

1 Historic Places, or have been designated by the City as City Landmarks are
2 exempt from the requirements of this ordinance.

3 § 14-20-5 GENERAL PROVISIONS.

4 A. The owner or party otherwise responsible for a vacant commercial
5 building by way of lawful tenancy, management or otherwise shall:

6 1. Register the building with the Planning Department through forms
7 provided within 30 days of becoming a vacant commercial building as
8 defined by this section, and reregister annually thereafter for any
9 building that remains a vacant commercial building. The registration
10 form shall at a minimum require a description of the location and
11 address of the building, and the name, street address and telephone
12 number of the building owner, or of a natural person 21 years of age or
13 older with a physical address located within Bernalillo County,
14 designated by the owner or owners as the authorized agent for
15 receiving notices or process on behalf of the owner(s) for purposes of
16 notifications under this section. The Planning Department shall collect a
17 registration fee of \$200 for each initial registration, and \$50 for the
18 required annual reregistration;

19 2. Remove any accumulation of weeds, combustible waste, or refuse
20 from the property;

21 3. Secure any loose building components such as gutters or roofing
22 materials, and secure all doors, windows, and other openings to prevent
23 unauthorized entry. If boards are affixed for purposes of security or
24 maintenance, they must be painted to closely match building exterior
25 colors and maintained so as to remain secure;

26 4. Post signs prohibiting trespassing or limiting entry to authorized
27 personnel on at least one building façade and at each pedestrian or
28 vehicle entry point.

29 5. Remove significant pieces of peeling or flaking paint or stucco, and
30 repaint such areas to closely match existing color, and repair holes or
31 breaks that appear to affect more than 5% of the building façade;

32 6. Replace dead landscape material as expeditiously as possible;

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

- 1 7. Keep all free-standing signs on the property in a state of good repair
- 2 or otherwise have them removed. In addition to any other appropriate
- 3 maintenance, at a minimum, good repair requires removal and
- 4 replacement of any significant portions of peeling or flaking paint or
- 5 finish that affects more than 5% of a surface that can be viewed from a
- 6 public right-of-way, and replacement or covering of missing elements
- 7 that expose internal structure or lighting components;
- 8 8. Maintain and keep all existing or required outdoor lighting
- 9 operational; and
- 10 9. Maintain parking lots to be level and serviceable.

11 B. For properties which are in violation of any of the requirements set forth

12 in §A.2. through §A.9. upon initial registration or renewal described in

13 §A.1., property owners shall provide a written plan for how the property

14 will be brought into compliance with this ordinance within a period of time

15 deemed appropriate by the Planning Director or his/her designee.

16 § 14-20-6 Enforcement & Penalties.

17 A. Notice. The Zoning Enforcement Officer shall send a written notice by

18 mail to the agent designated for such purposes pursuant to Section 14-20-

19 5(A)(1), or if no such person has been identified then to the owner of record

20 as listed in the real property records of the County Clerk. At a minimum,

21 the notice must include:

- 22 1. A statement that a violation of this Section has been observed or
- 23 otherwise determined to exist;
- 24 2. A brief description of the nature of the violation;
- 25 3. Advisement of a 30 day grace period (or longer if appropriate in the
- 26 reasonable determination of the Zoning Enforcement Officer) within
- 27 which to come into compliance; and
- 28 4. A reference to the penalty provisions of this Section.

29 B. Penalty. If the property has not been brought into compliance within the

30 grace period set forth by the notice prescribed under subsection 'A' above

31 or any period of extension granted by the Zoning Enforcement Officer, the

32 owner or responsible party is subject to:

1 1. The penalty provisions set forth in § 1-1-99 of this code of ordinances,
2 with each day of violation is considered a separate offense; and
3 2. Instead of or in addition to the penalty provision set forth in § 1-1-99,
4 the City acting through the City Attorney, is hereby authorized to file an
5 action in a court of competent jurisdiction as a means of compelling
6 compliance to:

- 7 a. Enjoin any person from violating or threatening to violate the
8 terms, conditions and restrictions of this ordinance;
9 b. Collect civil assessments against the property of \$500 per day for
10 every day the property remains or remained in violation of this
11 Section after the expiration of the grace period or any extensions
12 granted by the Zoning Enforcement Officer identified in the notice by
13 the Zoning Enforcement Officer and;
14 c. Recover damages from the owner of a parcel in an amount of
15 money adequate for the City to undertake any construction
16 remediation, cleanup, or other activity necessary to bring about
17 compliance with this Section ordinance.
- 18 3. In addition to judicial remedies, any expenditure by the City to bring
19 the property into compliance, or any damages or assessments are
20 recoverable through the imposition of a municipal lien on the parcel
21 under NMSA 1978, § § 3-36-1 to 3-36-5. To the extent that monetary
22 penalties are recovered as a result of enforcement under this Section,
23 any funds so recovered shall be used exclusively for the purpose of
24 funding enforcement activities under this Section.”

25 **SECTION 2. INITIAL COMPLIANCE. All vacant commercial buildings in**
26 **existence at the time of enactment of this ordinance, must become compliant**
27 **with the requirements of this ordinance within 90 days from the date of**
28 **enactment.]**

29 **SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**
30 **clause, word or phrase of this Ordinance is for any reason held to be invalid or**
31 **unenforceable by any court of competent jurisdiction, such decision shall not**
32 **affect the validity of the remaining provisions of this Ordinance. The Council**
33 **hereby declares that it would have passed this Ordinance and each section,**

- 1 paragraph, sentence, clause, word or phrase thereof irrespective of any
- 2 provision being declared unconstitutional or otherwise invalid.
- 3 **SECTION 4. COMPILATION. SECTION 1 of this Ordinance shall be**
- 4 **incorporated in and made part of the Revised Ordinances of Albuquerque,**
- 5 **New Mexico, 1994.**
- 6 **SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days**
- 7 **after publication by title and general summary.**

[Bracketed/Underscored Material] - New
~~[Bracketed/Strikethrough Material]~~ - Deletion