



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

January 23, 2024 - 6:30 PM

Donald E. Carroll City Commission Chambers
City Hall, 1376 E. Ninth Street

Susan L. Payne Mayor
Sharon McDonald Mayor Pro-Tem, District 5
Nick Paul District 1
Stephen Burnett District 2
Warren Robinson District 3
Josh Rardin District 4
Mark Tapley District 6

Rick Holden City Manager
Ashley Smith City Attorney
Rachel Hughs City Clerk

MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.

The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.

We are committed to the long-term financial stability and responsible growth of the City and all decisions will be driven by our commitment to provide the best services possible in a financially sound and responsible manner given the economic realities facing the City.

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the east bulletin board located in the south of the City Hall and in the glass case located outside the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: <http://ci.alamogordo.nm.us> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: <http://ci.alamogordo.nm.us>

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4100.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Annual State of the City address. (Susan L. Payne, Mayor)

2. Point In Time count presentation. (*Peg Crim, President of 100 % Otero*)

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. The standard allotted time is 3 minutes, but the Mayor reserves the right to change depending on the number of public comments.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

CONSENT AGENDA (Roll Call Vote Required for an Ordinance or Resolution)

All matters listed under the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

3. Approve the minutes for the Regular Commission meeting on January 9, 2024. (*Rachel Hughs, City Clerk*)
4. Consider, and act upon, Resolution No. 2024-08 to adopt the required Community Development Block Grant (CDBG) Annual Certifications and Commitments. (*Debbie Osborne, Grant Coordinator*) **(Roll call vote required)**
5. Consider, and act upon, the approval of Resolution No. 2024-09 authorizing and approving the submission of a completed Drinking Water State Revolving Fund Loan application for financial assistance and project approval to the New Mexico Finance Authority. (*Debbie Osborne, Grant Coordinator*) **(Roll Call Vote Required)**
6. Consider, and act upon, Resolution 2024-10, declaring 1403 Incredible Ct. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**
7. Consider, and act upon, Resolution 2024-11, declaring 2204 Walker Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**
8. Consider, and act upon, Resolution 2024-12, declaring 136 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**
9. Consider, and act upon, Resolution 2024-13, declaring 613 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

10. Consider, and act upon, Ordinance 1691, Z-2023-0007(A) for first publication, a map amendment to change the current zoning of the property with the parcel number 01N4054097487344 (the parcel adjacent to 1901 S Hamilton Road) from MH-1 Manufactured Housing Subdivision District to C-1 Neighborhood Business District. (*Sean McGranaghan, Assistant City Planner*) **(Roll Call Vote Required)**
11. Consider, and act upon, repealing or revising Chapter 7, Section 7-05-30 of the Code of Ordinances concerning prohibiting feeding pigeons. (*John Davis, Citizen and Josh Rardin, Commissioner*)
12. Appointments to Boards and Committees. (*Susan L. Payne, Mayor*)

EXECUTIVE SESSION (Roll Call Vote Required)

13. Adjourn into Executive Session in compliance with Section 10-15-1(H)(7), NMSA 1978 (as amended),

to discuss Threatened or Pending Litigation: (Adams vs City of Alamogordo), (Blackburn vs City of Alamogordo), (Cuellar vs City of Alamogordo), (Estate of Joe Romo vs City of Alamogordo), (Gilliland vs City of Alamogordo), (Michael vs City of Alamogordo), (Nelseon vs City of Alamogordo), (Noblitt vs City of Alamogordo), (Ochoa vs City of Alamogordo), (Randal vs City of Alamogordo), (Willard vs City of Alamogordo), (Williams vs City of Alamogordo), (Downtown Ventures), (Tort Claims with Self-Insurance).
(Roll Call Vote Required)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/17/2024

Report No: 1.

Submitted By: Susan Payne

Subject: Annual State of the City address. *(Susan L. Payne, Mayor)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:

City Charter Article VIII, Section 2. Powers and Duties of the Mayor.

The Mayor shall present an annual State of the City message at a Public Meeting determined by the Mayor.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date:

Report No: 2.

Submitted By: Rachel Hughs

Subject: Point In Time count presentation. (*Peg Crim, President of 100 % Otero*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:

Point In Time will share the count finding.



**City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM**

Today's Date: 12-12-23

**Request Date
of Meeting:** January 9, 2024

Name and Title: Peg Crim, President 100% Dtero

Address: 2400 N. Scenic Dr. NMSUA Pro Tech Bldg. Room 130
Alamogordo, NM **ZIP** 88310

Phone Number: 575-551-1726

E-Mail Address: peg.crim@1000tero.org

Item requested will be for Information only

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

PIT (Point in Time) count funding request through
100% Dtero.

We would like to make a short (5min) presentation
about the PIT Count.

Signature: Peg Crim

Please return to: Rachel Hughs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4100

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the Regular Commission meeting on January 9, 2024. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
January 9, 2024**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, MAYOR PRO-TEM
NICHOLAS PAUL, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSH RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. The invocation was given by Pastor Shelby Moon, and the Pledge of Allegiance was led by Commissioner Paul.

APPROVAL OF AGENDA

**Commissioner Burnett moved to approve the agenda.
Commissioner Robinson seconded the motion.
Motion carried with a vote of 7-0-0.**

ADMINISTRATION OF THE OATH OF OFFICE FOR ELECTED OFFICIALS

**1. Ceremonial administration of the Oath of Office to the newly elected City Commissioners.
(David Overstreet, Municipal Judge)**

Judge Overstreet ceremonially administered the Oath of Office to Commissioners Nicholas Paul, Warren Robinson, Sharon McDonald, Mark Tapley.

REORGANIZATION OF THE COMMISSION

2. Selection of the Mayor Pro-Tem. (Rachel Hughs, City Clerk)

**Commissioner Burnett moved to nominate Commissioner McDonald.
Commissioner Robinson seconded the motion.
Motion carried with a vote of 7-0-0.**

Commissioner McDonald took her seat next to Mayor Payne.

3. Selection of Seating Order. (Rachel Hughs, City Clerk)

The Commissioners chose to remain in their current seats.

4. Approve the Order of Business. (Rachel Hughs, City Clerk)

City Clerk Hughs said the current order we have is Call to Order & Roll Call, Invocation & Pledge of Allegiance, Approval of Agenda, Presentations, Public Comment, City Manager's Report, Remarks and Inquiries by the City Commission, Consent Agenda, Items removed from Consent Agenda, Public Hearings, New Business, Unfinished Business, Public Comment, Executive Closed Session, and Adjournment.

**Commissioner Robinson moved to keep the same Order of Business.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.**

PRESENTATION

5. Presentation of the Jill Robinson Award to the City of Alamogordo Code Enforcement Department, and the Presidential Certificate of Recognition to Joshua Sides, Code Enforcement Manager. (*Rick Holden, City Manager, and Nancy Beshaler, Public Works Director*)

City Manager Holden said each year, the Code Enforcement Officer Safety Foundation names a city that should be awarded the Jill Robinson honor for its efforts. Only one city in the United States gets this award, and we congratulate Code Enforcement for getting it. We also congratulate Code Enforcement Manager Sides for receiving the Presidential Certificate of Recognition. He presented the award to Code Enforcement and the certificate to Code Enforcement Manager Sides.

6. Swearing in of the Alamogordo Police Department's non-certified Officers Ian Beatrice, Aaron Ramirez, and Sam Roybal and of Animal Control Officer Frank Webb. (*David Overstreet, Municipal Court Judge*)

Judge Overstreet administered the swearing-in of the Alamogordo Police Officers and the Animal Control Officer.

7. Announce the Alamogordo Police Department promotions, Officer Mauricio Puente to Sergeant, Officer Christoph Wallenstein to Sergeant, Sergeant Ray Brown to Lieutenant, and Lieutenant Ryan Glidden to Deputy Chief. (*David Kunihiro, Police Chief*)

Police Chief Kunihiro announced the Alamogordo Police promotions and gave some information on their police backgrounds with the department.

PUBLIC COMMENT

Carol Hernandez said she cared about the pigeons and had suggestions for the Commission to consider. Regarding overpopulation, there is an expensive food that acts as a pigeon contraceptive, which would help reduce the pigeon population over time. There are measures to discourage pigeons from splatting on people's cars, the ground, or on people. She asked the Commission to consider these rather than denying people from feeding pigeons, which is a way to honor all life.

John Davis said he was here to ask the Commission to consider repealing or amending City Ordinance 07-05-30, which prohibits feeding feral pigeons. I would like to amend that to allow for religious exemption; my religion calls me to care for the Earth and all living creatures. I heard a lot of oaths taken today to uphold the US Constitution. The First Amendment of that Constitution guarantees me the right to practice my religion freely, and this ordinance circumvents that. I believe it is currently unconstitutional. He said City Attorney Smith stated that one of the City's concerns is that pigeons carry diseases. Indeed, they do, as do all living things. COVID did not prevent churches from practicing their religion. There has never been a documented or reported case in the State of New Mexico of the three diseases City Attorney Smith listed, which were Cryptococcosis, Histoplasmosis, or Psittacosis. The statute, as written, lists feral pigeons as a nuisance. Is this sufficient reason to deny me my religious freedom? Panhandlers and protestors can be a nuisance, but they have their First Amendment rights, as do I. I was denied being on tonight's agenda, so I would like to apply to be on the agenda for the meeting on the 23rd, and I asked Commissioner Rardin, as my Commissioner, to

second my request. I would like to do that so it is an action item, and I can address any questions or concerns you may have regarding the feeding of feral pigeons. I walked here tonight in subfreezing weather, and I have no intention of going away. This issue is important to me.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

1. Assistant City Manager Hernandez and I have spent time with Mr. Davis, who is very passionate about the pigeon issue. We asked him to come tonight and speak during Public Comment, and we will take it from there if the Commission chooses.
2. Public Works Director Beshaler resigned effective January 15, 2024. Utilities Director Nunnelly is Acting Public Works Director, and one of his primary objectives is street repairs. Some of the streets talked about last month have been fixed already. We will move directly to try to get things done there.
3. Troy Orr is the new Airport Manager as of last week.
4. The airport has an F4 project in the mill for six years. A committee has been assigned to take that F4 project, put together a program, and then recommend to the Commission to formally adopt it or not. The jet belongs to the City of Alamogordo through a donation.
5. I visited with Senators Burt and Griggs and Representative Block. We are privileged to have that level of leadership here in Alamogordo. They have our list of projects. Next week, they will resume the thirty-day session dealing with Capital Funding. I hope they will be able to notify us of awards on some of the projects.
6. I met with Attorney John Wheeler, who represented the Sacramento Mountains Foundation. They have the opportunity to spend some of the approximately \$250,000,000 in their fund. There were some things Mr. Wheeler was interested in pursuing, and we will run those through staff for due diligence. If the projects are deemed advisable, we will bring those to the Commission for consideration.
7. The 2024 Budget process is well underway. We will go through these line by line with our departments and directors. The Commission will later be involved in that process with Budget Hearings and Workshops.
8. We are looking at our water and sewer rates. We are looking at a simplified rate structure so people will understand what their bill means. Whether you use one gallon or five hundred thousand gallons, that water rate costs the same. It does not matter where you live or your age; the cost is still the same. We cannot discriminate in our rate package. We will put something together to allow us to maintain the existing system, grow in the future, and take care of the debt service. This will be a major project coming back in the next few months.
9. Tomorrow, I will be a guest of Mayor Pro-Tem McDonald at the Rotary Club and give a speech.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

On White Sands Boulevard, by the New Mexico School for the Blind and Visually Impaired, there is a storm drain. It looks like we have a depression forming in the road. The pipeline may be the Department of Transportation's or ours. City Manager Holden said we will be sure they have that. We have made contact and have a direct line. Commissioner Rardin clarified that it is between Indian Wells and Catalina with a depression forming.

Another is on Florida, between 12th and 13th. It is where we cut a hole and did a repair. City Manager Holden asked Commission Burnett if that was the one previously mentioned to him. Commissioner Burnett said no. Commissioner Rardin said it is by the old high school. It is closer to 12th Street than 13th Street. City Manager Holden said we will get Utilities Director Nunnelly to take a look.

Commissioner Burnett made the following comments:

Where are we on road striping? City Manager Holden said he had not been briefed on that yet, but we moved some people from striping to help with other street issues. If you have something specific, I

would be happy to look at that. Commissioner Burnett said on Florida, from Indian Wells to 16th Street, there are essentially no lines whatsoever. City Manager Holden asked how long it had been like that. He said it has been like that for quite some time. City Manager Holden said we will add that to the list.

Commissioner Rardin said there are no lines on Lavelle Road from 1st Street to the old cookie factory when it is dark. City Manager Holden asked if there was electricity or overhead lines out there. Commissioner Rardin said there are poles and lights by the Convenience Center. City Manager Holden said we can see what the street light situation may be. Commissioner Rardin said there is no way to add lights out there; there is no infrastructure for that, but if we could put a stripe down the middle or along the edges, that would help. It's mainly for winter when it is dark in the morning and evening.

Commissioner Robinson made the following comments:

Commissioner Tapley and I went to Santa Fe for the Newly Elected Officials training. It is important to be involved in government. Alamogordo looked good with what we had done and the improvements we are making. We were proud to represent Alamogordo.

Mayor Payne made the following comments:

She congratulated the Alamogordo Police Department and Code Enforcement. I will do a State of the City Address at the next meeting and go to Otero County Days next week. I have received a lot of positive comments about City Manager Holden.

CONSENT AGENDA

8. Approve the minutes for the Regular Commission meeting on December 5, 2023. (Rachel Hughs, City Clerk)

9. Consider, and act upon Resolution No. 2024-02, updating the makeup of the Senior Volunteer Programs Advisory Council membership from eleven members down to a minimum of five and a maximum of eight members, with one member representing either the Foster Grandparent or Senior Companion programs. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director) (Roll Call Vote Required)

10. Consider, and act upon, the award of RFP 2023-006 Uniform and Linen Services to Unifirst Corporation. (Evelyn Huff, Finance Director)

11. Consider, and act upon, an emergency funds appropriation of \$23,958.09 through the Capital Outlay Bureau with the Aging & Long-Term Services Department for the purchase and installation of a gas convection oven for the Senior Center kitchen. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

12. Consider, and act upon, Ordinance 1689, for final publication and adoption amending Chapter 11, Article 03, Section 040, Curfew. (Susan L. Payne, Mayor and Ashley Smith, City Attorney) (Roll Call Vote Required)

13. Consider, and act upon, Ordinance 1690, for final publication and adoption amending Chapter 11, Article 06, Section 160, Unauthorized presence in drainage channels, arroyos and irrigation channels. (Susan L. Payne, Mayor and Ashley Smith, City Attorney) (Roll Call Vote Required)

14. Consider, and act upon, Resolution 2024-03 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the

revised budget numbers computed as of January 9, 2024. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

Commissioner Paul moved to approve the Consent Agenda.

Mayor Pro-Tem McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

NEW BUSINESS

15. Consider, and act upon, Resolution 2024-04, declaring 311 Virginia Avenue to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. *(Josh Sides, Code Enforcement Manager)* (Roll Call Vote Required)

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's condemnation and abatement. He said that Mr. Avery, the property owner, is here tonight. We have communicated, and Mr. Avery hired a contractor to redo the roof. I walked Mr. Avery through the steps, and he knows that if the Commission decides to condemn, it is not the end of the world; it just holds him to a timeline. We are working together.

Commissioner Paul moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

16. Consider, and act upon, Resolution 2024-05 declaring 800 Virginia Avenue to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. *(Josh Sides, Code Enforcement Manager)* (Roll Call Vote Required)

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's condemnation and abatement.

Commissioner Burnett asked what year the house was built. Code Enforcement Manager Sides said he did not know.

Mayor Payne asked if staff had gotten in contact with the owner. Code Enforcement Manager Sides said no; I tried mailing an International Property Maintenance Code letter and a copy of the search warrant, but they came back. I sent an officer to the address in town, and we could not make contact with the property owner.

Commissioner Robinson moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

17. Consider, and act upon, Resolution 2024-06 declaring 1110 Uranus Dr. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. *(Josh Sides, Code Enforcement Manager)* (Roll Call Vote Required)

Code Enforcement Manager Sides said that in the interest of cross-training, Code Enforcement Officer April Payan will give this presentation. She gave the presentation and recommended approving and ordering the property's condemnation and abatement.

Commissioner Burnett asked if anyone lived there. Code Enforcement Manager Sides said there were four occupants at the time. The property owner is deceased. A personal representative who lives in North Carolina was mailed the letter, and nothing was returned. The letter I sent to the property owner at the actual residence was returned. A letter was posted on the front door. Mayor Payne asked if someone had been living there after the fire. He said there were four. We were told that people were living in the residence after the fire, and nothing was done. When I went out there at night, I made contact with next-door neighbors and gave them my card, and I asked them to let me know if anyone came back so I could talk to them. There is a descendant of the property owner who does live there, whom I have not been able to contact. They were renting out the shed and rooms. There was a suspected arson at this residence due to the two ignition points: the couch and the pile of trash by the refrigerator. Mayor Payne asked if this was deliberate arson. He said the Fire Department was unsure.

Commissioner Rardin asked if there was a mortgage or insurance company involved. Code Enforcement Manager Sides said there was no homeowner's insurance, and the house is not under mortgage to my knowledge. Commissioner Rardin asked if the fire was contained to surface damage or if there was structural damage. Code Enforcement Manager Sides said the fire was mainly in the living room and kitchen, with some flame damage beyond charring in a bedroom in the converted garage. The Fire Department also had to fight the fire in the attic, which destroyed the ceiling throughout the house. So, they have to get new electrical. Commissioner Rardin said this was conceivably fixable. Code Enforcement Manager Sides said conceivably if the next of kin who lives there makes an effort to get this up to code. With no homeowner's insurance, this will be rough on them.

Commissioner Burnett moved to approve.

Commissioner Robinson seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

18. Consider, and act upon, Case SP-2023-0008(A), property owner Steven Valdez is requesting to be granted a special permit to allow his son to continue residing within a Recreation Vehicle (RV) on the property located at 795 Post Ave. (Stella Rael, City Planner)

City Planner Rael said Code Enforcement was patrolling and came across an RV within a zoning district that does not allow habitation in RVs. The Code Enforcement Officer left his card and asked the property owners to contact Planning and Zoning. I spoke with the property owner, Mr. Valdez, and discussed his options. Mr. Valdez is requesting a special permit to allow his son to continue living in the recreational vehicle on the property. The RV is thirty-two feet by twelve feet with the slide closed and thirty-two feet by sixteen feet with the slide opened. The property owners live next door at 785. It is within an MH-1 Manufactured Housing Subdivision. We were obligated to notify surrounding property owners within two hundred feet and sent out seventeen letters within that protest area. As of today, no letters were returned undeliverable, and I received three phone calls from property owners stating they favor Mr. Valdez to be allowed to continue living in the RV. The property owners stated that Mr. Valdez kept the lot clear of debris and was a pleasant neighbor. No letters or phone calls of opposition were received. Staff recommend denial per Ordinance 25-01-020, as a hardship is not defined. She said that Mr. Valdez said his son can only afford an RV on the property and is saving money for a down payment on a mobile home.

Mayor Payne asked if there was enough property for a mobile home. City Planner Rael said yes, there are two separate properties. Mayor Payne said so it would be okay to put a mobile home but not an RV. City Planner Rael said RVs are only allowed within our Manufactured Housing Park zoning areas. This is a Manufactured Housing Subdivision. Mayor Payne said so this is not set up to where Mr. Valdez is on the lawn. City Planner Rael no ma'am, this is a vacant property. Mayor Payne asked if this was clean and hooked up properly. City Planner Rael said it was clean, and yes, it was. Code

Enforcement Officer Otero only came across it due to regular inspection, not because of debris. It is a matter of complying with our current ordinance. Mayor Payne asked if we were redoing that ordinance. City Planner Rael said yes. Commissioner Rardin asked if we were rewriting the zoning. City Planner Rael said she was in the process of a few of them. We are working on Chapter 29 Zoning and Chapter 22 Subdivision. Unfortunately, this is not part of either of those; it is separate. I am working towards amending this one and bringing it to you for approval. Commissioner Rardin asked if MH-1 fell under the zoning portion. City Planner Rael said it does under Chapter 29. Commissioner Rardin asked if Manufactured Housing fell under zoning. City Planner Rael said it does fall under there to a certain extent, but this ordinance under Chapter 25 is separate from Chapter 29. When it was created, there were different sections. Commissioner Rardin asked what MH-2 was. A place formerly called the Rocket has mobile homes on one side and another section with RVs. City Planner Rael said you are talking about White Sands Community. Commissioner Rardin said he does not see much of a difference between this and that. City Planner Rael said the difference is White Sands Community is within MH-2 Manufactured Housing Parks, which allows manufactured homes and RVs. MH-1 is Manufactured Housing Subdivision, which has separate lots. If the special permit is approved, it is good for a year, and they can come back and ask for another year's extension.

Commissioner Burnett asked what the timeline was for Mr. Valdez to purchase. Mr. Valdez said he was Steven Valdez's father, and they have lived there since the subdivision was built in 1986. As soon as the property was available, we bought it because I wanted to give my son a place where he could be on his own. All my son could afford was an RV. We are trying to find a cheap mobile home now, but as you know, housing has gone through the roof. It does not matter if it's an RV, a mobile home, or a house, which has put us in a dilemma. We bought the property for him, and he is paying us back. He paid off the RV. Do we have to pay another fee for that extension to get another year? City Planner Rael said yes. Commissioner Robinson asked what the fee would be. She said the fee for special permit is \$250. Mrs. Teresa Valdez, Steven's mother, asked why they would have to pay a fee again. City Planner Rael said per ordinance, they would have to pay an additional \$250 to go through the same process again. The \$250 pays for administrative costs, publication in the paper, and the mailings. I explained to Mr. Valdez over the phone that the fee is nonrefundable if the permit was denied because we have those costs.

Mayor Payne said I know what ordinance says, and City Planner Rael is right, but I do not have an issue with this. If they were to find a mobile home built in 1975 that passed our code, what is the difference? They have it hooked up to septic legally, so the only issue is this is a travel trailer and not a mobile home. City Planner Rael said it is not hooked up to septic. It is hooked up to city utilities, which is the sewer. Mayor Payne asked if it was hooked up correctly without running extension cords. City Planner Rael said no extension cords. Mr. Valdez said his son is not hooked up to gas; he is on propane. City Planner Rael said her job is to uphold the ordinance.

Mayor Payne asked the property owners if they were actively trying to save up money for a mobile home. Mrs. Valdez said yes. Mayor Payne asked what a year from now looked like, as far as that goes. Mr. Valdez said he had been looking and could buy a piece of junk, but with the market now, it may be a 1972, and that would be worse than what my son is living in now.

Mayor Pro-Tem McDonald said she had been out to the site and talked to one of the neighbors. The neighbor said Mr. Valdez's son adds to the neighborhood and ensures it is protected. The property is immaculate. In light of what we are experiencing in the city with people not being able to get affordable housing, the neighbor saying she had no problem, and you say you have a timeline on that, well, I do not know if housing or mobile home pricing is going down. It does not look like you are violating anything. I hope you can get something he can afford. Mr. Valdez said we will have to fall on a deal and be the first ones. It isn't that we are not looking.

Commissioner Rardin asked what the zoning map's colors meant. The property is the corner one in the light grey area, correct? City Planner Rael said yes. Darker grey is Manufactured Housing Parks, and blue is Single Family Dwelling. Commissioner Rardin said instead of doing a special permit, can we just rezone this to MH-2 until the time they get the mobile home, then rezone it back? That way, they do not have to continually come back. Normally, that would be spot zoning, but MH-2 is right across the street. City Planner Rael said I could not. It would cost them about \$700, and we would have to notify surrounding property owners. The main thing is the ordinances are strict about Manufacturing Housing Parks; you cannot have them smaller than two acres. There is no way I could bring it before you for rezoning.

City Manager Holden said the Commission has the privilege to help people out when it sees the need to do so. The special use permit is just that, special. Normally, in any zoning category, you could not put a travel trailer on a piece of property and live in it, period. It is not allowed except within a park as City Planner Rael described, or in this case, a special use permit. So, under the circumstances, why not approve the special use permit and allow them to come back after a year and see how things are looking? They may find something between now and then, get it set up, and the issue would be gone.

Mayor Payne said in our current climate, especially in Alamogordo with our housing shortage, in this case, how do you say no? Commissioner Burnett said we had already approved two of them. City Planner Rael said it is my job to enforce the ordinances, but I agree with you as a planner. The property is immaculately maintained, along with the parent's lot. There is fencing surrounding the entire area. If those gates were closed, you probably would not even see it. All property owners within the surrounding area had nothing but good to say about the Valdez family. Mayor Payne said we need to be consistent but consider special circumstances. Kudos to City Planner Rael for doing her job.

City Manager Holden said they could have that there for up to two years, and I think if you extend it for the additional year, there would not be a need for an additional fee because we do not have to send out notices to the property owners within two hundred feet or publish anything. I think you should do a year, look at it next year, and if they want to extend it another year at that point and it is justified, you should be able to do that with a motion of the Commission. Mayor Payne said if this passes, can we make a note of that? City Manager Holden said there is no circumstance that allows you to keep one of those for more than two years and live in it, period.

Commissioner Burnett asked if we needed to add in the second year. Commissioner Rardin said they would have to come back in a year. Commissioner Burnett said to waive the fee. City Manager Holden said if your intent is to do it for a year and allow it to come back for consideration of a second year, there would not be a fee for that. Commissioner Robinson said that is part of his motion.

Commissioner Robinson moved to approve the special permit for a year, and if it comes back for consideration for a second year, to not have a fee for that.

Commissioner Burnett seconded the motion.

Motion carried with a vote of 7-0-0.

19. Consider, and act upon, Ordinance 1692 for first publication to amend sections of Chapter 2 of the Code of Ordinances concerning the City Commission Districts and Mayor Selection; term to be aligned with the City Charter amendment made in 2012. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

City Clerk Hughs said an amendment to the city charter was passed by the voters in the election of March 2012 to go from seven commissioners with seven districts to six commissioners with six districts, and a mayor at-large. While the amendment was made to the city charter, Chapter 2 in the code of ordinances was not amended to align with the change. This ordinance is to clean up that language.

Mayor Pro-Tem McDonald moved to approve.
Commissioner Robinson seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

20. Consider, and act upon, Ordinance 1693 for first publication to add Chapter 11, Article 06, Section 330 concerning Obstructing, Impeding Movement, or Camping in Public Rights-of-way. (Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said there were a few incidents of people camping in public right-of-way. This is a safety issue for our citizens and people traveling on our streets. This ordinance would make it unlawful for any person to obstruct or impede movement of any persons passing along any street, sidewalk, median, crosswalk, or any other public way, including a setback area. Additionally, it would make it unlawful for any person to camp on any part of a public right-of-way, including a setback area.

Commissioner Rardin asked if staff checked what other communities are doing. City Attorney Smith said this is almost identical to what Albuquerque has because they have been having a lot of the same issues. He asked if this was to basically deal with people setting up tents on sidewalks. She said correct, we have had instances of them being in the public right-of-way. Maybe there was not a sidewalk, but it was public right-of-way and in the line of sight for traffic. Commissioner Rardin said if they are sleeping on the sidewalk instead of setting up a tent, do they have every right to use that sidewalk as anyone in this room does? City Attorney Smith said we have a definition of camping, which is the setting up of any tent, shack, or permanent or temporary structure or shelter, or preparing a sleeping bed or other bedding material for use in a public right-of-way. So, if you are actually making a bed, that would classify as camping. Commissioner Rardin said he sees violations of this almost every morning while driving down White Sands Boulevard. There are multiple areas where people sleep on the sidewalk or where there used to be park benches. I just want to make sure we won't have the ACLU come in and sue us over this. City Attorney Smith said this was one they had not been touching. There was an issue concerning getting rid of some of the encampments in Albuquerque, and it was pending litigation. There has not been any litigation concerning this, specifically with the camping. What is happening in Albuquerque is that you cannot take away people's property.

Chief Kunihiro said the ordinance would restrict the camping, but you can never block the sidewalks for people's right-of-way. Like in protesting and things of that nature, the sidewalk is for people's right-of-way to go back and forth. So, it would be unlawful at some point if you ever restricted someone's right to walk down the sidewalk. Commissioner Rardin said they have the right to use the sidewalk as well. For example, a lady stood at the corner of 9th and White Sands Boulevard. She was in the public right-of-way, and we had no authority to remove her because she was just standing there. Chief Kunihiro said if someone is hypothetically standing on the sidewalk and flying a sign, it becomes illegal once they step into the roadway. If the person flying the sign allows someone to walk by and they are not blocking, then it is perfectly legal. Mayor Payne said if they are lying on the sidewalk and you have to walk over them, they are impeding. Commissioner Rardin asked if it was still legal if they were lying where you could still pass them. Chief Kunihiro said he did not think it would fall under the definition of camping for this ordinance, but they are probably going to be called on it. The intent is just to keep them out of the public right-of-way. It is not for sleeping; that is not the normal use. Sidewalks are built for people to walk back and forth, not being stationary and setting up shop.

Commissioner Robinson moved to approve.
Commissioner Paul seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

21. Consider, and act upon, Ordinance 1694 for first publication to amend Chapter 19, Article 04, Section 010 concerning Parks Closure Hours. (Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said we are amending our current park closure hours and adding Section B to them. That section says, no person under the age of eighteen years of age, unaccompanied by an adult, shall congregate or be in any park between the hours of 8 a.m. and 4 p.m. while school is in session as outlined by the Alamogordo Public Schools calendar. Juveniles, minors under the age of eighteen, shall be issued a Criminal Trespass under New Mexico Statutes Annotated §30-14-1. Juveniles shall be referred to the Juvenile Probation Office (JPO). This section shall not apply to minors with emancipation documentation.

Commissioner Burnett asked how this would pertain to home-schooled kids. City Attorney Smith said it would still apply universally, so whether you are home-schooled or public-schooled, it all applies the same. We cannot discriminate, so we are making it the same for everyone. Commissioner Burnett said there are a lot of home-schooled kids under the age of eighteen that are old enough to be at, for instance, Kids Kingdom at these hours. I am guessing the Court has some discretion as far as the outcome of it. She said that is why it says juveniles shall be referred to the Juvenile Probation Office. JPO has a lot of discretion on whether they take the case to the courts. We issue a citation and refer them to JPO, and then JPO has discretion on how they want to handle the situation. I do not know how JPO would handle it, but if someone was a constant issue, they would probably handle that differently versus someone there one time. Mayor Payne said this was tough because there are a lot of homeschoolers. How do you distinguish that? Commissioner Burnett said he understood the premise, but are we just causing more paperwork for people unnecessarily? I agree something does need to be done because of the kids running around.

Commissioner Rardin said this stems down to Oregon and Washington Parks, mainly by the high school. Can we limit this just to that area to see how it works? I do not want to see a home-schooled kid at Kids Kingdom getting referred to JPO when they are good kids. We are punishing everybody because of the actions of a few. You see that in schools a lot, one or two kids act up, and they punish the entire class rather than deal with the ones causing problems. Can we limit this to just Washington Park and the section of Oregon from here to 1st Street? Mayor Payne said what if it is at Kids Zone? Commissioner Rardin said there are kids there without parents during the day, or the parents are sitting in the car or parking lot and not paying attention. Are they technically unsupervised? Mayor Payne said if the parents are there, then they are not unsupervised. That is the point. Commissioner Rardin said that the parents are not paying attention in the car or are on their phones in the parking lot. Mayor Payne said but they know where their kids are. This is really about kids that should be at school, parents that assume their kids are in school, and kids that are not in school, and how do you control that? Chief Kunihiro said regarding isolating it; we could potentially just be moving the problem and shifting it to another part. One suggestion I have thought about is putting language in there that discusses a warning, giving officers the discretion to either give the warning or take it one step further and refer to JPO. We are talking about fifteen to twenty students, the majority of school-age children under the age of eighteen are probably going to be in school. I do not think we are affecting a large number of students. I would not recommend doing it at one specific park because we will push the problem around. I recommend adding language to give us discretion. This currently says we do not have discretion, so if we find them in the park, we shall refer them to the JPO. Mayor Payne asked if the warning would include contacting their parents. Chief Kunihiro said yes, it is a warning for a delinquent act. So, the delinquent act or crime that the juvenile would commit is trespassing. They would be given a warning, it would be documented, and then their parent or guardian would be told. We hope they learn from the warning and do not do it again. Mayor Payne said this is a good way for the City of Alamogordo to work with those parents because they may not know. We have single moms or both parents working, and they may just assume their children are in school. The assumption is these parents do not care, and that may not be true. They may just not know. None of the home-school

families I talked to about this seem to have an issue with this. Chief Kunihiro said I would mirror the last sentence of Subsection A, the section shall not apply to those who, without delay. I would add language to B but take away the artificial lighting because this will most likely be during the day. That way, it also puts the ability if the fifteen-year-old is walking through the park to another place, they are using the paths, and that movement would not be restricted.

Commissioner Rardin asked how criminal trespass was cited on public property. Everybody has the right to use that park. I understand we are setting time and age limits. Chief Kunihiro said the City owns the property and has the right. Commissioner Rardin said the City is we the people though. Mayor Payne said we just did this for the ditches, it's the same thing. Commissioner Rardin said there was a safety issue there. There are fifteen to twenty kids creating the problem, so we are punishing everybody. That is where I have the issue. I understand the intent if they are over there fighting or with a gun. Chief Kunihiro said right now, we have zero teeth to do anything. Maybe we can figure out an appropriate way the Commission would like to write this, and we can do it where there is discretion, so not everyone is referred for criminal trespass, but more so warned. The repeat violators are punished accordingly. We had a stakeholder meeting that JPO was a part of, and they supported this type of ordinance. Mayor Payne said we have been talking about this for months, and everyone knows about it. I have not received any opposition, but I have had inquiries about how we are going to handle home-school or kids getting out early. Well, they just cannot be in the park after four. This is a rule, everybody is going to follow it.

Commissioner Warren asked if they could add that language to the motion. City Attorney Smith said it would read, no person under the age of eighteen years of age, unaccompanied by an adult, shall congregate or be in any park between the hours of 8 a.m. and 4 p.m. while school is in session as outlined by the Alamogordo Public Schools calendars. For the first offense, a juvenile shall be issued a warning. Upon a subsequent offense, the juvenile shall be issued a Criminal Trespass under New Mexico Statutes Annotated §30-14-1 and shall be referred to the to Juvenile Probation Office. This section shall not apply to minors with emancipation documentation. This section shall not apply to those who, without delay, are traveling upon those established walks, paths, and parkways.

Commissioner Robinson moved to approve with the new language the City Attorney read.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-1-0. Commissioner Rardin voted nay.

22. Consider, and act upon, Ordinance 1695, Z-2023-0008(A) for first publication, a map amendment to change the current zoning of the property located at 2405 Holly Ave from MH-1 Manufactured Housing Subdivision District to R-4 Multi-Family Dwelling District. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said the property owner is requesting to place two separate sets of duplexes, so four apartments total. The property owner, John C. Pacheco, is out of Alvin, Texas, and unable to be here this evening. However, Mr. Pacheco has multiple rental properties within Alamogordo, and he is just trying to help with the housing shortage. The legal ad was placed in the Alamogordo Daily News, and eight letters were mailed by certified return receipt to all property owners of record within two hundred feet from the property, excluding public right-of-way. As of today, there have been no letters returned undeliverable, and I have not received any letters or phone calls of opposition. The property in question was rezoned from R-1 to MH-1 back in 2002. This area was annexed back in 1959, and everything comes in R-1 Single Family Dwelling. Since then, surrounding this property, I have Light Industrial, Manufactured Housing Park, Commercial, Residential Estates, and R-4. It is a big mixture of different zoning types. Taking into consideration the shortage of housing in Alamogordo, staff recommends approval of the rezoning.

Commissioner Rardin asked what the colors on the map were. City Planner Rael said brown was C-3 Business District, blue was Residential Estates, green was R-4, light blue was R-1 Single Family Dwelling. There are more Manufactured Housing Subdivision and Light Industrial at the end of Holly. She said Mr. Pacheco had spoken to the property owners with manufactured homes on the two adjacent lots, and they did not have issues with him bringing apartments to that area. All the surrounding parcels have never been developed since it was annexed.

Commissioner Rardin asked if Mr. Pacheco had the intent of buying the rest of those and building. City Planner Rael said he had not said any intention. City Manager Holden said anything new built out there is an improvement to that area. At this point, you are only asking about the zoning issue. When and if Mr. Pacheco decides he wants to build, there will probably be issues with regard to the roadway, paving, fire hydrants, and other things like any other development. When it happens, we will have to deal with those things at the staff level. The main question is, would you allow this to be rezoned for that classification? City Planner Rael said City Manager Holden is correct, and Mr. Pacheco must comply with our Technical Standards.

Commissioner Burnett asked if there were utilities already out there. City Planner Rael said there were utilities, and Mr. Pacheco met with Utilities Director Nunnally out there about where to tie in. So, Mr. Pacheco is on top of things and doing them correctly. The problem is, he was not in the right zone.

Commissioner Paul moved to approve.

Commissioner Robinson seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

23. Appointments to Boards and Committees. (Susan L. Payne, Mayor)

Item was tabled by Mayor Payne due to computer issues.

Mayor Pro-Tem McDonald moved to adjourn at 8:56 p.m.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on January 23, 2024.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 4.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, Resolution No. 2024-08 to adopt the required Community Development Block Grant (CDBG) Annual Certifications and Commitments. (*Debbie Osborne, Grant Coordinator*) (**Roll call vote required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No additional fiscal impact.

Recommendation: Approve Resolution 2024-08.

Background:

The CDBG Grant Program administered by the New Mexico Department of Finance and Administration/ Local Government Division requires that municipalities, counties or other entities that accept CDBG funds must adopt certain required federal regulations. The purpose of this Resolution is to ensure that the City of Alamogordo complies with federal regulations by adopting the following required certifications and commitments:

Citizen Participation Plan

Fair Housing

Residential Anti-displacement and Relocation Plan

Section 3 Compliance

Procurement Compliance with Federal and New Mexico Procurement Codes

EXHIBIT 1-O-2

Fair Housing Self-Assessment

COMMUNITY OF: City of Alamogordo

1. To the best of your knowledge has your community been involved in any complaints regarding discrimination the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status or handicap?

☐ Yes ☒ No

2. If yes, give a brief description of the nature of any complaints and resolutions. N/A

☐ Yes ☐ No

3. Has your community adopted a Fair Housing Program to help local citizens be aware of their rights regarding fair housing under federal and state law, and in filing a complaint if discrimination is suspected?

☒ Yes ☐ No

4. What do you perceive as the most potentially serious problem areas regarding discrimination in fair housing in your community?

Problem Area	Severity
Color	Not a Problem
Familial Status	Not a Problem
Handicap	Not a Problem
National Origin	Not a Problem
Race	Not a Problem
Religion	Not a Problem
Sex	Not a Problem

5. Does your community contain any subsidized housing units?

☒ Yes ☐ No

6. As best as can be determined, do relevant public policies/practices regarding zoning and building codes have an adverse impact on the achievement of fair housing choice?

☐ Yes ☒ No

7. Are you aware of any practices in the local real estate community as it relates to buying, selling and house rentals that may adversely affect the achievement of fair housing choice in your community?

☐ Yes ☒ No

8. Do your community records contain data on the actual number and percentage of persons residing in the community by race, color, religion, sex, national origin, age, handicap and familial status, as well as income characteristics by group?

☒ Yes ☐ No

9. Is information available to you that list major local employers by type and the number of people employed within your community by salary and racial group?

☐ Yes ☒ No

10. Is there public transportation available in your community?

☒ Yes ☐ No

11. Do your community records contain data on the total number of housing units in the community by type, and the number of vacant units?

☒ Yes ☐ No

12. Does your community contain any housing for the handicapped such as group homes, independent living complexes, etc.?

☒ Yes ☐ No

13. Has your community participated in the CDBG program prior to 1993?

☐ Yes ☒ No

14. Has your community been involved with any other state or federal programs that required the reporting of specific fair housing information?

☒ Yes ☐ No

Signature of Authorized Official

Susan L. Payne, Mayor

Date

EXHIBIT 1-Z

CDBG FEDERAL REQUIREMENTS

CITIZEN PARTICIPATION REQUIRED ELEMENTS

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, _____ City of Alamogordo _____ has prepared and adopted this Citizen Participation Plan.

Objective A

_____ City of Alamogordo _____ will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

_____ City of Alamogordo _____ will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

_____ City of Alamogordo _____ will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

City of Alamogordo will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

City of Alamogordo will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

City of Alamogordo will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

FAIR HOUSING REQUIRED ELEMENTS

A resolution of the _____ City Commission _____ of the _____ City
of _____ Alamogordo _____, adopting a fair housing policy, making known its commitment to the
principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all
applicant for Community Development Block Grants funds certify that they shall affirmatively further
fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and
the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale,
rental, leasing and financing of housing or land to be used for the construction of housing or in the
provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or
national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American
values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and
its people;

NOW, THEREFORE, BE RESOLVED THAT the _____ City Commission _____ of the _____ City
of _____ Alamogordo _____ hereby wish all persons living, working, doing business in or traveling
through this _____ City _____ to know that: discrimination in the sale, rental, leasing, and
financing of housing or land to be used for construction of housing, or in the provision of brokerage
services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited
by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the _____ City
of _____ Alamogordo _____ to implement programs, within the constraints of its resources, to ensure equal
opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or
national origin; and within available resources the _____ City _____ of _____ Alamogordo _____ will
assist all persons who feel they have been discriminated against in housing issues on the basis of race,
color, religion, sex, handicap, familial status or national origin to seek equality under existing federal
and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S.
Department of Housing and Urban Development; and that the _____ City _____ of _____ Alamogordo _____
shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders
and others involved with housing to become aware of their respective responsibilities and rights under
the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that
the _____ City _____ of _____ Alamogordo _____ shall undertake the following actions to affirmatively
further fair housing:

(List all such actions to include: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; sponsoring schools)

List actions here

Posted on bulletin board at Alamogordo City Hall

Posted on bulletin board at Alamogordo Public Library

Posted on City of Alamogordo Government Facebook Page

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE REQUIRED ELEMENTS

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a “residential Anti-displacement and relocation assistance plan” (Plan). As a CDBG grantee, City of Alamogordo must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps City of Alamogordo will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. City of Alamogordo’s Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within City of Alamogordo to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless City of Alamogordo has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between City of Alamogordo and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before City of Alamogordo enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, City of Alamogordo must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

the State of New Mexico Department of Finance and Administration Local
Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within _____ City of Alamogordo _____. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in _____ City of Alamogordo _____ and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person,

City of Alamogordo must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within City of Alamogordo.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to City of Alamogordo for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if City of Alamogordo or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the City of Alamogordo determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. City of Alamogordo determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by _____ City of Alamogordo _____ covering the rehabilitation or demolition.

IX. Grievances

The _____ City of Alamogordo _____ will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

SECTION 3 PLAN REQUIRED ELEMENTS

The City of Alamogordo is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The City of Alamogordo has appointed Bob Johnson and Debbie Osborne as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City of Alamogordo. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the City of Alamogordo shall:

1. Hiring
 - a. Advertise for all City of Alamogordo positions in local newspapers
 - b. List all City of Alamogordo job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in the City of Alamogordo. This means that if two equally qualified persons apply and one is a resident of the City of Alamogordo and one is not, the resident will be hired
 - d. Maintain records of City of Alamogordo hiring as specified in the CDBG Resolution to Adopt CDBG Requirements (Exhibit 1-Y). Note: Chart for Section 3 Plan MUST be filled out in its entirety and updated with a CDBG grant agreement.
2. Contracting
 - a. The City of Alamogordo will compile a list of businesses, suppliers and contractors located in the City of Alamogordo.
 - b. These vendors will be contacted for bid or quotes whenever the City of Alamogordo requires supplies, services or construction.
 - c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City of Alamogordo and one from outside the City of Alamogordo, the contract will be awarded to the business located within the community.

3. Training

The City of Alamogordo shall maintain a list of all training programs operated by the City of Alamogordo and its agencies and will direct them to give preference to City of Alamogordo residents. The City of Alamogordo will also direct all CDBG sponsored training to provide preference to City of Alamogordo residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City of Alamogordo shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The City of Alamogordo will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in City of Alamogordo and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for City of Alamogordo. Information contained in our Section 3 Plan reflects the status of the City of Alamogordo employees regarding lower income considerations based on their salary paid by the City of Alamogordo.

Certification

This Federal Requirements Plan hereby incorporates all of the State of New Mexico CDBG requirements to include Citizen Participation, Fair Housing, Residential Anti-Displacement & Relocation as well as Section 3. The City of Alamogordo herewith certifies to follow the CDBG Federal Requirements Plan described above and adopt the plan by resolution once throughout the term of the CDBG grant agreement.

PASSED AND ADOPTED BY THE City Commission of the City
of Alamogordo on this 23rd day of January, 2024.

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Ashley Smith, City Attorney

Plan Adoption Date: 01/24/2024

Adoption Instrument: Resolution No. 2024-08

Certified By: _____
Susan L. Payne
Mayor

01/24/2023
Date

Copy to Local Government Division with attachments

EXHIBIT 1-Y

Grantee Name: City of Alamogordo

CDBG Project Number: 19-C-NR-I-01-G-18

RESOLUTION # 2024-08

**ADOPTION OF REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ANNUAL CERTIFICATIONS AND COMMITMENTS**

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the City of Alamogordo (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

Citizen Participation	certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)
Fair Housing	certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin
Residential Anti-Displacement & Relocation Assistance	certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity
Section 3	certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community. Attached is the Grantee Section 3 hiring information.
Procurement	certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy annually for CDBG projects

GRANTEE SECTION 3 PLAN CHART

- Chart for Section 3 Plan **MUST** be filled out for job classifications that result from this CDBG funding. If this project will not create jobs, this chart will not be applicable. Attach additional job classifications as necessary.

City of Alamogordo		ANTICIPATED/ACTUAL HIRES		2023	HIRING YEAR
PLANNED			ACTUAL		
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City of Alamogordo Residents	# of Positions Filled	Positions Filled by Lower Income City of Alamogordo Residents	
City of Alamogordo					
	NOT APPLICABLE				

NOW, THEREFORE, BE IT RESOLVED, that the Grantee adopts the above CDBG certifications and commitments that must be adopted annually.

PASSED, APPROVED, SIGNED, AND ADOPTED at a duly called and convened regular meeting of the governing body of the City of Alamogordo this 23rd day of January, 2024.

SIGNED: _____

Susan L. Payne, Mayor
Chief Elected Official

ATTEST:

Rachel Hughs, City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 5.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, the approval of Resolution No. 2024-09 authorizing and approving the submission of a completed Drinking Water State Revolving Fund Loan application for financial assistance and project approval to the New Mexico Finance Authority. *(Debbie Osborne, Grant Coordinator)* **(Roll Call Vote Required)**

Fiscal Impact: \$400,000

Amount Budgeted: \$0.00

Fund: 081

Additional Fiscal Impact: A loan/grant in the amount of \$400,000. Fiscal impact to be determined.

Recommendation: Approve Resolution No. 2024-09

Background: In November, 2023, the City submitted an application to the New Mexico Environment Department to qualify for a Drinking Water State Revolving Fund loan to complete a lead service line survey, plan, and design as required by the updated LCRR. A survey of the current system will be conducted by researching ordinances, GIS data, maps and perform field surveys. The City requested funding in the amount of \$400,000.00. This project is in response to the Lead & Copper Rule Revision and is required to meet the October, 2024, compliance deadline. Subsequently, the application was approved and the Alamogordo Domestic Water System project is on the SFY 2024 DWSRF December BIL Lead Replacement Priority Fundable Priority List. The project was reviewed and ranked by NMED DWB's priority ranking criteria as #7. The SFY 2024 DWSRF December BIL Lead Replacement Fundable Priority List and the ranking system can be viewed here: https://www.env.nm.gov/drinking_water/infrastructure-projects-and-funding/.

Based on the initial review, the project was identified for a below market interest rate of .01% (.25% fee) and 60% principal forgiveness (based on availability) These terms are subject to change based on a full financial review by NMFA staff. Principal forgiveness and loan terms are not final until NMFA Board approval.

Authorizing Resolution

RESOLUTION NO. 2024-09

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY

WHEREAS, the City of Alamogordo (“Borrower”) is a qualified entity under the Drinking Water State Revolving Loan Act, Sections 6-21A-1 et seq., NMSA 1978 (“Act”), and the City Commission (“Governing Body”) is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Borrower and the public; and

WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a program for financing of projects from the Drinking Water State Revolving Loan Fund created under the Act, and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Authority for drinking water projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and development of a lead service line survey, plan, and design as required by the updated LCRR. A survey of the current system will be conducted by researching ordinances, GIS data, maps and perform field surveys (“Project”) for the benefit of the Borrower and its citizens (or members as applicable); and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO:

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be hereby ratified, approved, and confirmed.

Section 2. That the completed Application submitted to the Governing Body be hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 23rd day of January, 2024.

GOVERNING BODY OF THE
CITY OF ALAMOGORDO
A New Mexico Municipal Corporation

By _____

Susan L. Payne, Mayor

(Seal)

ATTEST:

Rachel Hughs
City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/17/2024

Report No: 6.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-10, declaring 1403 Incredible Ct. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background: 1403 Incredible Ct. is so ruined and dilapidated that it is currently a risk to public health and safety.

City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

January 16, 2024

RE: 1403 Incredible Ct., Alamogordo, New Mexico

To whom it may concern:

On January 5, 2024, the City of Alamogordo Code Enforcement Department conducted a safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code and International Residential Code, were discovered and are listed below:

International Property Maintenance Code:

109.1 Unsafe conditions.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

109.1.1 Unsafe structures.

An unsafe structure is one that is found to be hazardous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is dangerous.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

109.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

109.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

109.1.5 Hazardous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.4 Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Window, skylight, and door frames.

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

305.1 General.

The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

305.3 Interior surfaces.

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.

10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

703.2 Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components

or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 114.2 of the International Fire Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

703.3.3 Fire walls, fire barriers, and fire partitions.

Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit.

Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

International Residential Code:

R314.3 Location.

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches (610 mm) or more.

R314.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

R314.5 Combination alarms.

Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms.

R314.6 Power source.

Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

R315.3 Location.

Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuelburning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

R315.4 Combination alarms. Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

R315.5 Interconnectivity.

Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

R315.6 Power source.

Carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Carbon monoxide alarms installed in accordance with Section R315.2.2 shall be permitted to be battery powered.

E3902.1 Bathroom receptacles.

125-volt through 250-volt receptacles installed in bathrooms and supplied by singlephase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.6 Kitchen receptacles.

125-volt through 250-volt receptacles that serve countertop surfaces and are supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.7 Sink receptacles.

125-volt through 250-volt receptacles that are located within 6 feet (1829 mm) of the top inside edge of the bowl of the sink and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.9 Laundry areas.

125-volt through 250-volt receptacles installed in laundry areas and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.10 Indoor damp and wet locations.

125-volt through 250-volt receptacles installed in indoor damp and wet locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.19 Location of arc-fault circuit interrupters.

Arc-fault circuit interrupters shall be installed in readily accessible locations.

E3902.20 Arc-fault circuit interrupter protection.

Branch circuits that supply 120-volt, single-phase, 15- and 20- ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following:

1. A listed combination-type arc-fault circuit interrupter, installed to provide protection of the entire branch circuit.
2. A listed branch-feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - 3.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 3.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
 - 3.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
4. A listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
 - 4.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

4.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.

4.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.

4.4. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

5. Where metal raceways, metal wireways, metal auxiliary gutters or Type MC or Type AC cable meeting the applicable requirements of Section E3908.9 with metal boxes, metal conduit bodies and metal enclosures are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit. [210.12(A)(5)]

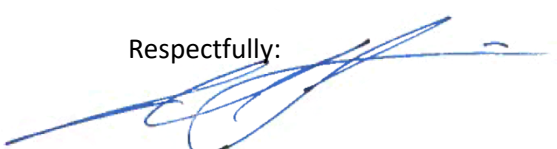
6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches (50.8 mm) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.

Exception: AFCI protection shall not be required for an individual branch circuit supplying a fire alarm system where the branch circuit is installed in a metal raceway, metal auxiliary gutter, steel-armored cable, Type MC or Type AC, meeting the requirements of Section E3908.9, with metal boxes, conduit bodies and enclosures.

In Closing:

This structure is a total loss due to the fire damage. It is unsafe for occupancy and a danger of collapse. The structure is an attractive nuisance to allow criminal activity within.

Respectfully:



Josh Sides/Code Enforcement Manager
Property Maintenance and Housing Inspector (Certification #10314331)
Zoning Inspector (Certification # 10314331)
ICC/AACE Code Enforcement Officer (Certification #10314331)

RESOLUTION NO. 2024-10

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 1403 INCREDIBLE COURT ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 1403 Incredible Ct. Avenue, as more particularly described on the attached Exhibit 1, 2, and 3 (the “Property”); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 4, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Ms. Helen Gonzales, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this ____ day of _____ 2024.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

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Exhibit "1"

Account: M012754

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Location	Owner Information	Assessment History			
Account Number M012754	Owner Name GONZALES, HELEN	Actual (2023)	\$12,506		
Situs Address 1403 INCREDIBLE CT	Owner Address 1403 INCREDIBLE CT	Primary Taxable	\$4,169		
PTD Number 05619	ALAMOGORDO, NM 88310	Exemption Adjustments:			
Parcel ID		Head of Household	(\$2,000)		
Neighborhood A20C - Paradise Park		Adjusted Taxable	\$2,169		
Tax Area 01_R		Total			
Parcel Number 01N4056095097507		Tax Area: 01_R Mill Levy: 25.844000			
Legal Summary Subd: PARADISE PARK #3 Lot:		Type	Actual	Assessed	SQFT
18 MBL HOME TITLE: MHB3394 SERIAL:		Mobile			
COSTXSO21891 YEAR: 1981 MAKE:		Home	\$12,506	\$4,169	624.000
TRAILWAY SIZE: 12 X 52		(Residential)			
Appraiser Other					
Transfers					

No Transfer Documents

Tax History		Images			
Tax Year	Taxes				
*2024	\$107.76	Map Focusing On: 1403 INCREDIBLE CT ALAMOGORDO 88310			
2023	\$107.76				

* Estimated



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Account: M013975

[<-Prev](#) 2 of 3 Results [Next->](#)

Location	Owner Information	Assessment History												
Account Number MD13975 Situs Address 1403 INCREDIBLE CT PTD Number 08226 Parcel ID Neighborhood A20C - Paradise Park Tax Area 01_R Parcel Number 01N4056095097507 Legal Summary Subd: PARADISE PARK #3 Lot: 18 MBL HOME TITLE: MHH1311 SERIAL: C2411 YEAR: 1976 MAKE: CENTURION SIZE: 14 X 64 Appraiser Other Transfers	Owner Name GONZALES, HELEN Owner Address 1403 INCREDIBLE CT ALAMOGORDO, NM 88310	Actual (2023 - Residential Cap applied) \$5,944 Primary Taxable \$1,981 Tax Area: 01_R Mill Levy: 25.844000 <table><tr><th>Type</th><th>Actual</th><th>Assessed</th><th>SQFT</th></tr><tr><td>Mobile</td><td></td><td></td><td></td></tr><tr><td>Home (Residential)</td><td>\$5,944</td><td>\$1,981</td><td>896.000</td></tr></table>	Type	Actual	Assessed	SQFT	Mobile				Home (Residential)	\$5,944	\$1,981	896.000
Type	Actual	Assessed	SQFT											
Mobile														
Home (Residential)	\$5,944	\$1,981	896.000											

No Transfer Documents

Tax History	Images	
Tax Year	Taxes	
*2024	\$51.20	• Map
2023	\$51.20	Focusing On: 1403 INCREDIBLE CT ALAMOGORDO 88310

* Estimated



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Exhibit "3"

Account: R019367

<-Prev 3 of 3 Results

Location

Account Number R019367

Situs Address 1403 INCREDIBLE CT

Previous Parcel ID 01-10601

Parcel Sequence

Neighborhood A20C - Paradise Park

Tax Area 01_R

Parcel Number 01N4056095097507

Legal Summary Subd: PARADISE PARK #3 Lot: 18

Appraiser STEVE BOYLE

Owner Information

Owner Name GONZALES, HELEN

Owner Address 1403 INCREDIBLE CT
ALAMOGORDO, NM 88310

Assessment History

Actual (2023) \$18,846

Primary Taxable \$6,282

Tax Area: 01_R **Mill Levy:**
25.844000

Type	Actual	Assessed	Acres
Residential Land	\$18,846	\$6,282	0.099

Transfers

Sale Date

Sale Price

Doc Description

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

Tax History

Images

Tax Year

Taxes

*2024

\$162.36

2023

\$162.36

- [Map](#)
- [Photo](#)
- [GIS](#)

* Estimated

Focusing On: 1403 INCREDIBLE CT ALAMOGORDO 88310



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City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

January 16, 2024

RE: 1403 Incredible Ct., Alamogordo, New Mexico

To whom it may concern:

On January 5, 2024, the City of Alamogordo Code Enforcement Department conducted a safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code and International Residential Code, were discovered and are listed below:

International Property Maintenance Code:

109.1 Unsafe conditions.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

109.1.1 Unsafe structures.

An unsafe structure is one that is found to be hazardous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is dangerous.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

109.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

109.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

109.1.5 Hazardous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.4 Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Window, skylight, and door frames.

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

305.1 General.

The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the International Existing Building Code, the International Residential Code or the International Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

305.3 Interior surfaces.

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.

10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

703.2 Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components

or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 114.2 of the International Fire Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

703.3.3 Fire walls, fire barriers, and fire partitions.

Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit.

Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

International Residential Code:

R314.3 Location.

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches (610 mm) or more.

R314.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

R314.5 Combination alarms.

Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms.

R314.6 Power source.

Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

R315.3 Location.

Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuelburning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

R315.4 Combination alarms. Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

R315.5 Interconnectivity.

Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

R315.6 Power source.

Carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Carbon monoxide alarms installed in accordance with Section R315.2.2 shall be permitted to be battery powered.

E3902.1 Bathroom receptacles.

125-volt through 250-volt receptacles installed in bathrooms and supplied by singlephase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.6 Kitchen receptacles.

125-volt through 250-volt receptacles that serve countertop surfaces and are supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.7 Sink receptacles.

125-volt through 250-volt receptacles that are located within 6 feet (1829 mm) of the top inside edge of the bowl of the sink and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.9 Laundry areas.

125-volt through 250-volt receptacles installed in laundry areas and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.10 Indoor damp and wet locations.

125-volt through 250-volt receptacles installed in indoor damp and wet locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.19 Location of arc-fault circuit interrupters.

Arc-fault circuit interrupters shall be installed in readily accessible locations.

E3902.20 Arc-fault circuit interrupter protection.

Branch circuits that supply 120-volt, single-phase, 15- and 20- ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following:

1. A listed combination-type arc-fault circuit interrupter, installed to provide protection of the entire branch circuit.
2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - 3.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 3.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
 - 3.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
4. A listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
 - 4.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

4.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.

4.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.

4.4. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

5. Where metal raceways, metal wireways, metal auxiliary gutters or Type MC or Type AC cable meeting the applicable requirements of Section E3908.9 with metal boxes, metal conduit bodies and metal enclosures are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit. [210.12(A)(5)]

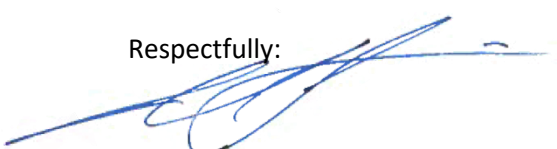
6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches (50.8 mm) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.

Exception: AFCI protection shall not be required for an individual branch circuit supplying a fire alarm system where the branch circuit is installed in a metal raceway, metal auxiliary gutter, steel-armored cable, Type MC or Type AC, meeting the requirements of Section E3908.9, with metal boxes, conduit bodies and enclosures.

In Closing:

This structure is a total loss due to the fire damage. It is unsafe for occupancy and a danger of collapse. The structure is an attractive nuisance to allow criminal activity within.

Respectfully:



Josh Sides/Code Enforcement Manager
Property Maintenance and Housing Inspector (Certification #10314331)
Zoning Inspector (Certification # 10314331)
ICC/AACE Code Enforcement Officer (Certification #10314331)

Dilapidated Structure

1403 Incredible Ct.



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

1403 Incredible Ct.

- On 01/04/2024, the Code Enforcement Department was made aware of a potentially dilapidated structure due to a structure fire and conducted an investigation.
- On 01/05/2024, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 01/05/2024, the Administrative Search Warrant was executed on the property.

Code Violations

1403 Incredible Ct.

- There are a total of 56 total violations of the International Property Maintenance Code and the International Residential Code.
 - 42 violations of the International Property Maintenance Code.
 - 14 violations of the International Residential Code.

Condition of the Property at 1403 Incredible Ct.



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Questions

Josh Sides

Code Enforcement Manager

ICC/AACE Certified Code Enforcement Officer



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 7.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-11, declaring 2204 Walker Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background: 2204 Walker Ave. is so ruined and dilapidated that it is currently a risk to public health and safety.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



DATE: 11/2/2023

NAME: La Dona Kipler

ADDRESS: 2204 S. Walker Ave.

CITY/State: Alamogordo, NM 88310

Re: 2204 S. Walker Ave., Alamogordo, New Mexico 88310

Legal Description: Subd: COLLINS RESUB OF TRACT 9 Lot: 3

To Whom It May Concern,

An inspection of your property at 2204 S. Walker Avenue on 08/22/2023 was performed as a part of an investigation by the City of Alamogordo's Code Enforcement Department. The inspection showed the following violation(s) of the Code of Ordinances of the City of Alamogordo and the International Property Maintenance Code:

Violation Description

8-03-080 International Property Maintenance Code adopted.

(a) With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.

111.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

111.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

111.1.5 Dangerous structure or premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.



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3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.
6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or *structure* for committing a nuisance or an unlawful act.
8. Any building or *structure* has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

111.2 Closing of vacant structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not



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occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **six (6) inches in height, width, or spread**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.



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7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.4 Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.



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304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

305.1 General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.



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306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*.
 - 2.2. *Ultimate deformation*.
 - 2.3. Fractures.
 - 2.4. Fissures.
 - 2.5. Spalling.
 - 2.6. Exposed reinforcement.
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*.
 - 3.2. Corrosion.
 - 3.3. Elastic deformation.
 - 3.4. *Ultimate deformation*.
 - 3.5. Stress or strain cracks.
 - 3.6. Joint fatigue.
 - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*.
 - 4.2. *Ultimate deformation*.
 - 4.3. Fractures in masonry or mortar joints.
 - 4.4. Fissures in masonry or mortar joints.
 - 4.5. Spalling.
 - 4.6. Exposed reinforcement.
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*.
 - 5.2. Elastic deformation.
 - 5.3. *Ultimate deformation*.
 - 5.4. Metal fatigue.
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation.



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- 6.2. Deterioration.
- 6.3. Damage from insects, rodents and other vermin.
- 6.4. Fire damage beyond charring.
- 6.5. Significant splits and checks.
- 6.6. Horizontal shear cracks.
- 6.7. Vertical shear cracks.
- 6.8. Inadequate support.
- 6.9. *Detached*, dislodged or failing connections.
- 6.10. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an *approved* method.
- 2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

Corrective Action Needed to be Taken

- **111.1.1 Unsafe structures.**
 - By correcting the listed violations below, this violation will be satisfied.
- **111.1.3 Structure unfit for human occupancy.**
 - By correcting the listed violations below, this violation will be satisfied.



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- **111.1.5 Dangerous structure or premises.**
 - By correcting the listed violations below, this violation will be satisfied.
- **111.2 Closing of vacant structures.**
 - Boarding the windows and doors so the structure is not an attractive nuisance will satisfy this violation.
- **301.2 Responsibility.**
 - By correcting the violations referenced pertaining to the exterior of the property, this violation will be satisfied.
- **301.3 Vacant structures and land.**
 - Cleaning and maintaining the exterior of the property in a clean, safe, and sanitary condition will satisfy this violation.
- **302.1 Sanitation.**
 - Cleaning and maintaining the exterior of the property in a clean, safe, and sanitary condition will satisfy this violation.
- **302.4 Weeds.**
 - Cutting and maintaining the weeds on the property to a height, width, or spread of six (6) inches or less will satisfy this violation.
- **302.7 Accessory structures.**
 - Repairing the chain linked fencing will satisfy this violation.
- **304.1 General.**
 - Correcting the listed violations pertaining to the exterior of the property will satisfy this violation.
- **304.1.1 Unsafe conditions.**
 - Repairing the siding of the structures where damage has occurred due to fire and repairing the roofs of the structure will satisfy this violation.
- **304.2 Protective treatment.**
 - Painting or adding a protective treatment to the exterior walls of the structures will satisfy this violation.
- **304.4 Structural members.**
 - Repairing the damage that has occurred due to fire of the exterior walls will satisfy this violation.



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- **304.6 Exterior walls.**
 - Repairing the damage that has occurred due to fire of the exterior walls will satisfy this violation.
- **304.7 Roofs and drainage.**
 - Repairing the roof and roofing components will satisfy this violation.
- **304.9 Overhang extensions.**
 - Repairing the overhand extension over the front door of the residence will satisfy this violation.
- **304.13 Window, skylight, and door frames.**
 - Repairing the windows and doorframes so they are weather-tight and do not admit elements such as rain will satisfy this violation.
- **305.1 General.**
 - By correcting the violations pertaining to the interior of the structure, this violation will be satisfied.
- **305.1.1 Unsafe conditions.**
 - Repairing all fire, smoke, and water damage to the interior of the residence will satisfy this violation.
- **305.2 Structural members.**
 - Repairing the fire, smoke, and water damage to the interior walls of the residence will satisfy this violation.
- **306.1.1 Unsafe conditions.**
 - Repairing or replacing all of the wood that was subject to fire damage beyond charring will satisfy this violation.
- **308.1 Accumulation of rubbish or garbage.**
 - Please remove or have removed the rubbish in the yard of the property.
- **308.2 Disposal of rubbish.**
 - Please dispose of all rubbish removed from the property at the Convenience Center located at 224 LaVelle Rd.
- **604.3.2 Abatement of electrical hazards associated with fire exposure.**
 - Please have a certified electrician replace all electrical equipment and systems that were exposed to fire damage.
- **604.3.2.1 Electrical equipment.**
 - Please have a certified electrician replace all electrical equipment that was exposed to fire damage.



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- **703.3.3 Fire walls, fire barriers, and fire partitions.**
 - Please install or replace the skirting (fire barrier) around the exterior of the mobile home to include the tongue if still attached.

As the property owner, you will have thirty (30) days from the date of this letter to correct all the above-listed violations or contact me about your property and to obtain consent from you to enter the property to further my inspection of the violations of the property.

After thirty (30) days, a resolution to declare the property unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will be taken in front of the City of Alamogordo Commission, and the City of Alamogordo will seek the abatement of the property pursuant to City of Alamogordo Code of Ordinances 8-03-160.

If you would like to appeal this letter, you may do so within fifteen (15) days of receiving this letter. You may go to City Hall at 1376 E. 9th St., Alamogordo, NM 88310, to file your appeal and pay your one hundred dollars (\$100) filing fee as per Section 29-08-050 of the Alamogordo Code of Ordinances. The application for appeal must be filed within a reasonable time after the day this notice is served upon you.

The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please reach out to me with any questions you may have.

Sincerely,

Josh Sides
Code Enforcement Manager
2010 Oregon Ave.
Alamogordo, NM 88310
(575)439-4375- Office
(575)921-2855- Cell
jsides@ci.alamogordo.nm.us

RESOLUTION NO. 2024-11

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 2204 S. WALKER AVENUE ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 2204 S. Walker Avenue, as more particularly described on the attached Exhibit 1 and 2 (the “Property”); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 3, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Ms. La Donna S. Kipler, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this ____ day of _____ 2024.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

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Exhibit "1"

Account: M012412

1 of 2 Results [Next->](#)

Location	Owner Information	Assessment History												
Account Number MD12412 Situs Address 2204 S WALKER AVE PTD Number 04898 Parcel ID Neighborhood A24 - Airport Area Tax Area 01_R Parcel Number 01N4053097527455 Legal Summary Subd: COLLINS RESUB OF TRACT 9 Lot: 3 MBL HOME TITLE: 18975MHB SERIAL: 377460S29282 YEAR: 1977 MAKE: MELODY SIZE: 14 X 60 Appraiser Other Transfers	Owner Name KIPLER, LA DONNA S Owner Address 2204 S WALKER AVE ALAMOGORDO, NM 88310	Actual (2023 - Residential Cap applied) \$8,131 Primary Taxable \$2,710 Tax Area: 01_R Mill Levy: 25.844000 <table><tr><th>Type</th><th>Actual</th><th>Assessed</th><th>SQFT</th></tr><tr><td>Mobile</td><td></td><td></td><td></td></tr><tr><td>Home (Residential)</td><td>\$8,131</td><td>\$2,710</td><td>840.000</td></tr></table>	Type	Actual	Assessed	SQFT	Mobile				Home (Residential)	\$8,131	\$2,710	840.000
Type	Actual	Assessed	SQFT											
Mobile														
Home (Residential)	\$8,131	\$2,710	840.000											

No Transfer Documents		
Tax History	Images	
Tax Year	Taxes	
	2023	\$70.04
	2022	\$68.52

- [Map](#)

Focusing On: 2204 S WALKER AVE ALAMOGORDO 88310



Oops! Something went wrong.

This page didn't load Google Maps correctly. See the JavaScript console for technical details.

- Exhibit "2"

[<-Prev](#) **2 of 2 Results**

[illegible]

City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

December 21, 2023

RE: 2204 S. Walker Ave., Alamogordo, New Mexico

To whom it may concern:

On December 8, 2023, the City of Alamogordo Code Enforcement Department conducted a safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code and International Residential Code, were discovered and are listed below:

International Property Maintenance Code:

111.1 Unsafe conditions.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

111.1.1 Unsafe structures.

An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

111.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

111.1.3 Structure unfit for human occupancy.

A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

111.1.5 Dangerous structure or premises.

For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.
6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or *structure* for committing a nuisance or an unlawful act.
8. Any building or *structure* has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and

that do not comply with the requirements of this chapter. *Occupants of a dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* they occupy and control.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with

connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.4 Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Window, skylight, and door frames.

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

305.1 General.

The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.

5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.3 Interior surfaces.

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

703.2 Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 114.2 of the International Fire Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

703.3.3 Fire walls, fire barriers, and fire partitions.

Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm)

horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit.

Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the

structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

International Residential Code:

R314.3 Location.

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches (610 mm) or more.

R314.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

R314.5 Combination alarms.

Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms.

R314.6 Power source.

Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

R315.3 Location.

Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuelburning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

R315.4 Combination alarms. Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

R315.5 Interconnectivity.

Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

R315.6 Power source.

Carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Carbon monoxide alarms installed in accordance with Section R315.2.2 shall be permitted to be battery powered.

E3902.1 Bathroom receptacles.

125-volt through 250-volt receptacles installed in bathrooms and supplied by singlephase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.6 Kitchen receptacles.

125-volt through 250-volt receptacles that serve countertop surfaces and are supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.7 Sink receptacles.

125-volt through 250-volt receptacles that are located within 6 feet (1829 mm) of the top inside edge of the bowl of the sink and supplied by singlephase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.9 Laundry areas.

125-volt through 250-volt receptacles installed in laundry areas and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.10 Indoor damp and wet locations.

125-volt through 250-volt receptacles installed in indoor damp and wet locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.19 Location of arc-fault circuit interrupters.

Arcfault circuit interrupters shall be installed in readily accessible locations.

E3902.20 Arc-fault circuit interrupter protection.

Branch circuits that supply 120-volt, single-phase, 15- and 20- ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following:

1. A listed combination-type arc-fault circuit interrupter, installed to provide protection of the entire branch circuit.
2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arcfault circuit-interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - 3.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

- 3.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
- 3.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
4. A listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
- 4.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 4.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
 - 4.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
 - 4.4. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.
5. Where metal raceways, metal wireways, metal auxiliary gutters or Type MC or Type AC cable meeting the applicable requirements of Section E3908.9 with metal boxes, metal conduit bodies and metal enclosures are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit. [210.12(A)(5)]
6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches (50.8 mm) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.
- Exception:** AFCI protection shall not be required for an individual branch circuit supplying a fire alarm system where the branch circuit is installed in a metal raceway, metal auxiliary gutter, steel-armored cable, Type MC or Type AC, meeting the requirements of Section E3908.9, with metal boxes, conduit bodies and enclosures.

Exterior:

- 1) There was a fire within this residence that completely destroyed the western part.
- 2) Due to the fire, there are no exterior or interior walls on the west side or southwest corner.
- 3) The exterior of the property is full of rubbish and garbage.
- 4) The overhang extension for the front porch is damaged from the fire.

Interior:

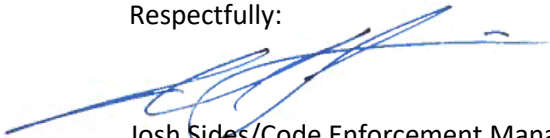
- 1) The flooring in the west room is heavily damaged and does not allow for occupancy in this part of the residence.

- 2) There are no GFCI or AFCI outlets installed where required.
- 3) There are no smoke detectors, carbon monoxide detectors, or combination detectors within the residence as required.
- 4) There is heavy smoke and fire damage to all aspects of the residence in every room, including walls, electrical, mechanical, appliances, flooring, and ceilings.
- 5) None of the fire rated materials used for construction have been fixed or maintained to prevent rapid spread in case of another fire.

In Closing:

This structure is a total loss due to the fire damage. It is unsafe for occupancy and a danger of collapse. The structure is an attractive nuisance to allow criminal activity within because there is no way to secure the structure.

Respectfully:



Josh Sides/Code Enforcement Manager
Property Maintenance and Housing Inspector (Certification #10314331)
Zoning Inspector (Certification # 10314331)
ICC/AACE Code Enforcement Officer (Certification #10314331)

Dilapidated Structure

2204 S. Walker Ave.



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

2204 S. Walker Ave.

- On 08/22/2023, the Code Enforcement Department was made aware of a potentially dilapidated structure and conducted an investigation.
- On 11/02/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing violations of IPMC and how to correct them, as well as my contact information.
- On 11/24/2023, the certified IPMC letter was returned unclaimed and was posted on the property.
- On 12/07/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 12/08/2023, the Administrative Search Warrant was executed on the property.

Code Violations

2204 S. Walker Ave.

- There are a total of 55 total violations of the International Property Maintenance Code and the International Residential Code.
 - 41 violations of the International Property Maintenance Code.
 - 14 violations of the International Residential Code.

Condition of the Property at 2204 S. Walker Ave.



Condition of the Property at 2204 S. Walker Ave.



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Condition of the Property at 2204 S. Walker Ave.



Questions

Josh Sides

Code Enforcement Manager

ICC/AACE Certified Code Enforcement Officer



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 8.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-12, declaring 136 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

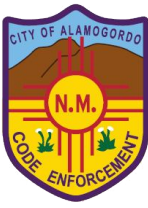
Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background: 136 Delaware Ave. is so ruined and dilapidated that it is currently a risk to public health and safety.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



DATE: June 28, 2023

NAME: Doroteo or Maria Sida
ADDRESS: 136 Delaware Ave.
CITY/State: Alamogordo, NM 88310

Re: 136 Delaware Ave.
Legal Description: Subd: CHIHUAHUA ADDITION Lot: 8, 9, 10 Block: G

Dear Mr. and Mrs. Sida,

An inspection of your property at 136 Delaware Ave. on 06/28/2023 was performed as a part of an investigation of a complaint received by the City of Alamogordo. The inspection showed the following violation(s) of the Code of Ordinances of the City of Alamogordo:

Violation Description

Section 8-03-080 Generally--International Property Maintenance Code adopted.

(a) With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.

Violation Text

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

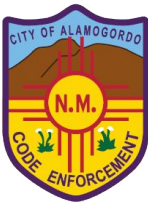
301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies, and similar structural elements must safely perform their intended functions.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.4 Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

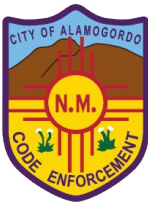
304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.13 Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

Corrective Action Needed to be Taken

- **301.3 Vacant structures and land-** Please repair or have repaired any problems with the property that make it unclean, unsafe, unsecured, or unsanitary.
- **302.9 Defacement of property-** Please remove or have removed or covered up all graffiti in the building.
- **304.1 General-** Please repair or have repaired any cracks in the walls so they are structurally sound and sanitary so as not to threaten public health, safety, or welfare.
- **304.2 Protective treatment-** Please repair or have repaired all exterior surfaces in good condition and weather resistant with paint or sealant.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



- **304.4 Structural members-** Please repair or have repaired exterior walls (structural members) so they can support dead and live loads on them.
- **304.6 Exterior walls-** Please repair or have repaired exterior walls so they are free from cracks, holes, or any other deterioration and are weatherproofed.
- **304.7 Roofs and drainage-** Please repair or have repaired the roof of the building to include flashing so it is sound, tight, and free of defects that allow rainwater in.
- **304.13 Window, skylight, and door frames-** Please repair or have repaired all doors and windows to good condition, good repair, and weather tight.

As the property owner, you will have thirty (30) days from the date of this letter to correct all the above-listed violations. After thirty (30) days, a resolution to declare the property unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will be taken in front of the City of Alamogordo Commission, and the City of Alamogordo will seek the abatement of the property pursuant to City of Alamogordo Code of Ordinances 8-03-160.

If you would like to appeal this letter, you may do so within fifteen (15) days of receiving this letter. You may go to City Hall at 1376 E. 9th St., Alamogordo, NM 88310, to file your appeal and pay your one hundred dollars (\$100) filing fee as per Section 29-08-050 of the Alamogordo Code of Ordinances. The application for appeal must be filed within a reasonable time after the day this notice is served upon you.

The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please reach out to me with any questions you may have.

Sincerely,

Josh Sides
Code Enforcement Manager
2010 Oregon Ave.
Alamogordo, NM 88310
(575)439-4375- Office
(575)921-2855- Cell
jsides@ci.alamogordo.nm.us

RESOLUTION NO. 2024-12

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 136 DELAWARE AVENUE ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 136 Delaware Avenue, as more particularly described on the attached Exhibit 1 (the “Property”); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Mr. Doroteo T. & Maria O. Sida, the record owners of the Property, are hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this ____ day of _____ 2024.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

- [Account Search](#)
- [My Reports](#)
- [Help](#)
- [Logout Public](#)

Exhibit "1"

Account: R013206

Location

Account Number R013206
Situs Address 136 DELAWARE AVE
Previous Parcel ID 01-03627
Parcel Sequence
Neighborhood A1 - South Central Alamogordo
Tax Area 01_R
Parcel Number 01N4055094162477
Legal Summary Subd: CHIHUAHUA
 ADDITION Lot: 8, 9, 10 Block: G
Appraiser Other

Owner Information

Owner Name SIDA, DOROTEO T & MARIA
 O
Owner Address 136 DELAWARE AVE
 ALAMOGORDO, NM 88310

Assessment History

Actual (2023) \$34,336
Primary Taxable \$11,445
Exemption Adjustments:
 Head of Household (\$2,000)
 Veteran (\$4,000)
Adjusted Taxable Total \$5,445

Tax Area: 01_NR **Mill Levy:** 33.156000

Type	Actual	Assessed	Acres	SQFT
Non-Residential Land	\$4,248	\$1,416	0.220	
Non-Residential Improvement	\$1,495	\$498		2044.000

Tax Area: 01_R **Mill Levy:** 25.844000

Type	Actual	Assessed	Acres	SQFT
Residential Land	\$2,124	\$708	0.110	
Residential Improvement	\$26,469	\$8,823		1145.000

Transfers

Sale Date

Sale Price

Doc Description

[Personal Representatives Deed](#)

[Transfer on Death Deed](#)

Tax History

Images

Tax Year	Taxes
*2024	\$309.80
2023	\$309.80

- [Map](#)
- [Photo](#)
- [Sketch](#)
- [GIS](#)

* Estimated

Focusing On: 136 DELAWARE AVE ALAMOGORDO 88310



Oops! Something went wrong.

This page didn't load Google Maps correctly. See the JavaScript console for technical details.



Exhibit "2"

Case #: 202300220

Case Date: 02/02/23

Address Number: 136

Street Name: DELAWARE AVE

Complainant Phone:

Description: dilapidated building

Complainant Address:

Complainant Name:

Reinspection: 02/18/2023

Compliance Inspection :

Property Owners : SIDA, DOROTEO T & MARIA O

Court case number:

DOB:

ID #:

Court Date:

Status: IPMC

Assigned To: JEREMY OTERO

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094162477	136 DELAWARE AVE, ALAMOGORDO, 88310	Subd: CHIHUAHUA ADDITION Lot: 8, 9, 10 Block: G	SIDA, DOROTEO T & MARIA O		

Uploaded Files

Date	File Name
------	-----------

02/02/2023	14218865-136 Delaware-21-00029.docx
02/02/2023	14218659-IMG_4124.JPG
02/02/2023	14218660-IMG_4125.JPG
02/02/2023	14218661-IMG_4126.JPG
02/02/2023	14218662-IMG_4127.JPG
02/02/2023	14218650-IMG_4115.JPG
02/02/2023	14218651-IMG_4116.JPG
02/02/2023	14218652-IMG_4117.JPG
02/02/2023	14218653-IMG_4118.JPG
02/02/2023	14218654-IMG_4119.JPG
02/02/2023	14218655-IMG_4120.JPG
02/02/2023	14218656-IMG_4121.JPG
02/02/2023	14218657-IMG_4122.JPG
02/02/2023	14218658-IMG_4123.JPG
02/02/2023	14218642-IMG_4107.JPG
02/02/2023	14218643-IMG_4108.JPG
02/02/2023	14218644-IMG_4109.JPG
02/02/2023	14218645-IMG_4110.JPG
02/02/2023	14218646-IMG_4111.JPG
02/02/2023	14218647-IMG_4112.JPG
02/02/2023	14218648-IMG_4113.JPG
02/02/2023	14218649-IMG_4114.JPG

Dilapidated Structure

136 Delaware Ave.



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

136 Delaware Ave.

- On 06/28/2023, the Code Enforcement Department was made aware of a potentially dilapidated structure and conducted an investigation.
- On 06/28/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing violations of IPMC and how to correct them, as well as my contact information.
- On 12/07/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 12/11/2023, the Administrative Search Warrant was executed on the property.

Code Violations

136 Delaware Ave.

- There are a total of 54 total violations of the International Property Maintenance Code and the International Residential Code.
 - 44 violations of the International Property Maintenance Code.
 - 10 violations of the International Residential Code.

Condition of the Property at 136 Delaware Ave.



Condition of the Property at 136 Delaware Ave.



Condition of the Property at 136 Delaware Ave.



Condition of the Property at 136 Delaware Ave.



Condition of the Property at 136 Delaware Ave.



Questions

Josh Sides

Code Enforcement Manager

ICC/AACE Certified Code Enforcement Officer



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 9.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-13, declaring 613 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

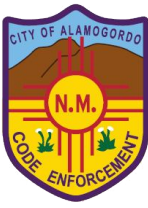
Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background: 613 Delaware Ave. is so ruined and dilapidated that it is currently a risk to public health and safety.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



DATE: June 28, 2023

NAME: Edward Summers

ADDRESS: 10 Cotton Ave.

CITY/State: Alamogordo, NM 88310

Re: 613 Delaware Ave.

Legal Description: Subd: ALAMO BLOCKS Lot: 17 Block: 18

Dear Mr. Summers,

An inspection of your property at 613 Delaware Ave. on 05/08/2023 was performed as a part of an investigation of a complaint received by the City of Alamogordo. The inspection showed the following violation(s) of the Code of Ordinances of the City of Alamogordo:

Violation Description

Section 8-03-080 Generally--International Property Maintenance Code adopted.

(a) With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.

Violation Text

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

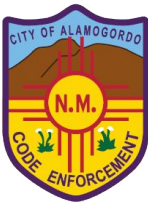
301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies, and similar structural elements must safely perform their intended functions.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

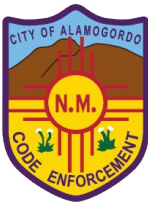
304.4 Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

304.13 Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

Corrective Action Needed to be Taken

- **301.3 Vacant structures and land-** Please repair or have repaired any problems with the property that make it unclean, unsafe, unsecured, or unsanitary.
- **302.7 Accessory structures-** Please repair or have repaired the shed in the backyard so it structurally sound and in good repair.
- **304.1 General-** Please repair or have repaired any cracks in the walls so they are structurally sound and sanitary so as not to threaten public health, safety, or welfare.
- **304.2 Protective treatment-** Please repair or have repaired all exterior surfaces in good condition and weather resistant with paint or sealant.
- **304.4 Structural members-** Please repair or have repaired exterior walls (structural members) so they can support dead and live loads on them.



City of Alamogordo
CODE ENFORCEMENT DEPARTMENT
2010 Oregon Ave., Alamogordo, New Mexico 88310
Code Enforcement 575-439-3337



- **304.6 Exterior walls-** Please repair or have repaired exterior walls so they are free from cracks, holes, or any other deterioration and are weatherproofed.
- **304.13 Window, skylight, and door frames-** Please repair or have repaired all doors and windows to good condition, good repair, and weather tight.

As the property owner, you will have thirty (30) days from the date of this letter to correct all the above-listed violations. After thirty (30) days, a resolution to declare the property unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will be taken in front of the City of Alamogordo Commission, and the City of Alamogordo will seek the abatement of the property pursuant to City of Alamogordo Code of Ordinances 8-03-160.

If you would like to appeal this letter, you may do so within fifteen (15) days of receiving this letter. You may go to City Hall at 1376 E. 9th St., Alamogordo, NM 88310, to file your appeal and pay your one hundred dollars (\$100) filing fee as per Section 29-08-050 of the Alamogordo Code of Ordinances. The application for appeal must be filed within a reasonable time after the day this notice is served upon you.

The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

Please reach out to me with any questions you may have.

Sincerely,

Josh Sides
Code Enforcement Manager
2010 Oregon Ave.
Alamogordo, NM 88310
(575)439-4375- Office
(575)921-2855- Cell
jsides@ci.alamogordo.nm.us

City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

December 8, 2023

RE: 613 Delaware Ave., Alamogordo, New Mexico

To whom it may concern:

On August 30, 2023, by means of an Administrative Warrant, the City of Alamogordo Police Department, City Code Enforcement Department, and Alamogordo Fire Department conducted a fire safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code and International Residential Code, were discovered and are listed below:

International Property Maintenance Code:

301.3 Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302.7 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies, and similar structural elements must safely perform their intended functions.

- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.4 Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

304.13 Window, skylight, and door frames.

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

Exterior:

- 1) There is deterioration and missing pieces to the exterior walls.
- 2) Paint is peeling, chipping, flaking, or missing from the exterior of the building.
- 3) There shed and fencing surrounding the property are not in good repair.
- 4) The back yard and side yard have large amounts of garbage, refuse, and debris.
- 5) The shed in the back yard is in a state of disrepair.
- 6) Windows are missing or broken and are admitting rainwater into the interior

Interior:

- 1) The interior ceiling has pieces that have fallen exposing the roofing components.
- 2) Interior walls have cracks, holes, and missing, peeling, or flaking paint.
- 3) The walking surfaces have large cracks and missing pieces.
- 4) There are signs of a fire within the structure.

In Closing:

The residence is not fit for habitation or occupancy in its current condition. The evidence of the fire within alone puts this structure in danger of collapse. The deterioration of the exterior and interior walls is a cause for concern as well.

Respectfully:

Josh Sides/Code Enforcement Manager
Property Maintenance and Housing Inspector (Certification #10314331)
Zoning Inspector (Certification # 10314331)
AACE/ICC Certified Code Enforcement Officer

RESOLUTION NO. 2024-13

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 613 DELAWARE AVENUE ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 613 Delaware Avenue. Avenue, as more particularly described on the attached Exhibit 1 (the “Property”); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Mr. Edward A. Summers, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this ____ day of _____ 2024.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

- [Account Search](#)
- [My Reports](#)
- [Help](#)
- [Logout Public](#)



Account: R010904

Location	Owner Information	Assessment History															
Account Number <i>R010904</i>	Owner Name SUMMERS, EDWARD A	Actual (2023 - Residential Cap applied) \$7,897															
Situs Address 613 DELAWARE AVE	Owner Address 10 COTTON AVE	Primary Taxable \$2,632															
Previous Parcel ID 01-01232	ALAMOGORDO, NM 88310	Tax Area: 01_R Mill Levy: 25.844000															
Parcel Sequence		<table><tr><th>Type</th><th>Actual</th><th>Assessed</th><th>Acres</th><th>SQFT</th></tr><tr><td>Residential Land</td><td>\$1,648</td><td>\$549</td><td>0.069</td><td></td></tr><tr><td>Residential Improvement</td><td>\$6,249</td><td>\$2,083</td><td></td><td>280.000</td></tr></table>	Type	Actual	Assessed	Acres	SQFT	Residential Land	\$1,648	\$549	0.069		Residential Improvement	\$6,249	\$2,083		280.000
Type	Actual	Assessed	Acres	SQFT													
Residential Land	\$1,648	\$549	0.069														
Residential Improvement	\$6,249	\$2,083		280.000													
Neighborhood A1 - South Central Alamogordo																	
Tax Area 01_R																	
Parcel Number 01N4055094142295																	
Legal Summary Subd: ALAMO BLOCKS Lot: 17 Block: 18																	
Appraiser STEVE BOYLE																	

Transfers

Sale Date	Sale Price	Doc Description
		Deed
		Deed
		Deed
		Deed
		Deed
		Deed
		Affidavit of Death Certificate

Tax History	Images						
<table> <tr> <th>Tax Year</th><th>Taxes</th></tr> <tr> <td>2023</td><td>\$68.04</td></tr> <tr> <td>2022</td><td>\$66.52</td></tr> </table>	Tax Year	Taxes	2023	\$68.04	2022	\$66.52	Map Photo Sketch GIS
Tax Year	Taxes						
2023	\$68.04						
2022	\$66.52						

Focusing On: 613 DELAWARE AVE ALAMOGORDO 88310



Oops! Something went wrong.

This page didn't load Google Maps correctly. See the JavaScript console for technical details.

City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

December 8, 2023

RE: 613 Delaware Ave., Alamogordo, New Mexico

To whom it may concern:

On August 30, 2023, by means of an Administrative Warrant, the City of Alamogordo Police Department, City Code Enforcement Department, and Alamogordo Fire Department conducted a fire safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code and International Residential Code, were discovered and are listed below:

International Property Maintenance Code:

301.3 Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302.7 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies, and similar structural elements must safely perform their intended functions.

- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.4 Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

304.13 Window, skylight, and door frames.

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

Exterior:

- 1) There is deterioration and missing pieces to the exterior walls.
- 2) Paint is peeling, chipping, flaking, or missing from the exterior of the building.
- 3) There shed and fencing surrounding the property are not in good repair.
- 4) The back yard and side yard have large amounts of garbage, refuse, and debris.
- 5) The shed in the back yard is in a state of disrepair.
- 6) Windows are missing or broken and are admitting rainwater into the interior

Interior:

- 1) The interior ceiling has pieces that have fallen exposing the roofing components.
- 2) Interior walls have cracks, holes, and missing, peeling, or flaking paint.
- 3) The walking surfaces have large cracks and missing pieces.
- 4) There are signs of a fire within the structure.

In Closing:

The residence is not fit for habitation or occupancy in its current condition. The evidence of the fire within alone puts this structure in danger of collapse. The deterioration of the exterior and interior walls is a cause for concern as well.

Respectfully:

Josh Sides/Code Enforcement Manager
Property Maintenance and Housing Inspector (Certification #10314331)
Zoning Inspector (Certification # 10314331)
AACE/ICC Certified Code Enforcement Officer

Dilapidated Structure

613 Delaware Ave.



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

613 Delaware Avenue

- On 06/28/2023, Code Enforcement Officer was made aware of a potentially dilapidated structure and conducted an investigation.
- On 07/28/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing seven violations of IPMC and how to correct them, as well as my contact information.
- On 08/28/2023, the certified IPMC letter was returned unclaimed and was posted on the front door of the property.
- On 08/28/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 08/30/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

613 Delaware Avenue

- 301.3 Vacant Structures and Land- Shall be maintained clean, safe, secure, and sanitary.
- 302.7 Accessory Structures- Shall be maintained structurally sound and in good repair.
- 304.1 General- Exterior of the structure shall be maintained in a good repair, structurally sound, and sanitary.
- 304.2 Protective Treatment- Exterior surfaces shall be maintained in good condition with a paint or protective sealant applied.
- 304.4 Structural Members- Maintained free from deterioration and capable of supporting imposed loads.
- 304.6 Exterior Walls- Shall be free from holes, breaks, and loose or rotting materials.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight.

Condition of the Property at 613 Delaware Avenue



Condition of the Property at 613 Delaware Avenue



Condition of the Property at 613 Delaware Avenue



Condition of the Property at 613 Delaware Avenue



Condition of the Property at 613 Delaware Avenue



Condition of the Property at 613 Delaware Avenue



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/10/2024

Report No: 10.

Submitted By: Sean McGranaghan

Subject: Consider, and act upon, Ordinance 1691, Z-2023-0007(A) for first publication, a map amendment to change the current zoning of the property with the parcel number 01N4054097487344 (the parcel adjacent to 1901 S Hamilton Road) from MH-1 Manufactured Housing Subdivision District to C-1 Neighborhood Business District. *(Sean McGranaghan, Assistant City Planner)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: Consider, and act upon, Ordinance 1691, Z-2023-0007(A) for first publication, a map amendment to change the current zoning of the property with the parcel number 01N4054097487344 (the parcel adjacent to 1901 S Hamilton Road) from MH-1 Manufactured Housing Subdivision District to C-1 Neighborhood Business District.



City of Alamogordo

City Commission



Z-2023-0007(A)

Sean McGranaghan, Assistant City Planner
January 23, 2024

Zoning Map

2



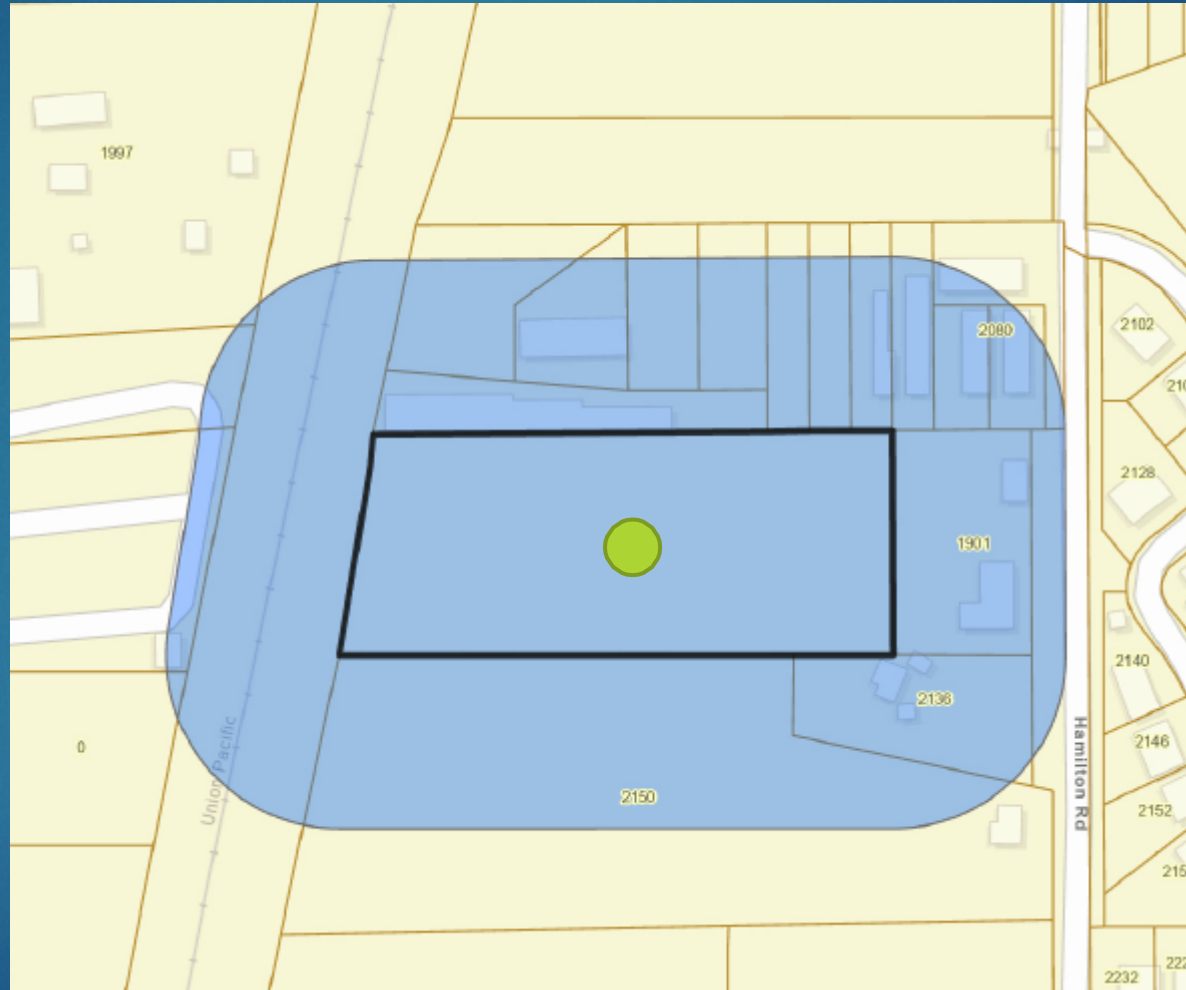
AERIAL

3



Protest Area

4



Zoning Request Case: Z-2023-0007(A)

5

Request:

The property owner is requesting for a map amendment to change the zoning of the property with Parcel Number 01N4054097487344 from MH-1 Manufactured Housing Subdivision District to C-1 Neighborhood Business District.

Owner:

Lance C Grace

44 Marble Canyon Dr

Alamogordo, NM 88310

Findings of Fact

- ◆ 1. The application was filed and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News
- ◆ 3. Four (4) letters were mailed by certified/returned receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way.
- ◆ 4. As of January 09, 2024, there have been 0 letters returned undeliverable, and I have not received any letters or phone calls of opposition.

Z-2023-0007(A)

7

- ◆ 7. Staff recommends approval.

ORDINANCE No. 1691

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY WITH THE PARCEL NUMBER 01N4054097487344 FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT: MH-1 MANUFACTURED HOUSING SUBDIVISION DISTRICT TO: C-1 NEIGHBORHOOD BUSINESS DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Lance C. Grace (hereinafter referred to as "the Owner") is the owner of certain real properties legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

Parcel Number: 01N4054097487344

WHEREAS, an application has been filed in the Owner's name under Case No.

Z-2023-0007(A) to change the zoning of the Property, and

WHEREAS, the City Commission, after notice and hearing, finds and determines that the application for the re-zoning of the Property is in the public interest and is consistent with the proper development of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION, THAT the zoning of the Property, which is more fully described below:

Parcel Number: 01N4054097487344

Is hereby changed from MH-1 Manufactured Housing Subdivision District to C-1 Neighborhood Business District; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

**CITY OF ALAMOGORDO, NEW MEXICO a
New Mexico municipal corporation**

By: _____
Susan L. Payne Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date:

Report No: 11.

Submitted By: Joshua Rardin

Subject: Consider, and act upon, repealing or revising Chapter 7, Section 7-05-30 of the Code of Ordinances concerning prohibiting feeding pigeons. (*John Davis, Citizen and Josh Rardin, Commissioner*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Give City Staff direction, if any.

Background:

Mr. Davis would like the commission to consider repealing or revising this ordinance.



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

RECEIVED

JAN 16 2024

CITY CLERK

Today's Date: 1/16/24

Request Date
of Meeting:

1/23/24

Name and Title:

Rev. John Davis

Address:

1508 Alaska Ave

Alamogordo, NM 88310 ZIP 88310

Phone Number:

575-277-7443 (Text is always best)

E-Mail Address:

birdman88310@yahoo.com

Item requested will be for Information only

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

Repeal or revision of ordinance 07-05-30

Signature: John Davis

Please return to:

Rachel Hughs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4100

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

ARTICLE 7-05. PIGEON NUISANCE ABATEMENT

7-05-010. Findings and intent.

- (a) The commission finds that the urban feral pigeon population is expanding and the droppings associated with large flocks of feral pigeons interfere with use and enjoyment of private and public outdoor facilities, create undesirable conditions and may have an economic impact on the city.
- (b) The commission finds that pigeon droppings damage and depreciate property, make walkways unsafe and unsanitary, and potentially represent a public health hazard due to parasites or disease that may be associated with accumulation of pigeon droppings.
- (c) The commission finds that supplemental feeding of pigeons by humans, whether deliberate or through negligence, is a substantial cause of the overpopulation of pigeons in the city.
- (d) The commission finds that providing readily available food sources for pigeons allows their numbers to increase in a manner that negatively impacts safe and comfortable use of commercial and residential areas, and that research has demonstrated that restricting access to food is an important factor in maintaining urban feral pigeon populations at acceptable levels.
- (e) It is not the intent of the commission to eradicate the feral pigeon population; this article is intended to address public nuisance associated with large numbers of pigeons.
- (f) It is the intent of the commission that the city place an emphasis on disseminating information about, and assisting citizens with, effective measures for preventing and abating pigeon nuisance in a manner that promotes effective management of pigeon populations.

(Ord. No. 1472, 8-25-14; Ord. No. 1590 , 4-23-19)

7-05-020. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Feeding. Providing food to pigeons. Food may include, but is not limited to grain, seed, greens, breadcrumbs and other miscellaneous food scraps, including garbage not properly disposed of or contained.

Linger. For purposes of this article, "linger" means to be slow in departing.

Owner. That person holding the legal title to real property as shown by the records of the county assessor.

Person. An individual, partnership, association, syndicate, company, firm, trust, corporation, or any other entity recognized by law.

Pigeon. The common pigeon, *Columba livia*, also known as the rock dove or rock pigeon. For the purposes of this article, "pigeon" refers to any wild state (feral) pigeon, and does not include domestic pigeons used for recreation or show.

Pigeon harborage. Any condition which provides shelter or protection for pigeons; thus, favoring their multiplication and continued inhabitation in, under, outside a structure or premise at a location where there exists

a pigeon nuisance. Housing or shelter provided for injured or ill pigeons that are being rehabilitated is not considered pigeon harborage.

Pigeon nuisance. The excessive congregation of pigeons at a location when such congregation of pigeons results in the accumulation of pigeon droppings or other pigeon related waste. In addition, the accumulation of pigeon excrement, nesting materials, pigeon carcasses and other pigeon related detritus that may be damaging to the property, pose a threat to public health and welfare or contribute to polluted storm water runoff to the river.

Property. Real property including buildings structures and land regardless of use for residential, commercial or other purposes.

Responsible party. That person or those persons who hold that legal or equitable interest in real property which empowers them to take appropriate actions to abate a pigeon nuisance found to exist on that real property. This may include, but not be limited to, a person with ownership, condominium rights, time-share rights, leasehold rights or an easement, license, contractual right, and any right or obligation to manage or act as agent or trustee for any person holding any of the foregoing. The owner of real property shall be presumed to be the responsible party.

Roost. For purposes of this article, "roost" is defined as settling down for rest or sleep.

(Ord. No. 1472, 8-25-14; Ord. No. 1590 , 4-23-19)

7-05-030. Unlawful acts.

- (a) It shall be unlawful for any person to:
- (1) Intentionally feed feral pigeons on any public or private property within Alamogordo city limits.
 - (2) Permit or allow the placement or discard of food, food by-products, vegetables, garbage or animal food of any kind in a manner that such person knows will reasonably result in the lingering, roosting and/or congregating of feral pigeons.
 - (3) Encourage the lingering, roosting and/or congregating of feral pigeons by offering or providing food, food by-products, vegetables, garbage or animal food of any type.
 - (4) Create, permit or allow the existence of a pigeon harborage.
- (b) This prohibition does not extend to domesticated birds used for show or for racing, or to injured pigeons that are kept at all times in cages or are prevented from creating pigeon nuisance conditions on nearby properties.
- (c) This prohibition does not extend to bird seed set out in bird feeders or otherwise provided to birds other than pigeons, provided that the seed does not attract significant numbers of pigeons or create conditions that constitute a pigeon nuisance.
- (d) Each act in violation of this section shall constitute a public nuisance and a separate violation. Any person who violates this section shall be subject to:
- (1) The first violation of this section shall result in a written warning. This warning will provide the details of the violation and will specify corrective action.
 - (2) Any person violating any provision of this article a second time, and for any subsequent violation, shall be guilty of a petty misdemeanor for each violation or each day of a continuing violation.

(Ord. No. 1472, 8-25-14; Ord. No. 1590 , 4-23-19)

January 16, 2024

John Davis

1508 Alaska Ave.

Alamogordo, NM 88310

Mayor Susan Payne

1376 E. 9th Street

Alamogordo, NM 88310

RECEIVED

JAN 18 2024

CITY CLERK

Hello, Mayor Payne!

I filled out another request to be placed on the agenda for the meeting on January 23rd. I hope that you will ask the City Manager to place me on the agenda.

You and I are both working to make Alamogordo an even better place to live than it currently is. While we disagree on the issue of the feeding and care of feral pigeons, it would be nice if we could at least discuss it, and I see no reason why we cannot.

I think I understand the commission's concerns over my request, and would appreciate the opportunity to address those concerns. Also, it is possible I don't fully know what concerns you might have, but I'm confident that we can reason together.

Don't you think I deserve that opportunity?

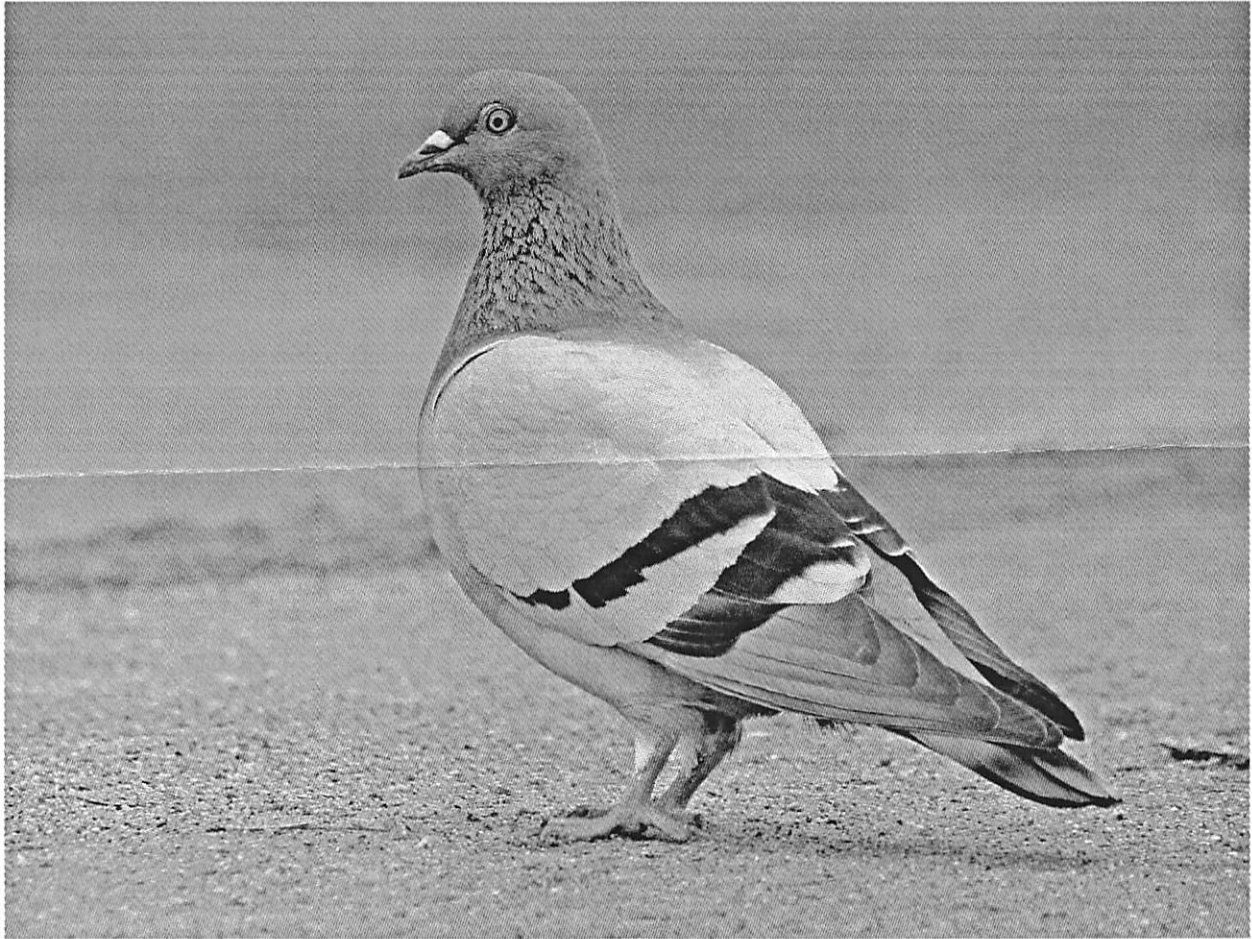
Many thanks.

Peace, Love, Light & Blessings,



John Davis birdman88310@yahoo.com

(575)-277-7443



A lot of you despise me,
And I don't understand why.
I am not ugly or deserving of your hate.
I survive every day on the streets,
That used to be meadows.
There are no tasty seeds,
Because you turned trees into buildings.
I eat what you throw on the ground,
Because I have no choice.
Water is harder and harder to find.
Do you know what it takes to survive in a world that is not mine anymore?
Please don't scare me or hurt me,
Just let me live -
Live in your world that was once mine..

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date:

Report No: 12.

Submitted By: Beau Dylan Aleshire

Subject: Appointments to Boards and Committees. (*Susan L. Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Seven applications were received. Staff recommends two appointments to the Airport Advisory Board, one appointment to the Airport Zoning Board, two appointments to the Mayor's Committee on Aging, one appointment to the Public Library Board, and one appointment to the Senior Volunteer Programs Advisory Council.

Background:

Airport Advisory Board

- Two upcoming vacancies due to the expiring terms of Lance Grace and Robert Hicks. Applications by Lance Grace and Robert Hicks were received. If reappointed, this would be Lance Grace's ninth term and Robert Hick's fifth term.

Airport Zoning Board

- Two current vacancies. There is an upcoming vacancy due to the expiring term of Lee Scholes. An application by Lee Scholes was received. If reappointed, this would be his third term.

Mayor's Committee on Aging

- Two current vacancies. Applications by Sue Kent and Sandra Purrington were received. If appointed, this would be Sue Kent's third term and Sandra Purrington's first term. Sandra Purrington was previously appointed to the Airport Zoning Board at the 10/10/2023 Commission meeting but declined her appointment.

Public Library Board

- One upcoming vacancy due to the expiring term of Richard Warren. An application by Richard

Warren was received. If reappointed, this would be his third term.

Senior Volunteer Programs Advisory Council

- One current vacancy. An application by William M. Butler was received. If appointed, this would be his first term. If Res. 2024-02 passed, Mr. Butler would be the eighth member of this Council.

Alamogordo Disability Council

- Four current vacancies. No applications were received.

Print**Application to Serve on a Board/Committee - Submission #6812****Date Submitted: 12/16/2023****City of
ALAMOGORDO****City of Alamogordo Application to Serve on a City
Board/Committee****First Name:***

Lance

Last Name:*

Grace

Phone Number:*

15754914260

Email Address:*

lancecgrace@gmail.com

Physical Address:*

44 Marble Canyon Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☐ Yes
☒ No

Mailing Address:*

44 Marble Canyon Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Self

Job Title:

Business Owner

Board/Committee you would like to serve on (1st choice):*

Airport Advisory Board ▼

Are you related to anyone who is presently employed by the City of Alamogordo?*

- ☐ Yes
☒ No

Board/Committee you would like to serve on (2nd choice):

-- Select One -- ▼

If so, what is their relation to you?**Are you related to an Elected Official of the City of Alamogordo?***

- ☐ Yes
☒ No

If so, what is their relation to you?**Experience and education relating to the Board/Committee:***

Education: - Two Engineering degrees related to aviation - Multiple USAF Pilot training programs in a variety of jet fighter aircraft including USAF Test Pilot School - Multiple FAA Training Programs/Certifications including Airline Transport Pilot (ATP) and Certified Flight Instructure (CFI)
Experience: - Close to 50 years of military and commercial flying. - Member of White Sands Soaring Association and President of White Sands Soaring Foundation. - Partial owner of 8 aircraft and 4 hangars on ALM. - Owner of three aircraft on ALM. - Member of AAB for 16 years and former Chairman of AAB for almost 15 years.

Please indicate your interest in serving on a City Board/Committee:*

The timing, conditions and people are finally in place to help the Alamogordo - White Sands Regional Airport become an integral part in the development of a vibrant and thriving Alamogordo. I have the background, knowledge, experience, temperament and passion to help make that happen!

[Print](#)**Application to Serve on a Board/Committee - Submission #6817****Date Submitted: 12/19/2023****City of Alamogordo Application to Serve on a City Board/Committee****First Name:***

Robert

Last Name:*

Hicks

Phone Number:*

15754912949

Email Address:*

rhicks@zianet.com

Physical Address:*

3251 N. Scenic Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☐ Yes
☒ No

Mailing Address:*

3251 N. Scenic Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Holloman Aero Club

Job Title:

Chief Instructor

Board/Committee you would like to serve on (1st choice):*

Airport Advisory Board ▼

Are you related to anyone who is presently employed by the City of Alamogordo?*

- ☐ Yes
☒ No

Board/Committee you would like to serve on (2nd choice):

-- Select One -- ▼

If so, what is their relation to you?**Are you related to an Elected Official of the City of Alamogordo?***

- ☐ Yes
☒ No

Is so, what is their relation to you?**Experience and education relating to the Board/Committee:***

I have served four terms with the Airport Advisory Board. I'd like to serve another term. I've been a licensed pilot for over 50 years, with 30 years in Alamogordo. I'm the Chief Instructor for the Holloman Aero Club as well as the Chief Tow Pilot for the White Sands Soaring Association. I'm a Flight Advisor for the local chapter of the Experimental Aircraft Association. I own an airplane and have it hangared at the Alamogordo White Sands Regional Airport.

Please indicate your interest in serving on a City Board/Committee:*

I am involved with the airport on a daily basis. I care deeply about making our airport the best that it can be.

[Print](#)**Application to Serve on a Board/Committee - Submission #6815****Date Submitted: 12/18/2023****City of
ALAMOGORDO****City of Alamogordo Application to Serve on a City
Board/Committee****First Name:***

Lee

Last Name:*

Scholes

Phone Number:*

5758387498

Email Address:*

Leescholes1@gmail.com

Physical Address:*

2336 Union Ave

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

2336 Union Ave

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

New Mexico Outdoor Properties

Job Title:

**Board/Committee you would like to serve on
(1st choice):***

Airport Zoning Board ▼

**Are you related to anyone who is
presently employed by the City of
Alamogordo?***

- ☐ Yes
☒ No

**Board/Committee you would like to serve on
(2nd choice):**

Airport Zoning Board ▼

If so, what is their relation to you?**Are you related to an Elected Official of
the City of Alamogordo?***

- ☐ Yes
☒ No

Is so, what is their relation to you?**Experience and education relating to the Board/Committee:***

50 year pilot Military, Private, and Commercial. 2 terms on the Board.

Please indicate your interest in serving on a City Board/Committee:*

The city has a real asset and having a stable group handling the details of the FAA, State, and Federal Regs is to everyone's benefit.

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DEC 15 2023

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Sue Kent
Cell Phone: 575-921-3076 Work Phone: n/a
Home Phone: n/a Fax No: n/a
e-mail address: suecrk@yahoo.com
Physical Address: 1101 Jefferson Ave, Alamogordo, NM 88310
Is the above address within City limits? Yes ☒ No ☐
Mailing Address: same as physical address
Present Employer: retired Job Title: n/a

Board/Committee you wish to serve on:

First choice: Mayor's Council on Aging
Second choice: n/a

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes ☐ No ☒ If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you? _____

Experience and education relating to the Board/Committee: I have served on this cmte. since 1/20 and wish to continue. I have advocated for youth and families in 12th Judicial Ct. in El Paso Cty., Colorado Springs, CO (1999-2010); advocated for youth in BBBS as Program Specialist in Alamogordo (2013-2018).

Please indicate your interest in serving on a City Board/ Committee: _____

This cmte has recently come under new chairperson guidance, and we have some exciting plans already to help to improve the lives of our aging community members. I wish to continue

Please return completed application to:

to be involved in that mission.

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

Education:
BA, Soc (2005)
MA, Soc (2009)
Univ Colorado
@ Colo. Sprgs.

sent
12/14/23

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DEC 08 2023

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Sandra Sanchez Purrington

Phone: 505-670-4529

E-mail address: sspurrington@aol.com

Physical Address: 2473 Desert Hills Drive Alamo 88310

Is the above address within City limits? Yes X No

Mailing Address: 2473 Desert Hills Drive Alamo, 88310

Present Employer: retired Job Title: Public Schools SF administration

Board/Committee you wish to serve on:

First choice: Senior Citizen Advisory

Second choice: Mayor's Committee on Aging

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes No X If so, what is their relation to you?

Are you related to any Elected Official of the City of Alamogordo?

Yes No X If so, what is their relation to you?

Experience and education relating to the Board/Committee: I am a senior!

Please refer to enclosed resume

Please indicate your interest in serving on a City Board/ Committee: I am

deeply interested in serving the community of
Alamogordo and the senior citizens of this area.

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575) 439-4100
FAX: (575) 439-4396

Sandra Sanchez Purrington
2423 Desert Hills Drive
Alamogordo, New Mexico 88310

EDUCATION: Notre Dame College, Staten Island,, New York BA 1962
Hunter College, New York additional professional studies
Saint John's College, Santa Fe MA 1968

PROFESSIONAL EXPERIENCE: Teacher New York City Public Schools 1962-1967
Teacher Santa Fe Public Schools 1967 - 1990
Administrator Santa Fe Public Schools 1985-1995
Vice Principal , Principal
Instructor Santa Fe Community College 1995-1997
Instructor Northern New Mexico Community College 1995-1998
Program Director for Elementary School Innitave, Hispanic Cultural
Foundation / Rockefeller Foundation

PROFESSIONAL PUBLICATIONS: Position papers: The Rockefeller Education Initiative
Position paper : Coalition for Arts Education
Curriculum grades 1-12 "Music, Words, Opera!" Opera America
Various articles on Educational Reform Aspen Institute,
American Council of Learned Societies

COMMUNITY SERVICE: Board Memberships:

Santa Fe Little Theatre
Notre Dame College Board of Trustees
United Way of Northern New Mexico
Santa Fe Opera Chair Education Committee
Founding Board Member Monte del Sol Charter School
Opera Southwest
Tanoan Homeowners Association
Bosque Encantado Homeowners Association Vice President

Commissions:

New Mexico Arts Commission
Santa Fe Arts Commission
Mayor's Commission on Education (Albuquerque)
Urban Enhancement Commission (Albuquerque)

HONORS and DISTINCTIONS: Who's Who in American Colleges
Outstanding Young Women of America
Who's Who in Education
Aspen Institute Fellow 2 appointments
Teacher of the Year Santa Fe Public Schools 1998
Outstanding Instructor Santa Fe Community College 1999
Golden Apple Foundation three awards 1997-1998
Program Development, Administration, School Reform

LANGUAGES: Fluent English, Spanish
Reading French

Print**Application to Serve on a Board/Committee - Submission #6818****Date Submitted: 12/22/2023****City of
ALAMOGORDO****City of Alamogordo Application to Serve on a City
Board/Committee****First Name:***

Richard

Last Name:*

Warren

Phone Number:*

15415515209

Email Address:*

rickwar_98@yahoo.com

Physical Address:*

1508 Walnut Dr

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

1508 Walnut Dr

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Retired

Job Title:

N/A

**Board/Committee you would like to serve on
(1st choice):***

Public Library Board ▼

**Are you related to anyone who is
presently employed by the City of
Alamogordo?***

- ☐ Yes
☒ No

**Board/Committee you would like to serve on
(2nd choice):**

Public Library Board ▼

If so, what is their relation to you?

N/A

**Are you related to an Elected Official of
the City of Alamogordo?***

- ☐ Yes
☒ No

Is so, what is their relation to you?

N/A

Experience and education relating to the Board/Committee:*

Serve on Library Board now, previous chairperson. I have served on city and county Library boards and Commissions, for over 40 years in 3 states. I have owned a bookstore and served as a city councilman in Iowa

Please indicate your interest in serving on a City Board/Committee:*

I am interested in continuing on the Library Board.

RECEIVED

DEC 28 2023

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: William M Butler

Home Phone: Work Phone:

* Cell Phone: 970-846-3736 Fax No:

E-mail address: notairbille@yahoo.com

Physical Address: 22 Camino Valera Verde 88310-9308

* Is the above address within City limits? Yes * No X

Mailing Address: Same

Present Employer: RETIRED Job Title:

Board/Committee you wish to serve on:

First choice: AIRPORT BOARD

Second choice: SENIOR BOARD

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes X No If so, what is their relation to you? WIFE

Are you related to any Elected Official of the City of Alamogordo?

Yes No X If so, what is their relation to you?

Experience and education relating to the Board/Committee: COMMERCIAL LTA

PILOT RETIRED POSTMASTER, RETIRED LPN

RETIRED MSG US ARMY

Please indicate your interest in serving on a City Board/ Committee:

OTHER APPROPRIATE BOARDS THAT WILL

HELP THE CITY + MATCH my skills &

BACKGROUND.

Please return completed application to:

City Clerk's Office

1376 E. Ninth Street

Alamogordo, NM 88310

PHONE: (575) 439-4100

FAX: (575) 439-4396

* 113 North Florida
- address within
City limits

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/23/2024

Report Date: 01/16/2024

Report No: 13.

Submitted By:

Subject: Adjourn into Executive Session in compliance with Section 10-15-1(H)(7), NMSA 1978 (as amended), to discuss Threatened or Pending Litigation: (Adams vs City of Alamogordo), (Blackburn vs City of Alamogordo), (Cuellar vs City of Alamogordo), (Estate of Joe Romo vs City of Alamogordo), (Gilliland vs City of Alamogordo), (Michael vs City of Alamogordo), (Nelseon vs City of Alamogordo), (Noblitt vs City of Alamogordo), (Ochoa vs City of Alamogordo), (Randal vs City of Alamogordo), (Willard vs City of Alamogordo), (Williams vs City of Alamogordo), (Downtown Ventures), (Tort Claims with Self-Insurance).
(Roll Call Vote Required)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: