

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2026 - 086

**A RESOLUTION FINDING 331 & 329A COUNTY ROAD 84 A PUBLIC NUISANCE
AND AUTHORIZING ADMINISTRATIVE ENFORCEMENT CODE ENFORCEMENT
CASE 25-8122 PURSUANT TO ORDINANCE 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 4, 2025 and June 5, 2025, direct observations made by Santa Fe County Code Enforcement Officers ("SFCEE") revealed significant trash and debris scattered throughout the yard, abandoned/inoperable vehicles and a dilapidated manufactured home; and

WHEREAS, additional inspections were conducted by SFCCE on June 4-5, 2025, September 9, 2025 and November 14, 2025, which confirmed numerous violations and that no action had been taken to fix the violations; and

WHEREAS, the property owner of record is Robert Higginson; and

WHEREAS, a Notice of Written Order has been posted at the Property and a copy was sent to the property address; and

WHEREAS, on December 17, 2025, a public evidentiary hearing was held pursuant to the rules established in the Ordinance and Santa Fe County Resolution 2024-156; and

WHEREAS, a notice of the hearing was mailed to Robert Higginson, who 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 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:

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Section 3-Nuisance Defined and Prohibited

* * *

B. Unless the conditions of a property appearing to be a nuisance occur as part of a permitted use of a property under the Sustainable Land Development Code (SLDC), and only to the extent that such use is in compliance with the requirements of all County ordinances and the development permit for the property, each of the following conditions existing on any parcel of real property within the County shall be deemed and declared to constitute a public nuisance and is prohibited:

* * *

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

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.
- (4) Lack of hot and cold running water to plumbing fixtures in a motel.
- (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 ventilating 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:
 - a. Deteriorated or inadequate foundations.
 - 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 spilt, 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.

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g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

* * *

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 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 is 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 said nuisances. The lien shall be foreclosed in the manner provided under the law.**

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF JUNE, 2026.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: Justin Greene
Justin Greene, Chair

ATTEST:

ATTEST:



Katharine E. Clark
Santa Fe County Clerk

Date: 07/01/2026

Approved as to form:

Peter Valencia for

Walker Boyd
Santa Fe County Attorney

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of July, 2026 at 11:33:38 AM
And Was Duly Recorded as Instrument # **2086877**
Of The Records Of Santa Fe County

Deputy K Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM

