

City of Rio Communities, New Mexico

Ordinance No: 2016-46

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2014-19, DATED: MAY 13, 2014. CHAPTER 13, PUBLIC PEACE, MORALS AND VICE

AMENDMENT 1: Amend Section 13-3-3 (F)(1)(b) Definitions

Amend:

Section 13-3-3(F)(1)(b) Definitions, reads as follows:

- b. "Inoperative" or "inoperative motor vehicle" means any motor vehicle, which by reason of dismantling, disrepair or other cause, is incapable of being propelled under its own power.

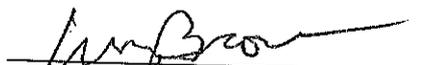
Amend 13-3-3(F)(1)(b) to read as follows:

- b. "Inoperative, or inoperative motor vehicle" means any motor vehicle that by reason of dismantling, disrepair, or damage that causes or renders the vehicle incapable of being propelled or operated under its own power, or is in violation of the New Mexico Uniform Traffic Ordinances, Codes or Statues, or because of lack of insurance and registration, is not legal for public roadway use.

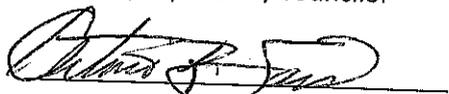
PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF March 8, 2016.

City of Rio Communities Governing Body

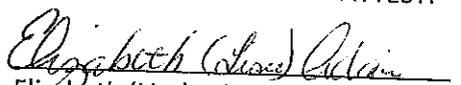

Mark Gwinn, Mayor

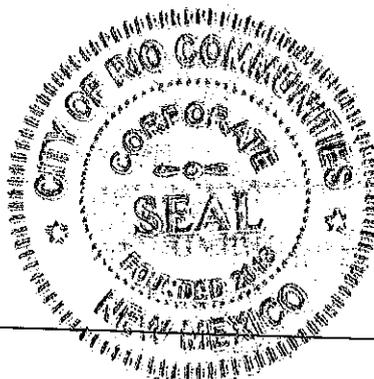

William (Bill) Brown, Councilor


Margaret (Peggy) Gutjahr, Councilor


Arturo Sais, Councilor

ATTEST:


Elizabeth (Lisa) Adair, Municipal Clerk



Ordinance No: 2016-46 amend March 22, 2016

Chapter 13: Public Peace, Morals and Vice

Should the person refuse or fail to pay any assessment, the City shall collect such assessment as provided by law.

13-3-11 NUISANCE INJUNCTION

When a nuisance exists as set forth in this Article, the chief of police, zoning enforcement officer or fire chief or inspector, shall maintain a complaint in the name of the City, perpetually, that directs any person from permitting or maintaining a nuisance and to abate the same.

APPROVED, ADOPTED AND SIGNED this 13 day of May 2014 by the Governing Body of the City of Rio Communities.

Mark Gwinn, Mayor

City of Rio Communities

ATTEST:

Mary Lee Serna, Mayor Pro Tem

City of Rio Communities

End of Document

8. It shall be unlawful to repair, rebuild or modify any motor vehicle or other mechanical equipment or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner this is plainly audible at a distance of fifty (50) feet or more from the source.
9. It shall be unlawful to not promptly deactivate an alarm system when it is plainly audible at a distance of fifty (50) feet or more from such alarm within thirty (30) minutes of hearing the alarm or receiving notice of the alarm's activation.

C. Exceptions

The following specific activities or sources of noise shall be exempt from the regulations as set forth in this Article:

1. Sounds generated in business, industrial, and mixed-use zoning districts that are necessary and incidental to the uses permitted therein.
2. Sounds generated from activities or land use for which a permit has been issued or the Planning & Zoning Commission has granted an exception.
3. Activities for which the regulation of noise has been exempted by federal law including religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.
4. Sounds emitted in the performance of emergency work or for the purpose of alerting persons to the existence of an emergency.
5. Lawful activities conducted on or in public and school athletic facilities and on or in publicly owned properties and facilities.
6. Religious services, religious events, or religious activities or expressions that are a part of such service, event, activity or expression including but not limited to, music, singing, bells, chimes and organs.
7. Sounds generated from or incidental to emergency repairs to public and private utilities.
8. Sounds generated from or incidental to any emergency public works function.
9. Sounds generated from construction and maintenance to public roads, highways, and bridges.

2. "Decibel" shall mean any decibel (dB) measurement made based on the reference sound pressure and measured with a sound-level meter using the A-weighting network.
3. "Nighttime" shall mean from 10:00 p.m. (2200 hours) to 7:00 a.m. (0700 hours).
4. "Noise" shall mean any sound that endangers or injures the safety or health of any person; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.
5. "Plainly audible" shall mean any sound that can be detected by a person of normal sensitivities and without any artificial or amplifying aid.
6. "Property boundary" shall mean an imaginary line along the ground surface and its vertical extension that separates real property owned, leased or otherwise legally controlled by one person from the property that is owned, leased or otherwise legally controlled by another person, including intra-building real property divisions.

B. Loud Noises Prohibited

1. It shall be unlawful for any person to use, operate or play a radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound-amplifying equipment, or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible:
 - a. Inside the confines of the dwelling unit, house, or apartment of another person; or
 - b. At a distance of fifty (50) feet or more from the device, except for devices permitted for use at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
2. It shall be unlawful for any person to produce or allow noise during nighttime hours that is plainly audible to another person who is either inside the confines of the dwelling unit, house, or apartment or at a distance of fifty (50) feet or more from the source of the noise.

K. Violation-Penalty

Any person who shall fail and neglect to cut the weeds and remove the cuttings or any accumulation of weeds as provided in this Article or who shall fail, neglect or refuse to comply with the provisions of any section of this Article or of any notice herein provided for, or who shall violate any of the provisions of this chapter whatsoever, or who shall resist or obstruct the City or its authorized representatives in the cutting of weeds or the removal of cuttings or the removal of the accumulation of the weeds shall, upon conviction thereof, be subject to a fine not to exceed fifty dollars (\$50.00) and each day on which such violation continues may constitute a separate offense.

13-3-6 GRAFFITI

A. Defined

Graffiti means the unauthorized and intentional act of inscribing, spraying of paint or ink, chalk, dye or other similar substances on public or private buildings, structures and places.

1. Graffiti on public and private property is a public blight that not only depreciates the value of property but also the value of adjacent and surrounding communities. The City Council finds that graffiti or related inscribed material is obnoxious and authorizes that a program be instituted that allows for the use of City funds to remove graffiti on public and private property. It is the intent of the City Council to provide for the prohibition of the placement of graffiti on public and private property as set forth in this subsection.
2. It is unlawful for any person to paint, chalk or otherwise apply graffiti on public or privately owned structures located on public or privately owned real property within this City.

B. Graffiti Removal on Private Property

Whenever the City determines that graffiti is located on any private property that is capable of being viewed by a person using any public right-of-way and with the property owner's consents, the City shall be authorized to provide for the removal of the graffiti as follows:

1. The City may provide paint free of charge to the owner of the property in the amount necessary to cover the specific area containing the graffiti. It shall be the owner's responsibility to determine the color of paint necessary and to paint out the graffiti within five (5) calendar days from receipt of paint from the City.

“Weed” means a non-native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. Its presence deteriorates the health of the site. It is an invasive species that requires a concerted effort of manpower and resources to remove from its current location, if it can be removed at all. WEEDS shall also mean plants that, by reason of abandonment, lack of care or lack of maintenance, choke outgrowth of other plant material in the area.

E. New Mexico Noxious Weed List

The New Mexico Department of Agriculture has determined the following noxious weeds as the most common for control or eradication:

1. Salt cedar
2. African rue
3. Russian knapweed
4. Yellow and purple star thistle
5. Camelthorn
6. Yellow toadflax
7. Onion weed

For a comprehensive list noxious weed as classified by the New Mexico Department of Agriculture see <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.

F. Growth and Accumulation

It is unlawful for any owner, lessee or occupant having charge or control of any occupied, unoccupied or unimproved lot or tract of land within the City to permit or maintain any growth of weeds or vegetation that are highly flammable or attain a height greater than twenty (20) inches or any accumulation of weeds on any such lot or tract of land, including any curb, gutter and sidewalks and the area located between the property line and the middle of the alley adjacent to any such lot or tract of land.

G. Duty of Owner

It shall be the duty of any owner, lessee, occupant or person in charge of or in control of any occupied, unoccupied or unimproved lot or tract of land to either cut or eradicate the accumulation of weeds and remove and lawfully dispose of any cuttings as often as is necessary in order to comply with this provision.

H. Approved Methods of Weed Control

Approved methods of controlling weeds shall be mowing, cutting; digging, chemical treatment or other methods designed to remove the weeds but not disturb other vegetation or unnecessarily disturb the soil. The scraping and tillage

B. Illegal Dumping

It shall be unlawful to dispose of solid waste in any manner other than as specified in Article 13-3-3 of this code.

1. It shall be unlawful for any person to place or dump solid waste or debris on any property within the City whether owned by the person or not.
2. Vacant lots or lands that have been the subject of repeated dumping may be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands must be approved and may include permanent fencing, ditch or berm or placement of four-foot high posts at four-foot intervals. Signs stating "No Dumping" shall be erected in accordance with applicable ordinances on vacant lands that have been subject to dumping on more than one occasion.
3. It shall be unlawful for any person to place or dump solid waste or debris in any arroyo, stream bed, drainage ditch, public fountain or any public body of water within the boundaries of the City.

C. Presumption of violation

Whenever any litter is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writings that display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this subsection.

D. Penalties

Offenders shall be prosecuted and may be fined up to \$500 or forfeit their vehicle or forfeit their business license or perform community service.

13-3-5 WEED CONTROL AND NATIVE PLANTS

A. Purpose

Weed Control, specifically, controlling the infestation of non-indigenous (noxious) weeds is critical to reducing fire danger, maintaining a balanced ecosystem for native plants and animals and reducing soil erosion, soil salinity, contaminates to ground water and the severe effects of flooding. At the very least, the uncontrolled infestation of "weeds" on residential and public properties is an eyesore and at worst, a financial burden to the City if not properly controlled and maintained.

B. Unsanitary Premises

1. It is unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, waste water or any conglomeration of residue that emits odors or serves as a feeding or breeding ground for flies, insects or rodents and as determined by the City, is unsanitary or injurious to public health.
2. The accumulation of building materials, pipes, lumber or boxes may be maintained on the premises if the accumulation is evenly piled and stacked for a reasonable length of time to be determined by the City's enforcement officer.

C. Hazardous Premises

It is unlawful for any person to permit in or about his premises the accumulation of weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.

D. Solid Waste

1. It is unlawful for any person to allow any solid waste to accumulate upon their premises, whether owned, leased, rented or occupied, during intervals between collection of trash or waste except in the manner as provided in this Article.
2. It is unlawful to deposit any solid waste in or upon any street, alley, sidewalk, gutter, curbing, storm sewer, parkway or vacant lot within the City except in the manner and in a receptacle or container as provided in Subsection E of this Section.

E. Solid Waste Receptacles

All solid waste receptacles shall be maintained in a clean and sanitary condition by the owner or person using the receptacle. All solid waste receptacles shall be located only in places that shall be readily accessible for removing and emptying but shall not be placed or positioned in such a manner that may constitute and cause a nuisance or obstruction to vehicular or pedestrian traffic.

F. Outdoor Vehicle Storage: Prohibited Acts and Exceptions

1. Definitions

For the purpose of this Section, the following meanings shall apply: