

# SANTA FE COUNTY

*Ordinance No.*

1989-2

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## JUNK VEHICLE ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO AMENDING ORDINANCE 1981-3; REVISING THE DEFINITION OF JUNKED VEHICLE, DECLARING JUNKED VEHICLES TO BE PUBLIC NUISANCES, REQUIRING THEIR REMOVAL, ESTABLISHING PENALTIES FOR FAILURE TO REMOVE; PROVIDING FOR REMOVAL BY THE COUNTY MANAGER OR HIS AGENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

Section 1. That Ordinance 1981-3 of the County Code shall be amended to provide as follows:

### JUNKED VEHICLES

Sec. 8A-1. Definitions:

antique vehicle - a passenger car or truck or which is at least thirty five years old and which is being preserved or restored by a collector for its historical value.

1 collector - an individual, association, corporation,  
2 partnership or other legal entity which buys or otherwise  
3 acquires, maintains, shows, restores, sells, dismantles, or  
4 otherwise disposes of antique or special interest vehicles  
5 for the purpose of maintaining one or more antique and/or  
6 special interest vehicles for reasons of historical  
7 interest.

8 director - the director of the County department designated  
9 by the County Manager to enforce this article. The director  
10 may designate an agent for this purpose who shall have all  
11 of the authority of the director under this Chapter.

12 junked vehicle - any motor vehicle, other than an antique or  
13 special interest vehicle as defined in Section 66-1-4(B)(39)  
14 N.M.S.A. 1978, as amended, which is:

- 15 a) inoperative; and  
16 b) has been continuously inoperative for at least 120  
17 days or has been wrecked, dismantled, partially  
18 dismantled, or abandoned; and  
19 c) does not bear a valid, unexpired license plate; and  
20 d) does not meet minimum safety standards for  
21 operation on the public streets and highways of  
22 this State.

23 occupant - the individual, association, corporation,  
24 partnership, or other legal entity legally in possession of  
25

1 the premises where there is located a junked vehicle.  
2 special interest vehicle - a motor vehicle not less than 25  
3 years old which has not been altered or modified from  
4 original manufacturer's specifications which is being  
5 preserved or restored by a collector for its historic value.

6  
7 Section 8A-2. Junked Vehicles Declared Public Nuisance.

8 Pursuant to Sections 4-37-1 and 3-18-17(A) N.M.S.A. 1978, as  
9 amended, the County Commission finds and declares that  
10 junked vehicles which are located within the County on any  
11 private lot, tract, or parcel of land, or portion thereof,  
12 occupied or unoccupied, improved or unimproved and which are  
13 visible from any public place, including but not limited to,  
14 public rights-of-way, parks, public buildings and their  
15 grounds, and private business or commercial property open to  
16 the public in the normal course of business are detrimental  
17 to the safety and welfare of the general public. Such  
18 junked vehicles reduce the value of private property, invite  
19 vandalism, constitute fire hazards, and are attractive  
20 nuisances posing a threat to the health and safety of  
21 children. Junked vehicles are detrimental to the economic  
22 welfare of the County by producing urban blight which is  
23 adverse to the continuing economic development of the  
24 County.

25 In view of these findings and determinations, the County

1 Commission hereby declares the above described junked  
2 vehicles to be PUBLIC NUISANCES.

3  
4 Section 8A-3. Notice.

5 Upon receiving a report of the existence of a junked  
6 vehicle, the director shall serve written notice to the  
7 occupant of the premises upon which the junked vehicle  
8 rests. Written notice shall be served by certified mail  
9 return receipt requested and shall be on a form approved by  
10 the County Manager and shall, at a minimum, contain the  
11 following:

- 12 a) A statement of the nature of the nuisance which  
13 refers to this Article.
- 14 b) A demand that the junked vehicle be removed within  
15 10 days of the receipt of the notice.
- 16 c) A statement that if the occupant does not comply,  
17 the County may file criminal charges against the  
18 recipient in Magistrate Court and/or seek an order  
19 in District Court permitting the County to remove  
20 the junked vehicle at the occupant's expense.
- 21 d) A statement that failure to remove the junked  
22 vehicle within ten days of receipt of the notice  
23 may expose the occupant to incarceration for up to  
24 90 days and/or a fine not to exceed \$300.00 per day  
25 for every day the vehicle remains unremoved after

1           the tenth day following the occupant's receipt of  
2           the notice.

3           If any notice is returned as undeliverable, the Director  
4           shall cause notice to be published as elsewhere provided by  
5           law. Published notice shall have the same force and effect  
6           as mailed notice.

7

8           Section 8A-4. Removal by owner.

9           If within ten days of receipt of notice the occupant  
10          removes, or causes to be removed, the junked vehicle, the  
11          director shall dismiss any criminal and/or civil complaint  
12          against the occupant arising from the presence of the junked  
13          vehicles.

14

15          Section 8A-5. Removal by County with Owner's Permission.

16          If within ten days of the receipt of notice the occupant  
17          gives his written permission for the County to remove the  
18          junked vehicle, the director shall remove the junked  
19          vehicle. The occupant shall be liable to the County for the  
20          costs of the removal incurred by the County.

21

22          Section 8A-6. Removal by County without Permission.

23          If within ten days of receipt of notice or publication of  
24          notice where notice by mail is undeliverable the occupant  
25          neither gives permission to the County to remove the junked

1 vehicle nor removes the junked vehicle or causes it to be  
2 removed, the director refer the matter to the County  
3 Attorney. The County Attorney may:

4 1) file a criminal complaint in the Magistrate Court  
5 pursuant to this Article. The Magistrate shall,  
6 upon conviction of the defendant, impose sentence  
7 as herein provided and may defer or suspend the  
8 sentence on condition that the defendant remove the  
9 junked vehicle and pay court costs and correction  
10 fees as elsewhere provided by law.

11 2) file suit in District Court seeking an order  
12 allowing the County to remove the junked car and  
13 dispose of it as provided herein pursuant to  
14 Section 30-8-8 N.M.S.A. 1978 as amended. The  
15 County Attorney may seek a judgement against the  
16 defendant for the costs of removal, disposition,  
17 court costs, and reasonable attorney's fees.

18  
19 Section 8A-7. Disposal.

20 The director shall dispose of junked vehicles as otherwise  
21 provided by law. A licensed dismanteler receiving any  
22 junked vehicle or vehicles shall notify the Motor Vehicle  
23 Division as required by Section 66-3-115 NMSA 1978. In no  
24 event will a junked vehicle be reconstructed or rendered  
25 operable following removal except as provided by Section 66-  
3-21 NMSA 1978.

1 Section 8A-8. Administration of Chapter

2 This chapter shall be administered by regularly salaried  
3 full time employees of the County of Santa Fe, except that  
4 the removal of vehicles or parts thereof from property may  
5 be made by any person duly licensed under Section 66-4-1 et.  
6 seq. NMSA 1978.

7

8 Section 8A-9. Obstruction to Traffic

9 Nothing in this chapter shall affect ordinances that permit  
10 immediate removal of a vehicle left on public property or  
11 which constitutes a danger or obstruction to traffic.

12

13 Section 8A-10. Authority to Enforce

14 The Director or his agent, may enter upon private property  
15 for the purposes specified in this ordinance to examine  
16 vehicles or parts thereof, obtain information as the  
17 identity of vehicles and to remove or cause the removal of a  
18 vehicle or parts thereof declared to be a nuisance pursuant  
19 to this Ordinance.

20

21 Section 8A-11. Application of Chapter

22 This chapter shall not apply to (1) a vehicle or part  
23 thereof which is completely enclosed within a building in a  
24 lawful manner where it is not visible from a street or other  
25 public or private property, or (2) a vehicle or part thereof

1 which is stored or parked in a lawful manner on private  
2 property in connection with the business of a licensed  
3 vehicle dealer or junkyard, or (3) an unlicensed, operable  
4 or inoperable antique vehicle or special interest vehicle  
5 stored by a collector on this property, provided that such  
6 vehicle and the outdoor storage areas are maintained in such  
7 a manner that they do not constitute a health hazard and are  
8 screened from ordinary public view by means of a solid  
9 fence, rapidly growing trees, shrubbery, or combination  
10 thereof or other appropriate means.

11 The provisions of this Chapter shall not apply to:

- 12 1) Any motor vehicle in operable condition  
13 specifically adapted or constructed for racing or  
14 operation on privately owned drag strips or  
15 raceways.
- 16 2) Any motor vehicle stored as the property of a  
17 member of the armed forces of the United States who  
18 is on active duty assignment.

19  
20 Section 8A-12. That should any section, clause or provision  
21 of this ordinance be declared by a court of competent  
22 jurisdiction to be invalid, the same shall not affect the  
23 validity of this ordinance or any other ordinance of the  
24 County as a whole or any part thereof, other than the part  
25 so declared to be invalid.



1 Section 8A-13. That any person violating the provisions of  
2 this ordinance shall be deemed guilty of a misdemeanor and  
3 shall be punished as provided in Section 4-37-3 N.M.S.A.  
4 1978 as amended.

5  
6 Section 8A-14. That the caption and penalty clause of this  
7 ordinance shall be published in a newspaper of general  
8 circulation in the County of Santa Fe in compliance with the  
9 provisions of New Mexico Statutes Annotated 1978.

10  
11 Section 8A-15. That this ordinance shall be effective after  
12 publication as required by the State Law.

13  
14 APPROVED THIS 10th DAY OF APRIL \_\_\_\_\_, 1989.

15 Santa Fe County:

16  
17 *Nancy Rodriguez*  
18 NANCY RODRIGUEZ, CHAIRWOMAN

19 ATTEST:

20 *Jona G. Armijo*  
21 JONA G. ARMIJO, COUNTY CLERK

22  
23 APPROVED AS TO FORM  
24 NORMAN OSBORNE

25 *Norman Osborne*  
COUNTY ATTORNEY

676-607  
COUNTY OF SANTA FE )  
STATE OF NEW MEXICO )SS  
I hereby certify that this instrument was filed  
for record on the 21 day of April A.D.  
1989 at 1:27 o'clock P m.  
and was duly recorded in book 644  
page 982-990 of the records of  
Santa Fe County.  
Witness my Hand and Seal of Office  
Jona G. Armijo  
County Clerk, Santa Fe County, N.M.  
*Jona G. Armijo* Deputy



845933

# The New Mexican

Santa Fe's daily newspaper • Founded in 1849  
202 East Marcy Street • P.O. Box 2048 • Santa Fe, New Mexico 87501 • (505) 983-3303

SANTA FE COUNTY  
P.O. BOX 276  
SANTA FE, NM 87501

RECEIVED  
SANTA FE COUNTY  
PURCHASING DEPARTMENT

APR 27 1989  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

### SANTA FE COUNTY NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Board of County Commissioners in the County Commission Chambers of the Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico on Monday, May 1, 1989 at 4:00 p.m. in order to consider a proposed ORDINANCE AMENDMENT RELATING TO STANDARDS FOR LOTS CREATED BY INHERITANCE AND FAMILY TRANSFER. Please note that this hearing will be held at a special meeting of the Board and that this notice amends prior notice for hearing at the regular meeting on May 8, 1989.

The proposed ordinance would amend the Santa Fe County Land Development code, Article II, Section 4, Special Procedures for Approval of Development on Lots Which Do Not Meet Lot Size Requirements of the Code to add a statement of purpose for inheritance and family transfers and create additional standards designed to ensure that family transfer applications meet that purpose and protect health, safety and welfare. These added standards address limitation on ownership and transfer; minimum density; and minimum standards for water supply, liquid waste disposal, flood protection, access and utility easements.

Copies of the proposed ordinance are available at the Santa Fe County Land Use Department and the office of the County Clerk, in the Old Courthouse Building, 102 Grant Avenue, Santa Fe.

All interested parties will be heard prior to the Board taking action. Written comments should be submitted at least three (3) working days prior to the hearing date to the County Land Use Department, P.O. Box 276, Santa Fe, New Mexico 87504-0276.  
Legal No. 44378

LEGAL NO.: 44378      ACCOUNT NO. 73450  
P.O. NO.: 28489  
81 Lines 1 TIME at \$ 21.87  
Additional Affidavits:  
SUBTOTAL:  
TAX: \_ 1.23  
TOTAL: \$ 23.10

## Affidavit of Publication

State of New Mexico  
County of Santa Fe

I, **BARBARA ESPINOZA** being first duly sworn, declare and say that I am Legal Advertising Manager of The New Mexican, a daily newspaper published in the English Language, and having a general circulation in the Counties of Santa Fe, Los Alamos and Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937; that the publication, **LEGAL #44378** a copy of which is hereto attached, was published in said newspaper once each WEEK for ONE consecutive DAY and that the notice was published in the newspaper's proper, and not in any supplement; the first publication on the 21 day of APRIL 19 89; and that the undersigned has personal knowledge of the matters and things set forth in this affidavit.

s/s.....  
*Barbara Espinoza*  
Legal Advertising Manager

Subscribed and sworn to before me on this 21 day of

APRIL, A.D., 19 89

OFFICIAL SEAL  
SIGNATURE *Laura E. Harding*  
LAURA E. HARDING  
NOTARY PUBLIC - NEW MEXICO  
Notary Bond Filed With Secretary of State  
My Commission Expires: 11/23/91

D-4 THE NEW MEXICAN Santa Fe, N.M., Friday, April 14, 1989

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The proposed ordinance would amend The Santa Fe County Land Development Code, Article 11, Section 4 Special Procedures for Approval of Developments on Lots Which Do Not Meet Lot Size Requirements of the Code to add a statement of purpose for inheritance and family transfers and create additional standards designed to ensure that family transfer applications meet that purpose and protect health, safety and welfare. These added standards address limitations on ownership and transfer; minimum density; and minimum standards for water supply, liquid waste disposal, flood protection, access and utility easements. Copies of the proposed ordinance are available at the Santa Fe County Land Use Department and the office of the County Clerk, in the Old Courthouse Building, 102 Grant Avenue, Santa Fe. All interested parties will be heard prior to the Board taking action. Written comments should be submitted at least three (3) working days prior to the hearing date to the County Land Use Department, P.O. Box 276, Santa Fe, New Mexico 87504-0276