

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2025 - 079

**A RESOLUTION FINDING 2500 LOPEZ LN. A PUBLIC NUISANCE AND
AUTHORIZING ADMINSTRATIVE ENFORCEMENT CODE ENFORCEMENT
CASE 24-8222 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 March 7, 2025, a complaint was made by the Agua Fria Village Association regarding conditions at 2500 Lopez Ln. (the "Property"); and

WHEREAS, on March 23, Martin Romero, Bureau Chief for the General Construction Division of the Construction Industries Division ("CID") conducted an inspection of the Property at the request of Core Enforcement, and submitted a formal letter with his findings. In his report, he concluded that the structure met the criteria for an unsafe structure as defined under the New Mexico Administrative Code (NMAC) Section 14.5.1.12.; and

WHEREAS, Santa Fe County Code Enforcement Officers ("SFCCE") conducted inspections and on December 12, 2024, issued a Notice of Violation ("NOV") for conditions observed on the property. The NOV directing the owner to address the violations referenced in the NOV; and

WHEREAS, the issues on the Property have not been adequately addressed; and

WHEREAS, on April 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 appeared 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. **Section 3(B)(1): Abandoned or Inoperable Motor Vehicle**

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(b) A motor vehicle will be considered “inoperable” if it cannot be safely operated or if it is incapable of being moved under its own power or if it may not be legally operated due to lack of any legal requirement, including, but not limited to, a current license tab.

2. Section 3(B)(3): Criminal Activity

Any parcel of real property, commercial or residential, any personal property, or any vehicle on or in which repeated violations of the New Mexico criminal statutes, federal criminal statutes, or local ordinances has occurred, or that is the subject of or that has been involved with repeated calls for service to any law enforcement agency(ies) for violations of the criminal statutes, including, but not limited to, a repeated pattern of calls for service and complaints of vagrants, suspicious persons, suspicious cars, general calls for welfare checks, disorderly conduct, trafficking of controlled substances, human trafficking, domestic violence, domestic altercations, domestic disputes, loud parties, loud music, neighborhood complaints, noise ordinance violations, illegal gambling, cruelty to animals, and public drunkenness.

3. Section 3(B)(5): General Nuisances

The accumulation, collection, dumping, or stockpiling of any garbage, trash, litter, debris, rubbish, tires, appliances, junk, or other material.

4. Section 3(B)(10): Mechanical Equipment, Trailers, Construction Equipment, Mobile Homes, and Recreational Vehicles

The presence of abandoned or inoperable mechanical equipment, trailers, construction equipment, mobile homes or other commercial or recreational vehicles or equipment; or the parking, keeping or storing of any inoperative or unlicensed trailers, recreational vehicle or motor home which is in a state of disassembly, disrepair, stripping or dismantling.

5. Section 3(B)(11): Open Storage

The presence of garbage, trash, litter, debris, rubbish or junk which has fallen or spilled out of storage or collection containers meant for the same, or the failure to visually screen a collection area for outdoor garbage or trash storage by a solid wall or fencing to the extent required by County ordinance.

6. Section 4: Substandard Building Conditions Which Constitute a Nuisance

A. Any building or portion thereof, including any dwelling unit, guest room or suite of rooms, and the real property on which the same is located, in which there exists any of the following listed conditions to an extent and degree that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and declared to constitute a nuisance under this Ordinance:

- (1) Lack of, or not properly operative water closet, lavatory, bathtub or shower in a dwelling unit.
- (2) Lack of, or not properly operative water closets, lavatories and bathtubs or showers in a motel.
- (3) Lack of, or not properly operative kitchen sink.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating facilities.
- (7) Lack of, or improper operation of required ventilation equipment.
- (8) Dampness of habitable rooms because of faulty weather protection.
- (9) General Dilapidation or inadequate maintenance.
- (10) Lack of connection to a required, adequate and functioning sewage disposal system.
- (11) Structural hazards shall include, but are not limited, to the following:
 - b. Defective or deteriorated flooring or floor supports.
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - d. Members of walls, partitions or other vertical supports that split, lean, list or buckle.
 - e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle.
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - h. Fireplaces or chimneys which list, bulge or settle.
 - j. 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.
 - k. Interior walls and ceilings with holes or large cracks, loose plaster and other structural materials, the collapse of which might constitute an accident hazard.

B. In addition to the conditions deemed to constitute a nuisance in other sections of this Ordinance, any building, including a structure, shall be deemed and declared to constitute a nuisance under this Ordinance if any of the following conditions exist:

- (1) The building has broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief;
- (2) The building is boarded up, partially destroyed, not properly secured or partially constructed or incomplete after a building permit authorizing its construction has expired;
- (3) 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;

(4) 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; or

(5) 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 under the law.

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

BE IT FURTHER RESOLVED that

PASSED, APPROVED, AND ADOPTED ON THIS 8th DAY OF JULY, 2025.

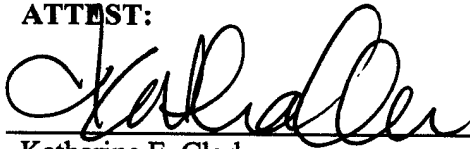
**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: _____

Camilla Bustamante, Chair

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ATTEST:



Katharine E. Clark
Santa Fe County Clerk

Date: 07/09/26

Approved as to form:

Peter Valencia for

Walker Boyd
Santa Fe County Attorney

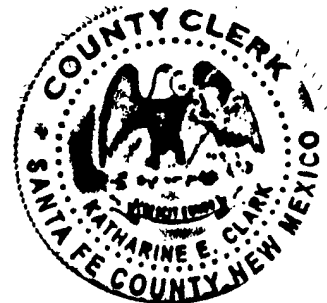
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of July, 2025 at 03:19:36 PM
And Was Duly Recorded as Instrument # **2062627**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Alvete Garcia County Clerk, Santa Fe, NM



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