

Chapter 8.12 - *NUISANCES*

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8.12.010 - Foul odors.

That if any person shall suffer or permit any cellar, vault, private drain, pool, privy, sewer or ground or building upon any premises within the corporate limits of the city of Belen owned, used or occupied by him or her, or of which he or she shall be agent, having charge of same, to become foul, offensive, nauseous, dangerous or injurious to the public health, or suffer or permit any such ground, building or premises to become foul, offensive, nauseous or dangerous to the neighborhood or travelers by reason of stagnant water, dead animals or from any other cause or causes, he or she shall be punished-fined as hereinafter provided.

(Ord. 10 § 1919)

8.12.020 - Dead animals.

If any person shall suffer any animal belonging to him or her, or in his or her charge, which may die of disease or otherwise, to be in or upon any street, alley or other grounds, or place within the city, public or private, for a space of twenty-four (24) hours after the same shall have died, he or she shall be punished-fined as hereinafter provided.

(Ord. 10 § 2, 1919)

8.12.030 - Foul liquids or substances.

If any person shall allow to flow from any house, shop, factory, stable, slaughter house or place, any foul or nauseous liquids or substance of any kind whatever, into or upon any adjacent ground or lot or into any street, alley or ditch within the city, so as to be offensive, nauseousnoxious, hurtful or dangerous; and any person who shall deposit in any such place any filth, litter or refuse of any carcass so as to be offensive, nauseousnoxious, hurtful or dangerous to any portion of the inhabitants of said city, he or she shall be punished-fined as hereinafter provided.

(Ord. 10 § 3, 1919)

8.12.040 - Littering.

- A. It is unlawful to throw, place, dump or bury any cans, bottles, papers, trash, debris, rubbish, weeds, brush, branches or offensive matter in or upon any street, alley, sidewalk or other public place in the city of Belen.

B. It is unlawful to place any cans, bottles, papers, trash, debris, rubbish, weeds, brush, branches or offensive matter in the bed of any vehicle or upon a vehicle's trailer that is not bagged or otherwise fully covered and contained.

C. Any person, business, firm or corporation violating of this section upon conviction thereof shall be ~~punished by a fine of~~ not less than fifty dollars (\$50.00) nor more than one hundredfifty dollars (\$150.00) for each offense.

(Ord. 295 §§ 1, 2, 1958; Ord. 10 § 4, 1919)

(Ord. No. 2015-05, 4-20-2015)

8.12.050 - Animals.

Housing, penning up, corralling, or grazing of horses, cows, pigs, chickens, pigeons or any other animal and/or fowl which may be offensive to any person is declared to be a nuisance under this chapter. Further, none of the above animals or fowl under any circumstances may be kept within a radius of two hundred fifty (250) feet from any residence within the city limits of Belen. Any violators hereof shall be ~~punished~~ fined as provided for in this chapter.

(Ord. 10, 1960; Ord. 10 § 5, 1919)

8.12.060 - Tainted meat.

If any person shall expose for sale, in any market, house, shop or elsewhere in the city of Belen, any tainted or putrid meat or provisions which from these or other causes may be deemed unwholesome, every such person shall be ~~punished~~ fined as hereinafter provided.

(Ord. 10 § 6, 1919)

8.12.070 - Water storage in open dirt or earth tanks prohibited.

A. Storing water in open dirt or earth tanks for any purpose within the city limits is prohibited. ~~This order~~ due to unsanitary conditions and breeding of flies and mosquitoes.

B. Any person offending against the foregoing provisions of this section shall be ~~punished~~ fined for each offense ~~by a fine of~~ not more than twenty-five dollars (\$25.00) and the costs of the prosecution, ~~and if~~ in default of payment thereof ~~be imprisoned in the city or county jail for a period of not more than twenty (20) days, an assessment may be made by the city of Belen and a lien placed upon the premises of the owner where the water storage is located for the unpaid fines and the cost of removing the prohibited water storage methods.~~

(Ord. 308 §§ 1, 2, 1960)

8.12.080 - Removal of rubbish, etc.

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A. Definitions. For the purpose of this section the following terms, phrases, words and their derivations for and names given herein:

"Garbage" means putrescible, animal, and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Person" means person, individual, firm, partnership, corporation, company, association, or any other entity owning or utilizing as tenant, landlord, or otherwise any real property in the city of Belen.

"Refuse" means and includes, but is not limited to garbage, ashes, and petroleum products.

"Rubbish" means and includes, but is not limited to barrels, bedding, cans, cardboard, car bodies, drums, crockery, glass, grass cuttings, leaves, metal, paper, rags, rubber, sawdust, trees, tree stumps, weeds, wire, wood scraps, and similar materials.

B. No person shall permit the accumulation of debris, refuse, rubbish, or garbage, trash or other similar material to accumulate on any portion of their property when said accumulation constitutes a detriment to the public health and a fire hazard to the community.

C. In the event said accumulation is allowed to exist by any person or any property within the city limits of the city of Belen for a period of five (5) days after being notified by a ~~duly-authorized agent of the city council~~Code Enforcement personnel to remove same, the city may:

1. Remove all of said refuse, rubbish, garbage, or similar material and all expenses incurred by the city in said removal are hereby deemed to constitute a lien on the said real property and collectible by the city as per pertinent provisions of lien statutes of the state of New Mexico.
2. Provide owner or occupant with a twenty-four (24) hour notice to forthwith remove same, failure of which shall constitute violation of the section with penalties as hereinafter provided.

~~D.C.~~ Any person violating any of the provisions of this section shall be fined not more than one hundred dollars (\$100.00) ~~and/or imprisonment in the city jail for not more than fifteen (15) days or by both such fine and imprisonment.~~

(Ord. 1990-3 §§ 1—4)

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8.12.090 - Weeds.

A. In case there shall be weeds located upon any lot within the city of Belen, the city shall have the power to notify the owner of such lot to cut or cause to be removed all of said weeds within forty-eight (48) hours. In case of failure or refusal on the part of the owner to so do or cause to be removed all of such weeds within the time prescribed, the city may cut or remove said weeds and shall send a bill for the reasonable cost of so cutting or removing the same,

which bill shall be computed in accordance with the following schedule:

Cost of Equipment and Operator Fees

Bulldozer	\$100.00 per hour
Grader	100.00 per hour
Backhoe	100.00 per hour
Dump track	100.00 per hour
Weed cutter	100.00 per hour

If an extra laborer is needed, additional charge will be twenty-five dollars (\$25.00) per hour, per additional laborer.

The minimum charge shall be for one hour.

In case of failure or refusal on the part of the owner to pay such cost, an assessment may be made by the city of Belen and a lien placed upon such premises of the owner for the cost of the cutting and/or removal of the weeds.

- B. In the event that an owner of property located within the city of Belen desires that the city of Belen clean such private property for the owner on a voluntary basis, then such owner may hire the city of Belen for such services and shall compensate the city according to the rate schedule set forth above. In the event that such property owner fails or refuses to pay the city in accordance with the rate schedule set forth above, then the city shall exercise the same lien remedies outlined in subsection A of this section.

(Ord. 1993-8 §§ 1, 2)

8.12.100 - Reporting and removal of nuisances.

It is the duty of the ~~marshal~~ Code Enforcement Department to ascertain and report to the city ~~mayor~~ manager the existence of any and all nuisances declared to be such by the foregoing sections ~~__, and~~ W whenever it shall appear that such nuisances exist, the mayor may direct the same to be abated and removed by such officers or persons as may be designated, and if such nuisance be found on private property, the said officer or person shall order the owner, agent or occupant thereof to remove and abate the same at his own expense within a

~~reasonable time~~twenty (20) days; ~~and if~~ such owner, agent or occupant shall fail, refuse or neglect to comply with the requirements of any such order, the said officer or person by order of the mayor may cause such nuisance to be removed, and all expenses incurred thereby shall be paid by such owner, agent or occupant, or such other person as shall have caused or permitted the same, and such expense may be recovered from such owner, agent or occupant, or from such other person as shall have caused or permitted the same, by action brought before the ~~justice of the peace~~Municipal Court in the ~~name of the city~~City of Belen.

(Ord. 10 § 8, 1919)

8.12.110 - Violation—Penalty.

~~Unless otherwise specified above,~~ Any person ~~offending against~~violating the foregoing provisions of this chapter shall be ~~punished~~fined for each offense ~~by a fine of~~ not more than twenty-five dollars (\$25.00) and the costs of the prosecution, ~~and in~~ default of payment thereof, an assessment may be made by the city of Belen and a lien placed upon such premises of the owner for the amount of the unpaid fine plus costs ~~be imprisoned in the city or county jail for a period of not more than twenty~~ ~~(20) days.~~

(Ord. 10 § 7, 1919)

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