



Consideration of Lea County Resolution No. 22-FEB-037R Approving the Publication of Notice of Hearing to Adopt an Ordinance Governing Dangerous Buildings; Enforcement of Ordinance; and Penalties for Violating Ordinance; Repealing and Superseding the Dangerous Buildings Ordinance Adopted July 25, 2019

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STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 22-FEB-037R

A RESOLUTION APPROVING THE PUBLICATION OF NOTICE OF HEARING TO ADOPT AN ORDINANCE GOVERNING DANGEROUS BUILDINGS; ENFORCEMENT OF ORDINANCE; AND PENALTIES FOR VIOLATING ORDINANCE; REPEALING AND SUPERSEDING THE DANGEROUS BUILDINGS ORDINANCE ADOPTED JULY 25, 2019

WHEREAS, the health, safety, and welfare of residents of the Lea County/Hobbs Extraterritorial Area require the abatement, removal, and condemnation of dangerous or dilapidated buildings, premise structures, including mobile homes and manufactured homes; and

WHEREAS, NMSA 1978, § 4-37-1 provides that all counties are granted the same power municipalities and included in this grant of powers are those powers necessary and proper to provide the safety, preserve the health, promote the prosperity, and improve the morals, order comfort convenience of Lea County and its inhabitants; and

WHEREAS, the continued growth and development within the Lea County necessitate consideration of the abatement or removal of ruined, damaged, and dilapidated buildings, structures, premises within the area to ensure the public health, welfare, and quality of life of the area's residents.

BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that a notice be published of a public hearing to be held at a regularly scheduled Commission meeting on Thursday, March 10, 2022, at 9:15 a.m. on the question of whether to adopt an Ordinance Governing Dangerous Buildings, rescinding and superseding the Dangerous Buildings Ordinance adopted July 25, 2019. The public hearing will be held in the Commission Chambers at the Lea County Courthouse located at North Main, Lovington, New Mexico.

PASSED, APPROVED AND ADOPTED on this 17th day of February, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

LCBCC Regular Meeting 02-17-2022
Resolution No. 22-FEB-037R - A Resolution Approving the Publication of Notice of Hearing to Adopt an Ordinance Governing Dangerous Buildings; Enforcement of Ordinance; and Penalties for Violating Ordinance; Repealing and Superseding the Dangerous Buildings Ordinance Adopted July 25, 2019
Page 1 of 2

LEA COUNTY, NEW MEXICO

NOTICE OF PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF AN ORDINANCE

The Board of Commissioners of Lea County, New Mexico (the "County") will consider the adoption of an ordinance (the "Ordinance") on March 10, 2022, at 9:15 a.m. or as soon thereafter as the matter can be heard, at the Commission Chambers, Lea County Courthouse, 100 North Main, Lovington, New Mexico 88260. The title and subject matter of the proposed Ordinance are as follows:

NOISE ORDINANCE. The Ordinance repeals and supersedes Dangerous Buildings Ordinance No. 97 dated July 25, 2019. The Ordinance provides for the abatement, removal, and condemnation of dangerous or dilapidated buildings and other refuse, ruins, etc. It provides for enforcement penalties for violations. The Ordinance will apply to all of Lea County, except those areas that are within the boundaries of incorporated municipalities.

Copies of the Ordinance are on file in the office of the County Clerk and will be available for inspection during normal business hours. The County Clerk's office is located at the Lea County Courthouse, 100 North Main, Lovington, New Mexico 88260.

This notice is given pursuant to Section 4-37-7 NMSA 1978.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS
Dean Jackson, Chair

STATE OF NEW MEXICO COUNTY OF LEA ORDINANCE NO. 97

DANGEROUS BUILDINGS ORDINANCE AN ORDINANCE GOVERNING DANGEROUS BUILDINGS REPEALING AND SUPERSEDING ORDINANCE NO. 97 DATED JULY 25, 2019

SECTION 1. SHORT TITLE

This Ordinance will be known as the Dangerous Buildings Ordinance.

SECTION 2. PURPOSE AND INTENT

The health, safety and welfare of the residents of Lea County require regulation of the abatement, removal and condemnation of dangerous or dilapidated buildings, premises or structures, including mobile homes and manufactured homes, waste, or ruins within Lea County. This Ordinance repeals and supersedes Dangerous Buildings Ordinance No. 97 dated July 25, 2019.

SECTION 3. AUTHORITY

3.1 NMSA § 4-37-1 provides that all counties are granted the same powers of municipalities and included in this grant of powers are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of Lea County and its inhabitants.

3.2 NMSA § 3-18-5 provides statutory authorization for County adoption of an ordinance providing for the abatement or removal of ruined, damaged and dilapidated buildings, structures and premises.

SECTION 4. APPLICABILITY

This ordinance shall be effective and enforced within the geographical boundaries of Lea County, except for those areas that lie within the boundaries of any incorporated municipality. This Ordinance repeals and supersedes Dangerous Buildings Ordinance No. 97 dated July 25, 2019.

SECTION 5. PROCESS

5.1 **Resolution requiring removal.** Whenever any building or structure, which shall include mobile homes and manufactured homes, is ruined, damaged and dilapidated, or any premises is covered with

Lea County Ordinance No. 97 - An Ordinance Governing Dangerous Buildings Repealing and Superseding Ordinance No. 97 Dated July 25, 2019
LCBCC Meeting 03-10-2022
Page 1 of 4

Lea County Ordinance No. 97 - An Ordinance Governing Dangerous Buildings Repealing and Superseding Ordinance No. 97 Dated July 25, 2019
LCBCC Meeting 03-10-2022
Page 2 of 4



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, ~~January 13~~ ^{February 17}, 2022

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: **Monday, December 27, 2021**

County Manager Approval mgallagher@leacounty.net required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy:	SUBMITTED BY Name, Title, Dept: John Caldwell, County Attorney, Legal Department
SUBJECT: Public Notice of Hearing on Dilapidated Buildings Ordinance	ATTACHMENT(S): Publication Notice Draft Ordinance
NO. OF ORIGINALS FOR SIGNATURE: 1 Resolution	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:
STRATEGIC PLAN Implementation of 5 Year Strategic Plan: 3.4 Quality of Life 3.5 Safety	
SUMMARY: This resolution authorizes publication of notice of a hearing on February 3, 2022, at which the Commission will consider adopting an ordinance governing dilapidated buildings and repealing/superseding the current Dilapidated Buildings Ordinance. The public hearing on February 3, 2022 was canceled due to inclement weather. Lea County Resolution No. 22-FEB-037R will authorize the publication of notice of a hearing on March 10, 2022, at which the Commission will consider adopting an ordinance governing dilapidated buildings and repealing/superseding the current Dilapidated Buildings Ordinance.	
Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked, how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other:	See Additional Summary Attached <input type="checkbox"/>
SUBMITTER'S RECOMMENDATION(S): Approve	Submitter's Signature Department Director, Etc. John Caldwell <small>Digitally signed by John Caldwell Date: 2022.01.09 15:51:27 -07'00'</small>
FINANCE REVIEW Fiscal Impact/Cost: There is no financial impact to Lea County with this agenda item.	Reviewed by Finance Director Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.01.10 10:50:32 -07'00'</small>
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney John Caldwell <small>Digitally signed by John Caldwell Date: 2022.01.09 15:51:49 -07'00'</small>
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda
Item No. <u>0206</u> RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN	
Approved: _____ Denied: _____ Other: _____ Resolution No. <u>22-FEB-037R</u> Policy No. _____ Ordinance No. _____ Continued To: _____ Referred To: _____ Comments: _____	

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-FEB-037R

**A RESOLUTION APPROVING THE PUBLICATION OF NOTICE OF HEARING TO ADOPT AN
ORDINANCE GOVERNING DANGEROUS BUILDINGS; ENFORCEMENT OF ORDINANCE; AND
PENALTIES FOR VIOLATING ORDINANCE; REPEALING AND SUPERSEDING THE DANGEROUS
BUILDINGS ORDINANCE ADOPTED JULY 25, 2019**

WHEREAS, the health, safety, and welfare of residents of the Lea County/Hobbs Extraterritorial Area require the abatement, removal, and condemnation of dangerous or dilapidated buildings, premises or structures, including mobile homes and manufactured homes; *and*

WHEREAS, NMSA 1978, § 4-37-1 provides that all counties are granted the same powers of municipalities and included in this grant of powers are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order comfort and convenience of Lea County and its inhabitants; *and*

WHEREAS, the continued growth and development within the Lea County necessitate the consideration of the abatement or removal of ruined, damaged, and dilapidated buildings, structures, and premises within the area to ensure the public health, welfare, and quality of life of the area's residents.

BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that a notice be published of a public hearing to be held at a regularly scheduled Commission meeting on Thursday, March 10, 2022, at 9:15 a.m. on the question of whether to adopt an Ordinance Governing Dangerous Buildings, rescinding and superseding the Dangerous Buildings Ordinance adopted July 25, 2019. The public hearing will be held in the Commission Chambers at the Lea County Courthouse located at 100 North Main, Lovington, New Mexico.

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Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
 Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: _____
Teri Davis, Deputy Clerk

John W. Caldwell, County Attorney

LEA COUNTY, NEW MEXICO

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CONSIDERATION OF ADOPTION OF AN ORDINANCE

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This notice is given pursuant to Section 4-37-7 NMSA 1978.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS
Dean Jackson, Chair

STATE OF NEW MEXICO
COUNTY OF LEA
ORDINANCE NO. 97

DANGEROUS BUILDINGS ORDINANCE

AN ORDINANCE GOVERNING DANGEROUS BUILDINGS REPEALING AND SUPERSEDING
ORDINANCE NO. 97 DATED JULY 25, 2019

SECTION 1. SHORT TITLE

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SECTION 2. PURPOSE AND INTENT

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SECTION 3. AUTHORITY

3.1 NMSA § 4-37-1 provides that all counties are granted the same powers of municipalities and included in this grant of powers are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of Lea County and its inhabitants.

3.2 NMSA § 3-18-5 provides statutory authorization for County adoption of an ordinance providing for the abatement or removal of ruined, damaged and dilapidated buildings, structures and premises.

SECTION 4. APPLICABILITY

This ordinance shall be effective and enforced within the geographical boundaries of Lea County, except for those areas that lie within the boundaries of any incorporated municipality. This Ordinance repeals and supersedes Dangerous Buildings Ordinance No. 97 dated July 25, 2019.

SECTION 5. PROCESS

5.1 **Resolution requiring removal.** Whenever any building or structure, which shall include mobile homes and manufactured homes, is ruined, damaged and dilapidated, or any premises is covered with

ruins, rubbish, wreckage or debris, the Board of County Commissioners may by resolution find that the ruined, damaged and dilapidated building, structure, mobile home, manufactured home or premises is a menace to the public comfort, health, peace or safety and require the removal of the building, structure, mobile home, manufactured home, ruins, rubbish, wreckage or debris.

5.2 **Service upon owner, occupant, or agent.** A copy of the resolution shall be served on the owner, occupant or agent in charge of the building, structure, mobile home, manufactured home or premises. If the owner, as shown by the real estate records of the County Clerk, occupant or agent in charge of the building, structure, mobile home, manufactured home or premises cannot be served within the County, a copy of the resolution shall be posted on the building, structure, mobile home, manufactured home or premises, and a copy of the resolution shall be published one time in a local newspaper of general circulation in the County.

5.3 **Time permitted for removal; written objection.** Within 10 days of receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner, occupant or agent in charge of the building, structure, mobile home, manufactured home or premises shall commence removing the building, structure, mobile home, manufactured home, ruin, rubbish, wreckage or debris, or file a written objection with the County Clerk asking for a hearing before the Board of County Commissioners.

5.4 **Hearing.** If a written objection is filed as provided in Section 5.3, the Board of County Commissioners shall:

5.4.1 Fix a date for a hearing on its resolution and the objection;

5.4.2 Consider all evidence for and against the resolution at the hearing; and

5.4.3 Determine if its resolution shall be enforced or rescinded.

5.5 **Appeal to District Court.** Any person aggrieved by the determination issued by the Board of County Commissioners made pursuant to Section 5.4.3 may appeal to the District Court by:

5.5.1 Giving written notice of appeal to the Board of County Commissioners within five days after the determination made by the Board of County Commissioners; and

5.5.2 Filing a petition in the District Court within 30 days after the determination made by the Board of County Commissioners. The District Court shall hear the matter de novo and enter a judgment in accordance with its findings.

SECTION 6. FAILURE OF OWNER, OCCUPANT, OR AGENT TO REMOVE; REMOVAL BY THE COUNTY; LIEN.

6.1 If the owner, occupant or agent in charge of the building, structure, mobile home,

manufactured home or premises fails to commence removing the building, structure, mobile home, manufactured home, ruins, rubbish, wreckage or debris within 10 days of being served a copy of the resolution or of the posting and publishing of such resolution, or within 30 days of the determination by the Board of County Commissioners that the resolution shall be enforced, or after the District Court enters judgment sustaining the determination of the Board of County Commissioners, the County may remove or may contract for the removal of the building, structure, mobile home, manufactured home, ruins, rubbish, wreckage or debris at the cost and expense of the owner. The reasonable cost of the removal shall constitute a lien against the building, structure, mobile home, manufactured home, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed. The lien shall be foreclosed in the manner provided in NMSA §§ 3-36-1 through 3-36-6.

6.2 Payment by County for removal. The County may, as one option, pay for the cost, all or part thereof, of removal of any condemned building, structure, mobile home, manufactured home, wreckage, rubbish or debris by granting to the person removing such materials the legal title to all salvageable materials.

6.3 Duty to leave premises in clean, level, and safe condition. Any person or firm removing any condemned building, structure, mobile home, manufactured home, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction, and with all excavations filled.

PASSED, APPROVED and ADOPTED on this 10th day of March, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

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ATTEST: Keith Manes
Lea County Clerk

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Teri Davis, Deputy Clerk

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