

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2026 - 120

**A RESOLUTION FINDING 28 PLAZA DEL CERRO A PUBLIC NUISANCE AND
AUTHORIZING ADMINISTRATIVE ENFORCEMENT CODE ENFORCEMENT CASE
25-8135 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 (the "Ordinance"); and

WHEREAS, on July 25, 2025, observations made by Santa Fe County Code Enforcement Officers ("SFCEE") observed the condition of the Property and it was found to be unsecured. A visual assessment revealed significant trash and debris scattered throughout the yard, inoperable vehicles, and a dilapidated primary dwelling with a partially collapsed roof; and

WHEREAS, additional inspections were conducted by SFCCE on September 12, 2025, December 16, 2025, and January 12, 2026, which confirmed violations of the Ordinance and that no action had been taken to fix the violations; and

WHEREAS, the Property owner of record is Joe Michael Martinez; and

WHEREAS, a Notice of Written Order was posted at the Property; and

WHEREAS, a notice of the hearing was mailed to the Property, posted at the Property, posted in the Santa Fe New Mexican, and Desiree Martinez appeared on behalf of the Property owner; and

WHEREAS, on February 26, 2026, 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, 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 Ordinance include:

Section 3: Nuisance Defined and Prohibited

- **(B)(1): Abandoned or Inoperable Motor Vehicle** – 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.

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- **(B)(3): Criminal Activity** – The property has been the subject of repeated law enforcement responses and is associated with nuisance behaviors, including but not limited to suspected trespassing and public safety concerns following an eviction.
- **(B)(5): General Nuisances** – The accumulation, collection, dumping or stockpiling of any garbage, trash, litter, debris, rubbish, tires, appliances, junk, or other material.
- **(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.

Section 4: Substandard Building Conditions Which Constitute a Nuisance

Section 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:

B (1) - The building has broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief;

B (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;

B (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;

B (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

B (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 8th DAY OF SEPTEMBER, 2026.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: _____

Justin Greene, Chair

ADTEST: _____

Katharine E. Clark
Santa Fe County Clerk

Date: 9/9/2026

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 9TH Day Of September, 2026 at 04:51:41 PM
and Was Duly Recorded as Instrument # 2091516
Of The Records Of Santa Fe County

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

