

Chapter 64
NUISANCES

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Animals and fowl — See Ch. 14.
Fire prevention — See Ch. 25.

Vehicles and traffic — See Ch. 115.
Zoning — See Ch. 130.

§ 64-1. Title.

This chapter shall be known and may be cited as the "Village of Jemez Springs Litter and Antiblight Ordinance."

§ 64-2. Purpose.

The purpose of this chapter is to promote and preserve the general health, safety and welfare of the residents and property owners of the Village of Jemez Springs by regulating and preventing, reducing or eliminating litter, junk, trash, rubbish, refuse or debris, and other environmental causes of blight or blighting factors which exist, or which may in the future exist, in the Village.

§ 64-3. Definitions.

For the purpose of enforcing the provisions of this chapter, certain terms and words used herein shall have the following meaning:

BUILDING MATERIALS — Lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

COMPOST PILE — A mixture of various decaying organic substances.

INOPERABLE VEHICLE — Any vehicle which, for a period of at least three consecutive days, the engine, wheels, tires or other parts have been removed or on which the engine, wheels, tires, or other parts have been altered, damaged or otherwise so treated that the

vehicle is incapable of being driven under its own motor power. A vehicle that is not registered or does not display a current valid license plate and validating sticker shall be deemed inoperable. "Inoperable vehicle" shall include any parts of a vehicle located separately from a vehicle. A vehicle shall be deemed inoperable when it has one or more flat tires or has one or more missing windshield or window, or has one or more windshield or window broken to the extent that visibility is limited so as to make driving such vehicle unsafe. An "inoperable vehicle" does not include any motor vehicle that is kept within a building when not in use, nor a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. An "inoperable vehicle" does not include a vehicle for which a temporary sticker has been issued by the New Mexico Department of Motor Vehicles.

LITTER, JUNK, TRASH, RUBBISH, REFUSE OR DEBRIS OF ANY KIND —

- A. Garbage, scrap and waste materials, including metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood, and wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), yard trimmings, cut tree branches, appliances, television or furniture not usable for the purpose for which they were manufactured, or any other scrap or water material of any kind, including parts or components of any of the above.
- B. "Litter, junk, trash, rubbish, refuse or debris or any kind" shall not include firewood stored in an orderly manner, and shall also not include domestic refuse stored for 14 or fewer days if stored in such a manner as not to become offensive by reason of odors, insects, rodents, pollution, scattering, inadequate or improperly covered containers, the lack of such containers, or the improper depositing of such material into or around such containers, or in such a manner as to otherwise create a nuisance.

PERSON — An individual, firm, corporation, or other entity of any kind.

PUBLIC OR PRIVATE PROPERTY — Includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, or river banks and rivers thereof, and including the ice above such waters; any park, playground, building, refuse, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.

§ 64-4. Littering prohibited.

No person shall dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, junk, trash, rubbish, refuse or debris of any kind on any public or private property within the Village of Jemez Springs, other than property legally designed and set aside for such purposes, without the consent of the public authority having supervision of public property or the owner of private property.

§ 64-5. Outdoor storage restrictions.

No owner or occupant of any building or premises within the Village of Jemez Springs shall permit or allow or cause the outdoor storage of litter, junk, trash, rubbish, refuse or debris of any kind except in the conformance with the following provisions:

- A. Such material does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only for not more than 14 days or any other lesser period which would cause the same to be odoriferous or a breeding place for insects or rodents.
- B. Such material constitutes a compost pile, as defined in § 64-3 of this chapter, and does not constitute a nuisance or annoyance to adjoining property owners or occupants.
- C. Such material is located in a duly licensed and properly zoned junkyard, salvage yard, or landfill where such uses or operations are legally authorized under Chapter 130, Zoning, of the Code of the Village of Jemez Springs.
- D. Such material, in the case of scrap wood, rock, brick, iron or metal material, is neatly stacked in the rear yard of an occupied premises, is in compliance with all applicable Sandoval County fire codes and other ordinance requirements, and does not exceed 2,000 cubic feet in area.

§ 64-6. Littering from vehicle prohibited.

No person shall drive or move any vehicle upon any public street or roadway unless such vehicle is so constructed, loaded or covered as to prevent its contents from dropping, sifting, leading, or otherwise escaping from the vehicle. The registered owner of any vehicle who knowingly permits the operator of or passenger in the vehicle to use the vehicle in a manner which violates any of the provisions of this chapter shall be deemed to be aiding, assisting, or abetting such violation.

§ 64-7. Maintenance of blight conditions prohibited

- A. No person shall maintain or allow to be maintained upon any property in the Village of Jemez Springs owned, leased, rented, occupied or possessed by such person any of the following uses or activities which are hereby determined to be causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:
 - (1) The parking, storage or accumulation of inoperable vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof.
 - (2) The outdoor storage or accumulation of appliances, televisions or furniture, or parts of components thereof.
 - (3) The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans.
 - (4) The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.

- (5) The storage or accumulation of building materials outside of a completely enclosed building in any area for a period in excess of 14 days, provided that this restriction shall not apply to the following:
- (a) Usable building materials used for a legally operated business.
 - (b) Usable building materials stored on the site of property for which a valid building permit has been issued by the appropriate state building official and where said materials are intended for use in connection with such construction.
 - (c) Usable building materials neatly stored in the rear yard of an occupied premises, provided such outdoor storage is screened from the view of all adjacent properties and abutting public or private rights-of-way and complies with the applicable Sandoval County fire codes and other ordinance requirements.
- B. Notwithstanding any of the foregoing, this chapter shall not apply to a use or activity which is licensed or allowed by, and conducted pursuant to, Chapter 130, Zoning, of the Code of the Village of Jemez Springs.

§ 64-8. Violations and penalties.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable as provided in § 1-22 of this Code.