

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2025 - 049

**A RESOLUTION FINDING 2133 PASEO MEL SENaida A PUBLIC NUISANCE AND
AUTHORIZING ADMINSTRATIVE ENFORCEMENT CODE ENFORCEMENT CASE
24-8064 PURSUANT TO ORDINACE 2023-04**

WHEREAS, on July 25, 2023, the Board of County Commissioners of Santa Fe County ("BCC") adopted Ordinance 2023-04, An Ordinance Repealing and Replacing Ordinance Nos. 1989-2 and 1993-6 and Amending No 2009-11 to Update and Define Property Nuisance Abatement and Provide for a Clean and Lien Enforcement Process, establishing the Property Nuisance Abatement Ordinance ("Ordinance"); and

WHEREAS, on June 3, 2024, a complaint was made regarding conditions at 2133 Paseo Mel Senaida (the "Property") following a fire at the property; and

WHEREAS, Santa Fe County Code Enforcement ("SFCCE") conducted an inspection on June 11, 2024, and visually confirmed the alleged violations; and

WHEREAS, SFCCE issued a written order to correct and remediate a nuisance within a reasonable period of time based upon the violation; and

WHEREAS, SFCCE was not able to gain voluntarily compliance with the owner of the Property; and

WHEREAS, there is no imminent threat of harm to the public, and an owner or occupant has failed to comply with a notice of violation letter; and

WHEREAS, on February 24, 2025, a public evidentiary hearing was held pursuant to the rules of procedure established in the Ordinance and Santa Fe County Resolution 2024-156; and

WHEREAS, a legally sufficient notice of the hearing to the Property owner was issued and the Property owner was allowed to appear virtually at the hearing; and

WHEREAS, the Nuisance Hearing Officer has issued a decision finding the existence of a nuisance and that the state of the Property endangers the health, safety and welfare of the residents of Santa Fe County; and

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

1. The accumulation, collection, dumping, or stockpiling of any garbage, trash, litter, debris, rubbish, tires, appliances, junk, or other material;
2. Lack of, or not properly operative water closets, lavatories and bathtub or shower in a dwelling unit;
3. Lack of, or not properly operative kitchen sink;
4. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;

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5. Lack of adequate heating facilities;
6. Lack of, or improper operation of required ventilating equipment;
7. Dampness of habitable rooms because of faulty weather protection;
8. General dilapidation or inadequate maintenance;
9. Lack of connection to a required, adequate and functioning sewage disposal system;
10. Structural hazards include:
 - i. Deteriorated or inadequate foundations.
 - ii. Defective or deteriorated flooring or floor supports.
 - iii. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - iv. Members or walls, partitions or other vertical supports that spilt, lean, list or buckle.
 - v. Members of wall, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - vi. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle.
 - vii. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - viii. Fireplaces or chimneys which list, bulge or settle.
 - ix. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
 - x. Inside or outside stairs, porches, and appurtenance thereto which are incapable of supporting the load that normal use may cause to be placed thereon and unsafe to use.
 - xi. Interior walls and ceilings with holes or large cracks, loose plaster and other structural materials, the collapse of which might constitute an accident hazard.
11. The building has broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief;
12. The building is boarded up, partially destroyed, not properly secured or partially constructed or incomplete after a building permit authorizing its construction has expired;
13. The building is not maintained to the extent that it is dilapidated or decrepit so as to cause substantial diminution in the enjoyment and use of adjacent or nearby properties;
14. The building is uninhabited and in an unsecured state, so as to invite trespassers, criminals or others unauthorized to enter for the purpose of committing a nuisance or unlawful act, or the building constitutes an attractive nuisance for children;
15. The building has been vacant for a period of at least six months, and utility connections which enable the provision of electricity, heat, water and wastewater removal have been disconnected for at least six months, and one or more of the conditions listed in paragraphs (A) through (B) of this section also exist.

WHEREAS, when the Santa Fe County Board of County Commissioners finds that a property is a public nuisance and a threat to the public health, safety or wellbeing, the Board can adopt a resolution holding that a building, structure or property to be a public nuisance which must be abated by removal or other corrective action in accordance with this Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners hereby:

1. Finds the Property to be a public nuisance and a threat to the public health, safety or wellbeing which must be abated by removal or other corrective action in accordance with the Ordinance.
2. Authorize County Staff to place a lien for all costs associated with the entry and securing, as well as costs to maintain the property in its clean and secured state, at the cost and expense of the owner.
3. Authorize County Staff to abate the public nuisance and place a lien for all costs associated with the removal and or remediation of nuisances, including but not limited to the wreckage, rubbish, and debris on the property, The lien shall be foreclosed in the manner provided in NMSA 1978, §§ 3-36-1 through 3-36-6.

PASSED, APPROVED, AND ADOPTED ON THIS 29th DAY OF APRIL, 2025.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: _____

Camilla Bustamante, Chair

ATTEST:

Katharine E. Clark
Santa Fe County Clerk

Date: 05/02/2025

Approved as to form:

Walker Boyd
Santa Fe County Attorney

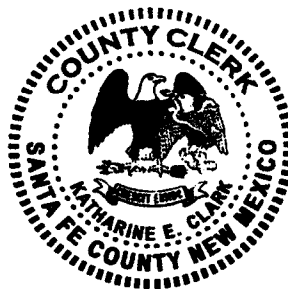
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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Hereby Certify That This Instrument Was Filed for
Record On The 6TH Day Of May, 2025 at 11:17:10 AM
and Was Duly Recorded as Instrument # 2058329
in The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark 3

Deputy _____ County Clerk, Santa Fe, NM



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