County Board of Commissioners.

E. Conflict

The regulations provided herein are held to be the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, or abrogate or annul any other valid state or federal law. In the event the provisions of this Ordinance conflict with other County rules, regulations or ordinances pertaining to the subject matter herein, the provisions of this Ordinance shall prevail.

F. Savings Clause

If any article, section, paragraph, clause, word or phrase of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

ARTICLE II: UNLAWFUL BURIAL and PENALTIES

A. It shall be unlawful to bury or cause to be buried or interred human remains within fifty (50) yards from either side of the bank or border of any stream, river or any body of water; less than ten (10) feet inside the property line; within twenty-five (25) feet of any road, right-of-way, public way or easement; or, without complying with the regulations contained herein.

B. Any person violating or refusing to comply with the provisions of this Ordinance may be prosecuted in any court of competent jurisdiction within the County, and shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both.

C. The County may apply for a permit to disinter and properly reinter the remains pursuant to NMSA 1978, Section 24-14-23.

ARTICLE III: REGULATIONS

A. Prior to interment of any human remains, a member of the family or other duly authorized person shall file with the County Clerk a copy of the deed demonstrating proof of ownership of the property where interment is to take place, or notarized permission of the owner to inter the remains; a copy of a map of the site, or preferably, the GPS coordinates of the site; along with a \$25.00 application fee.

B. If a map is submitted, it shall:

a. Show the location of planned burial site(s).

- b. Show the location of any private roads or easements, or any County or State road, right-of-way, easement or other public way; and, any structure, well, or septic system within one hundred (100) feet of the proposed burial site.
 - c. Show the location of any stream, river, creek or other body of water within seventy-five (75) yards of the burial site.
 - d. Show a property line, if any, within twenty (20) feet of the burial site.
 - e. Indicate if and how the burial site is to be marked.
- C. Provided the Code Enforcement Officer or his or her designee establishes that the burial does not indicate violation of this Ordinance, an approval letter shall issue to the property owner and to the County Clerk. Upon receipt of the approval letter, the County clerk shall record the approval in a separate index for burial plots.

PASSED and **ORDAINED** this _____ day of _____, 2020.

Daniel Torrez, Chairman

Robert Windhorst, Vice Chair

Ralph Lucero, Second Vice Chair

Martha Garcia, Member

Christine Lowery, Member

ATTEST:

Michelle E. Dominguez
County Clerk



8c.

New Business

Road Runner

Public Health

Addendum to 2016 Ongoing Contract



ADDENDUM TO MAY 25, 2016 CONTRACT WITH ROADRUNNER PUBLIC HEALTH, INC.

THIS AGREEMENT is made and entered into by and between the Board of County Commissioners of Cibola County, hereinafter referred to as the "COUNTY", and Roadrunner Public Health, Inc., hereinafter referred to as the "CONTRACTOR" for the purpose of supplementing their original Agreement as follows.

IT IS AGREED BETWEEN THE PARTIES:

1. Scope of Work

Contractor will expand services into San Fidel Proper.

2. Compensation

Contractor will be compensated at \$1500 plus GRT per service.

3. Notices

- a. Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the County: Kate Fletcher, County Manager
 700 E. Roosevelt Ave., Suite 50
 Grants, NM 87020

To the Contractor: Dr. Paul Sandoval, NMDA
 7825 American Heritage Dr. NE
 Albuquerque, NM 87109

CIBOLA COUNTY APPROVED, ADOPTED, AND PASSED on this 3rd day of December 2019.

BOARD OF COUNTY COMMISSIONERS

Daniel Torrez, Chairman

Robert Windhorst, 1st Vice Chairman

Ralph Lucero, 2nd Vice-Chairman

Martha Garcia, Commissioner

Christine Lowery, Commissioner

Attest:

Michelle E. Dominguez
Cibola County Clerk

CONTRACTOR

Print Name:
Roadrunner Public Health, Inc.