

# AMENDED



## SPECIAL MEETING A G E N D A

Carlsbad City Council Special Meeting  
Janell Whitlock Municipal Complex  
114 S. Halagueno Street  
Carlsbad, New Mexico

August 31, 2023 at 4:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Routine and Regular Business

**All matters under this heading are considered routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items. If discussion is desired on a particular item, upon request, that item may be removed from the Routine and Regular Business and be considered separately.**

- A. Consider Approval of 60 day extension to the Agreement between the City of Carlsbad and Orlando Garza dba Guadalupe Pest Control, LLC for Grounds Maintenance and Grave opening and closing services at Carlsbad Cemeteries
3. Consider Approval of Resolution 2023-43, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage and debris at 507 S Elm Street Owner: Jesus Name Tabernacle Inc
4. Consider Approval of Resolution 2023-44, a Resolution requiring the removal of the ruins, rubbish, wreckage, debris or weeds at 205 S Mesquite Owner: Dylan Joe Magby
5. Consider Approval of Resolution 2023-45, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, and debris at 209 W Pecan St Owner: Carolyn L. Banks
6. Consider Approval of Resolution 2023-46, a Resolution requiring the removal of the weeds, debris, livestock and a dilapidated structure at 902 and 904 Malaga Ave Owner: Nancy E. Forni
7. Consider Approval of Resolution 2023-47, a Resolution requiring the removal of the ruins, rubbish, wreckage, debris, non-operable vehicles and occupied recreational vehicle at 106 Farris St Owner: Sylvia A. Trujillo

8. Consider Approval of Resolution 2023-48, a Resolution requiring the removal of the weeds at 706 Elgin Road Owner: Arturo and Hortencia Matta
9. Consider Approval of Resolution 2023-49, a Resolution requiring the removal of the weeds, dead trees and debris at 1413 W Mermod/106 S Cypress Owner: Derek Apodaca
10. Consider Approval of Resolution 2023-50, a Resolution requiring the removal of the trash, debris and weeds at 911 N Richard St and to secure the structure Owner: Pleasant Carl Watson c/o Carla Wales
11. Consider Approval of Resolution 2023-51, a Resolution requiring the removal of the trash, debris and weeds at 607 Welshire St and to secure the structure Owner: Rogelio Balderrama
12. Consider Approval of Resolution 2023-52, a Resolution requiring the removal of the trash, debris and weeds at 1005 N Mesa Owner: Roy Wilkinson
13. Adjourn



**FOR INFORMATION ONLY**

Agendas and City Council minutes are available on the City web site: [cityofcarlsbadnm.com](http://cityofcarlsbadnm.com) or may be viewed in the Office of the City Clerk during normal and regular business hours.

**CARLSBAD CITY COUNCIL MEETING SCHEDULE**

- Regular Meeting -Tuesday, September 12, 2023 at 6:00 p.m.
- Regular Meeting -Tuesday, September 26, 2023 at 6:00 p.m.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.

**NO DOCUMENT FOR THIS  
AGENDA ITEM**

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <span style="float:right">▷ B</span>	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, and debris at <b>507 S. Elm St.</b>		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as <b>507 S. Elm St.</b> is in a residential neighborhood near the intersection of Lea and Elm St. There appears to be dilapidated structures on the property, plus debris, and weeds. The Eddy County Assessor's Office lists Jesus Name Tabernacle Inc. as owning or having an interest in the property. The Assessor's records lists Jesus Name Tabernacle Inc.'s address as P.O. Box BB, Carlsbad, NM 88220. The property is unsecured and consists only of bare wooden framing with evidence of termites. This property has not been maintained in years. The buildings continue to degrade and the property attracts transients that present a danger to surrounding properties. A Notice of Violation was mailed to the owner on July 31, 2023. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Chief. They found that the property remains out of compliance with applicable codes. The ruined or dilapidated structures remain on the property and the property is not secured. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the buildings be demolished, the property be cleaned and the debris be removed. A resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds from the property within thirty days of the service of the resolution. On August 15, 2023, a certified letter was sent to Jesus Name Tabernacle Inc. at the address on the records of Eddy County, which invited it to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED		

**Reviewed by:**  
**City Administrator** /s/John Lowe **Date:** 08/24/2023

**ATTACHMENT(S):**  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Jesus Name Tabernacle Inc. dated August 15, 2023

**RESOLUTION NO. 2023-43**

**A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 507 S. ELM STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; AND REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS**

WHEREAS, the records of the Eddy County Assessor's Office show **Jesus Name Tabernacle Inc.** to be the owner of or to have an interest in the property commonly known as **507 S. Elm Street, Carlsbad, Eddy County, New Mexico**, and more particularly described as:

Subd: GREENE'S HIGHLAND Lot: 2 Block: 22 N 55' Quarter: SE

Subd: GREENE'S HIGHLAND Lot: 4 Block: 22 N 55' Quarter: SE S: 1 T: 22S R: 26E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer, the Fire Chief and the Certified Building Official; and

WHEREAS, the Carlsbad Code Enforcement Officer, the Fire Chief and the Certified Building Official found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Carlsbad Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the specific Building Code violations include, but are not limited to those listed on the attached Exhibit "C;" and

WHEREAS, the Property and all structures, ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owners, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owners, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the structure, ruins, rubbish, wreckage, debris, and weeds shall:**

- A. Begin immediately;**
- B. Proceed properly and with diligence; and**
- C. Be completed in a timely manner;**
- D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the structures, ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level,

and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the structures, ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the structures, ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



**CITY OF CARLSBAD**

*Planning, Engineering,  
and Regulation Department*  
114 S. Halagueno, PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379

**CODE ENFORCEMENT REPORT**

<b>Case Number:</b>  CE- <u>23</u> - <u>205</u>	<b>Date of Complaint:</b> 7/31/23	<b>Complaint Taken By:</b> EHarrell
	<b>Complainant Name:</b> Anon	<b>Phone Number:</b>

**Complaint Location:**  
507 S. Elm

**Details of Complaint:**  
House carcass that has been there for years, weeds

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Secured <input checked="" type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
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**Narrative:**  
An old house that is only baring wooden frame. Evidence of termites. This property is never taken care of and have reached out to the owners in the past. Nothing has been done in years. The structure has been stripped to the wood frame. This property has been a place for vagrants to hang out. Weeds are never cut.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_


Mailed Notice of Violation/Date: 7/31/23

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: \_\_\_\_\_

Referred to Other Agency: \_\_\_\_\_

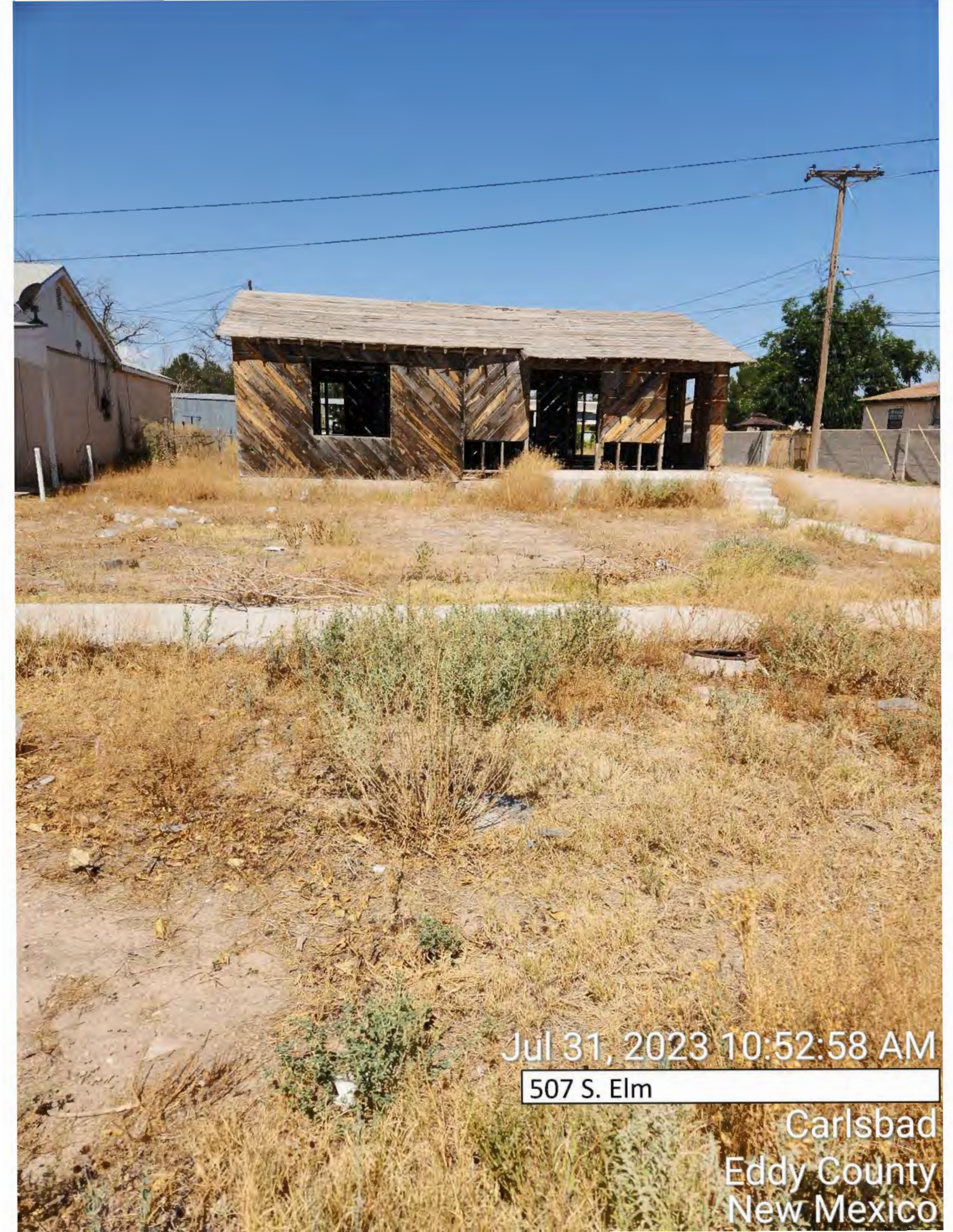
Other: Will ask fire marshal and building department for an inter office memo to start a condemnation.

	EHarrell	8/8/23
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_







Jul 31, 2023 10:52:58 AM

507 S. Elm

Carlsbad  
Eddy County  
New Mexico



Jul 31, 2023 10:53:51 AM

507 S. Elm

Carlsbad  
Eddy County  
New Mexico



Jul 31, 2023 10:54:24 AM

507 S. Elm

Carlsbad  
Eddy County  
New Mexico



Jul 31, 2023 10:54:06 AM

507 S. Elm

Carlsbad  
Eddy County  
New Mexico

# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 1, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 507 S. Elm St.

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On August 1, 2023, I inspected a property located at 507 S. Elm St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the buildings be demolished, the property be cleaned up, and the weeds and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### **Section 110 Unsafe Buildings**

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.1.1 Unsafe Conditions.** Structures or existing equipment that are or here after become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be unsafe.

**110.1.2 Structural Hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building official in accordance with Section 110.1

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

## Section 304 Combustible Waste Material

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

## Section 311 Vacant Premises

**311.1 General.** Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces shall be safeguarded and maintained in accordance with this section.

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered, declared unsafe and abated by demolition or rehabilitation.

**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with this section.

**311.2.2 Security.** Exterior openings and interior openings accessible to other tenants or authorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

**311.3 Removal of combustibles.** Persons owning, or in charge of a vacant building or portion thereof, shall remove therefrom all accumulations of combustible material, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department

CITY OF CARLSBAD

INTER-OFFICE MEMORANDUM

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Dale Janway, Mayor

John Lowe, City Administrator

July 18, 2023

TO: Denise Boyea

FROM: Nick Sullivan, Building Inspector

RE: **507 S Elm St.**

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On July 18, 2023, I performed an inspection on the property located at 507 S Elm St. There were two structures on this property that over the years have been neglected to the point that all structural materials are weathered and falling apart. There are no utilities to the structure, and the house is not secured to prevent trespassing. This house, in its current state, presents a significant danger to the public and should be condemned under the following sections of the International Property Maintenance Code.

*The International Property and Maintenance Code – 2009 edition states:*

**Section 108 – Unsafe Structures and Equipment**

**108.1.1 – 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.

**108.1.3 – 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 unsanitary, 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.

**108.1.5 – Dangerous Structure or Premises –** For the purpose of this code, any structure or premises that have any or all the conditions or defects described below shall be considered dangerous:

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.

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 a place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

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.

The building or structure, or any portion thereof is clearly unsafe for its use and occupancy.

### **Section 304 – Exterior Structure**

**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 of the public health, safety or welfare.

**304.7 – Roof 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.

### **Section 305 – Interior Structure**

**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 which 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.

### **Section 604 – Electrical Facilities**

**604.2 – Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three wire, 120/240volt, single-phase electrical service having a rating of not less than 60 amperes.

### **Section 505 - Water System**

**505.1 - General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code (and/or Uniform Plumbing Code).

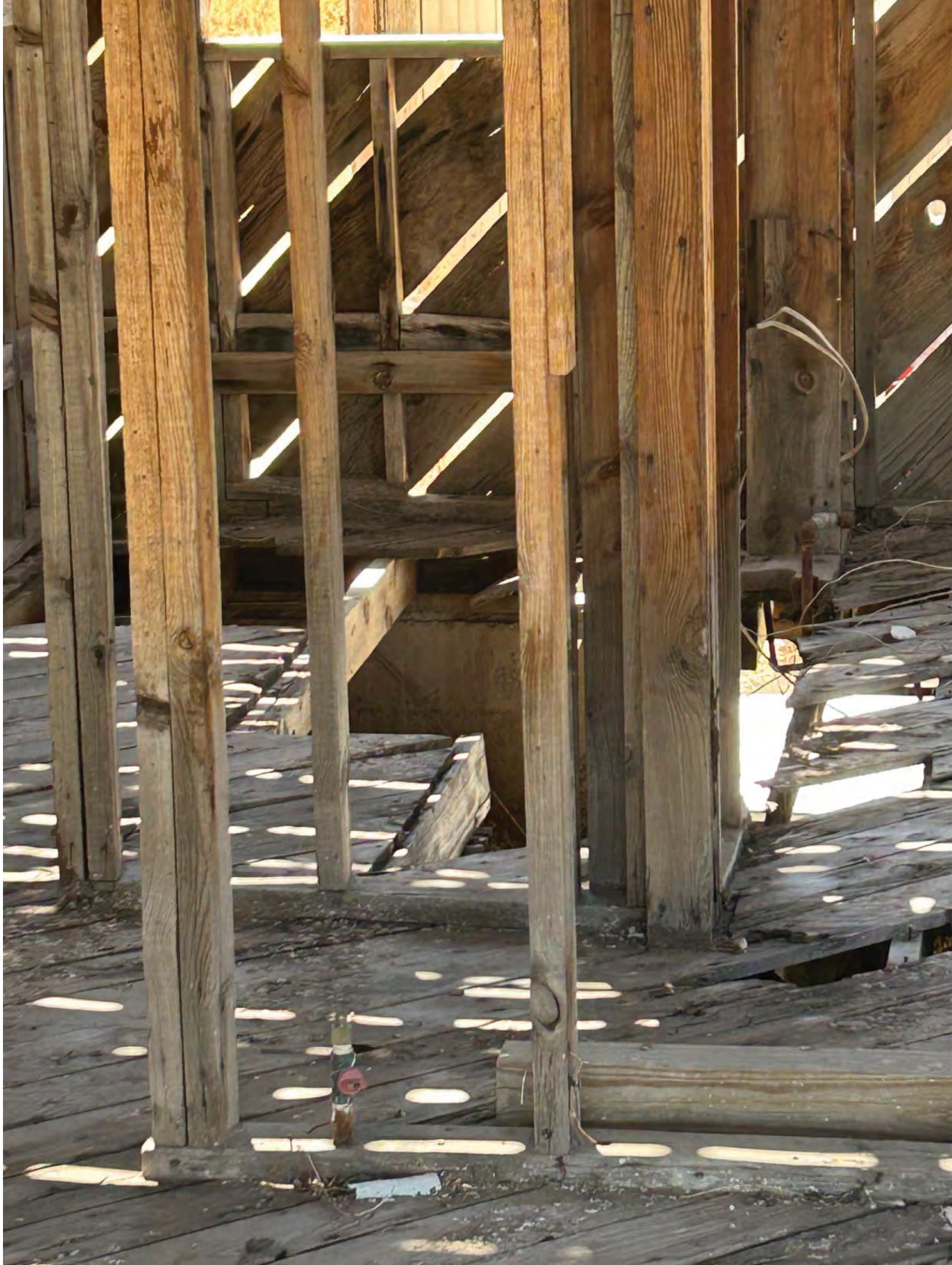


Nick Sullivan, Building Inspector  
City Of Carlsbad  
July 18, 2023









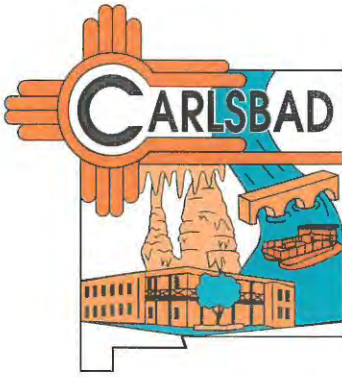












DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Jesus Name Tabernacle, Inc.  
PO Box BB  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 507 S. Elm St., Carlsbad, NM

To Whom it May Concern:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **507 S. Elm St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the removal of the structure and cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <span style="float:right">DB</span>	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the ruins, rubbish, wreckage, debris or weeds at <b>205 S. Mesquite St.</b>		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 205 S. Mesquite St is in a residential neighborhood near the intersection of Fox and Mesquite St. There appears to be a vacant residence on the property and a large amount of overgrown weeds, junk, debris and an inoperable vehicle on the property and in the alley. The Eddy County Assessor's Office lists Dylan Joe Magby as owning or having an interest in the property. The Assessor's records lists Dylan Magby's address as 617 N. Ash, Carlsbad, NM 88220. The property appears to be vacant. Code enforcement has been to the property. A Notice of Violation was mailed by certified mail to the owner on September 12, 2022. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned and the weeds, trash and debris be removed. A resolution has been prepared which, if adopted, would require the property owner to remove all ruins, rubbish, wreckage, debris or weeds from the property within thirty days of the service of the resolution. On August 15, 2023, a certified letter was sent to Dylan Joe Magby at the address on the records of the County, which invited him to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board
<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED

**Reviewed by:**  
**City Administrator** /s/John Lowe

**Date:** 08/24/2023

**ATTACHMENT(S):**  
Proposed Resolution with Attachments  
Photographs  
Letter to Dylan Joe Magby, dated August 15, 2023

**RESOLUTION NO. 2023-44**

**A RESOLUTION FINDING 205 S. MESQUITE STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS**

WHEREAS, the records of the Eddy County Assessor's Office show **Dylan Joe Magby** to be the owners of or to have an interest in the property commonly known as **205 S. Mesquite Street**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: STEVENS SECOND ADDITION Lot: 5 Block: 100

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or

B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**

**A. Begin immediately;**

**B. Proceed properly and with diligence; and**

**C. Be completed in a timely manner;**

**D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



# CITY OF CARLSBAD

Planning, Engineering,  
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

## CODE ENFORCEMENT REPORT

<b>Case Number:</b>  CE- <u>23</u> - <u>205</u>	<b>Date of Complaint:</b> September 12, 2022	<b>Complaint Taken By:</b> Lonnie Jaquez
	<b>Complainant Name:</b>	<b>Phone Number:</b>

**Complaint Location:**  
205 South Mesquite Carlsbad, New Mexico 88220

**Details of Complaint:**  
 -Weeds, trash & debris.  
 -Non-running vehicles  
 -Abandoned vehicles  
 -Property appears to be abandoned.

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
--	--	--

**Narrative:**  
 -Owner was mailed notice September 12, 2022.  
 -Property is overgrown with weeds.  
 -Non-running vehicles on the property.  
 -Unable to make contact.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_

Mailed Notice of Violation/Date: September 12, 2022

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: \_\_\_\_\_

Referred to Other Agency: \_\_\_\_\_

Other: \_\_\_\_\_

	Lonnie Jaquez	08/8/2023
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
 Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_







**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dylan Joe Magby  
617 N. Ash  
Carlsbad N.M. 88220



9590 9402 7482 2055 0827 31

2 Article Number (Transfer from service label)

0410 0002 9811 3837

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Betty Martinez*

- Agent
- Addressee

B. Received by (Printed Name)

BETTY MARTINEZ

C. Date of Delivery

9-17-22

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$ **4.00**  
 Extra Services & Fees (check box, add fees as appropriate)  
 Return Receipt (hardcopy) \$ **3.00**  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ **.57**  
 Total Postage and Fees \$ **7.82**

Sent To *Dylan Joe Magby*  
 Street and Apt. No., or PO Box No. *205 South Mesquite*  
 City, State, ZIP+4® *Carlsbad N.M. 88220*



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

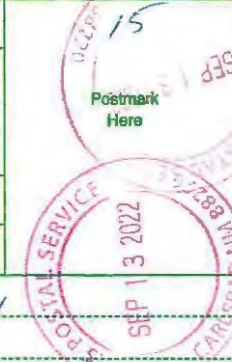
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$ **4.00**  
 Extra Services & Fees (check box, add fees as appropriate)  
 Return Receipt (hardcopy) \$ **3.00**  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ **.57**  
 Total Postage and Fees \$ **7.82**

Sent To *Dylan Joe Magby*  
 Street and Apt. No., or PO Box No. *617 North Ash*  
 City, State, ZIP+4® *Carlsbad N.M. 88220*



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0002 9811 3844

Aug 4, 2023 at 1:16:53 PM



1214 4239

Aug 4, 2023 at 1:16:40 PM



Aug 4, 2023 at 1:17:08 PM



Aug 4, 2023 at 1:19:16 PM



Aug 4, 2023 at 1:19:10 PM



Aug 4, 2023 at 1:18:55 PM





Aug 4, 2023 at 1:18:38 PM



Aug 4, 2023 at 1:18:27 PM



City Of Carlsbad  
Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 1, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 205 S. Mesquite St.

---

On August 1, 2023, I inspected a property located at 205 S. Mesquite St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the weeds and overgrown vegetation be removed under the following fire codes.

The International Fire Code, 2015 edition states:

**Section 110 Unsafe Buildings**

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

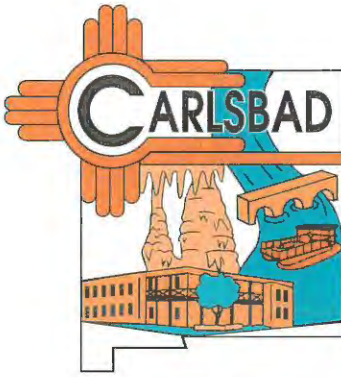
**Section 304 Combustible Waste Material**

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department



Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

DALE JANWAY  
MAYOR

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Dylan Joe Magby  
617 N. Ash  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 205 S. Mesquite St., Carlsbad, NM

Dear Mr. Magby:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **205 S. Mesquite St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the removal of the structure and cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

A handwritten signature in blue ink that reads "Denise Madrid Boyea".

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
JJ CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <span style="float:right">DB</span>	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, and debris at <b>209 W. Pecan St.</b>		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as <b>209 W. Pecan St.</b> is in a residential neighborhood near the intersection of National Parks Highway and Pecan. There appears to be dilapidated structures on the property and a large amount of rubbish, debris, inoperable vehicles and weeds. The Eddy County Assessor's Office lists Carolyn L. Banks as owning or having an interest in the property. The Assessor's records lists Carolyn Banks' address as 9 Sagebrush Trl., Artesia, NM 88210. The property appears to be vacant and unsecured. Code enforcement has been to the property and the primary structure was red-tagged by the Building Department for illegal electrical hook-up. The owner requested a zone change in March, 2023 and the Planning and Zoning Commission voted to table the request until the property was brought into compliance with applicable codes. Code Enforcement and the Building Official met with the owner on March 10, 2023, to discuss actions needed to clean up and clear the property. The owner stated she had hired someone to perform the cleanup; however, no work has been done to bring the property into compliance. The electric and water utilities have been disconnected. The buildings continue to degrade and the property attracts transients that present a danger to surrounding properties. It appears someone is living in a recreational vehicle on the property. A Notice of Violation was mailed to the owner on December 3, 2021 and a verbal warning was issued March 6, 2023. An email was sent to the owner on June 16, 2023. There has been no response by the owner. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Chief. They found that the property remains out of compliance with applicable codes. The ruined or dilapidated structures remain on the property and the property is not secured. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the buildings be demolished, the property be cleaned and the debris be removed. A resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds from the property within thirty days of the service of the resolution. On August 15, 2023, a certified letter was sent to Carolyn L. Banks at the address on the records of the County, which invited her to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED

**Reviewed by:**  
**City Administrator** /s/John Lowe

**Date:** 08/24/2023

**ATTACHMENT(S):**  
Proposed Resolution with Attachments  
Photographs  
Letter to Carolyn L. Banks dated August 15, 2023

**RESOLUTION NO. 2023-45**

**A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 209 W. PECAN STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; AND REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS**

WHEREAS, the records of the Eddy County Assessor's Office show **Carolyn L. Banks** to be the owner of or to have an interest in the property commonly known as **209 W. Pecan Street, Carlsbad, Eddy County, New Mexico**, and more particularly described as:

Subd: HEMLER Lot: 4 Block: M  
Subd: HEMLER Lot: 5 Block: M

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer, the Fire Chief and the Certified Building Official; and

WHEREAS, the Carlsbad Code Enforcement Officer, the Fire Chief and the Certified Building Official found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Carlsbad Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the specific Building Code violations include, but are not limited to those listed on the attached Exhibit "C;" and

WHEREAS, the Property and all structures, ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owners, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owners, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the structure, ruins, rubbish, wreckage, debris, and weeds shall:**

- A. Begin immediately;**
- B. Proceed properly and with diligence; and**
- C. Be completed in a timely manner;**
- D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the structures, ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the structures, ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the structures, ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK





# CITY OF CARLSBAD

Planning, Engineering,  
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

## CODE ENFORCEMENT REPORT

<b>Case Number:</b>  CE- _____ - _____	<b>Date of Complaint:</b> December 2021	<b>Complaint Taken By:</b> E. Harrell
	<b>Complainant Name:</b>	<b>Phone Number:</b>

**Complaint Location:**  
209 W. Pecan St., Carlsbad NM 88220

**Details of Complaint:**  
Large amount of junk and vehicles. Living in an RV.

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Secured <input checked="" type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
---	--	--

**Narrative:**  
Owner requested a zone change for the property in March 2023, the commission asked that the property be brought into compliance before they would hear the item. Code Enforcement and the Building Official met with the owner on March 10, 2023 to discuss what items needed to be cleaned/cleared. Owner indicated she had already hired someone to begin the clean-up. To date, no work has been done on the property to bring it into compliance. The structure was red-tagged by the previous building official for illegal electrical hook-up. Upon inspection in March 2023, the building official deemed the house condemnable. An email was sent to the homeowner with no response or action taken.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_

Mailed Notice of Violation/Date: 12/3/2021

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: 3/6/2023

Referred to Other Agency: \_\_\_\_\_

Other: Email - 6/16/2023

	Trysha Ortiz	8/11/2023
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_



Trysha Ortiz <paortiz@cityofcarlsbadnm.com>

---

## 209 W. Pecan St.

1 message

---

**Jeff Patterson** <jepatterson@cityofcarlsbadnm.com>

Fri, Jun 16, 2023 at 3:21 PM

To: "carolynbanks@usa.net" <carolynbanks@usa.net>

Cc: Trysha Ortiz <paortiz@cityofcarlsbadnm.com>, Eydie Harrell <emharrell@cityofcarlsbadnm.com>

Ms. Banks, I am writing you to check in on the clean-up efforts for [209 W. Pecan St.](#) I know the trash and junk on the property needed to be removed and the house needed to be demolished. Have you been able to accomplish these tasks, or make arrangements to accomplish this?

Please let me know the status of this property.

Thank you!

--

**Jeff Patterson, CFM**  
Director, Planning and Regulation Dept.  
City of Carlsbad  
[575-885-1185](tel:575-885-1185)  
[Ext. 2221](tel:575-885-2221)

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department  
Code Enforcement Division  
101 N. Halagueno St., PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 12/3/2021  
Case: CE- 21 - 063  
Address: 209 W. Pecan  
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*  
4-157-130-357-069 & 4-157-130-367-069  
BANKS, CAROLYN L  
9 SAGEBRUSH TRL  
ARTESIA, NM 88210

FINAL NOTICE

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 12/13/2021

CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:

Please remove junk/trash/debris, any outside storage from property. Junked/non-running vehicles need to be removed. Pans and buckets of oil need to be disposed of properly. Burned outbuilding needs to be demo'd. Illegal electric from box to generator. No living in RV's. No mechanic work/repair/service in an R-1 zoned area. House has been Red Tagged, no living in the house until it has been brought into compliance. This will be your only notice on this property. Please bring both of these parcels up to code. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:

DILAPIDATED BUILDINGS AND STRUCTURES  
Sec. 22-32 - Determination, resolution requiring removal.  
Whenever any building or structure is ruined, damaged and dilapidated, or any premises covered with ruins, rubbish, wreckage, debris or weeds, the city council may, by resolution, find that the ruined, damaged and dilapidated building or structure or weed covered premises is a menace to the public comfort, health, peace or safety and require the removal from the city of the building, structure, ruin, rubbish, wreckage, debris or weeds.

See attached RV Ordinance

CODE VIOLATED:

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

CODE VIOLATED:

ABANDONED MOTOR VEHICLE (CCO 50-6): It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, motor vehicle parts, ice box, refrigerators, stoves, glass, building material, building rubbish or similar items (including, but not limited to weeds, dead trees, trash, garbage, etc.).

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

EHarrell  
Code Enforcement Signature

EHarrell  
Printed Name

12/3/2021  
Date

Sec. 56-42 USE REGULATIONS

5. *Use of an RV.* It shall be unlawful for any person to occupy, place, store or use an RV outside of a properly zoned RV park except as follows:

(a)

*Temporary dwelling.* One RV may be occupied or used on a residentially zoned lot containing a dwelling provided the RV is used for temporary dwelling purposes only. The RV may be served only by electricity and water, and no other utility connection is permitted. Such occupation or use is limited to no more than 14 days in any calendar year for any given lot. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required.

(b)

*On-site temporary residence.* One RV may be used or occupied as a temporary residence at a construction site for which a building permit has been issued and is in effect. In a residential zone, the RV may be used as a temporary residence for no longer than six months. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required.

(c)


*On-site temporary construction office.* In a commercial or industrial zone, one RV may be used as a temporary construction office at a construction site for which a building permit has been issued and is in effect. No such RV shall be used for residential purposes. A temporary use permit is required.

(d)

*Night watchman.* In an industrial zone, one RV may be used to serve as quarters for a night watchman or caretaker. No such RV shall be used for residential purposes.

(e)

*Outside storage.* RV's may be stored in an enclosed building. Outside storage of an RV is permitted provided the RV is not placed in the required front or side yard setback.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Grace Miller</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Grace Miller</i></p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Carolyn Banks</i>  <i>9 Sagebrush TR1</i>  <i>Artesia, NM 88210</i></p>  <p>9590 9402 2177 6193 9118 29</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (transfer from service label)</p> <p>7017 1070 0000 6425 3584</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input checked="" type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Insured Mail</li> <li><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input type="checkbox"/> Return Receipt for Merchandise</li> <li><input checked="" type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

*15cH*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

OFFICIAL USE

<p>Certified Mail Fee \$ <i>3.75</i></p> <p>Extra Services &amp; Fees (check box, add fees as appropriate)</p> <p><input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ <i>3.00</i></p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input checked="" type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ <i>0.53</i></p> <p>Total Postage and Fees \$ <i>7.33</i></p>	
--	--

Sent To *Carolyn Banks*

Street and Apt. No., or PO Box No.  
*#9 Sagebrush Tr1*

City, State, ZIP+4®  
*Artesia NM 88210*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1070 0000 6425 3584



209



Aug 11, 2023 at 10:19:51 AM



Aug 11, 2023 at 10:19:55 AM





Aug 11, 2023 at 10:20:28 AM



Aug 11, 2023 at 10:21:25 AM



Aug 11, 2023 at 10:21:47 AM



Aug 11, 2023 at 10:21:52 AM



Aug 11, 2023 at 10:21:39 AM



Aug 11, 2023 at 10:21:43 AM



# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: 1 August 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 209 W. Pecan St.

---

On August 1, 2023, I inspected a property located at 209 W. Pecan St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and all trash, debris, and inoperable vehicles be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### Section 110 Unsafe Buildings

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.4 Abatement.** The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

### Section 304 Combustible Waste Material

**304.1 Waste accumulation prohibited.** Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

**304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

### **Section 313 Fueled Equipment**

**313.1.1 Removal.** The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

### **Section 315 Miscellaneous Combustible Materials Storage**

**315.3 Outside Storage.** Outside storage of combustible materials shall not be located within 10 feet of a property line.

A handwritten signature in blue ink, appearing to read 'Ken Ahrens', is positioned above the typed name and title.

Ken Ahrens, Fire Chief  
Carlsbad Fire Department



CITY OF CARLSBAD

INTER-OFFICE MEMORANDUM

Dale Janway, Mayor

John Lowe, City Administrator

August 4, 2023

TO: Denise Madrid Boyea, City Attorney

FROM: Nick Sullivan, Building inspector

RE: **209 W Pecan St, Carlsbad NM**

On March 3, 2023 I performed an inspection on the property located at 209 W Pecan St. During our walk through of the property we found the house to be abandoned and occupied by squatters. The house was left in ruin. There are no utilities to the property. The entire roof structure and covering is in ruin. There was exposed wiring and open receptacles throughout the house making it unsafe. The interior plumbing throughout the house was not working correctly causing substantial health issues. All interior and exterior walls have sustained damage to the point that the entire house is unsuitable for human occupancy. In its current state this property is a serious risk to the general public. And should be condemned under the following sections of the International Property Maintenance Code.

**108.1.3- 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 unsanitary, 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.

**108.1.5- Dangerous Structure or Premises-** For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

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.

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.

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.

The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

**Section 304- Exterior Structure**

**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.

**304.7- 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.

### **Section 305- Interior Structure**

**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 which 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*.

### **Section 505 Water System**

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code (and/or Uniform Plumbing Code).

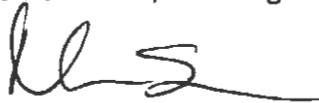
### **Section 602- Heating Facilities**

**602.2 Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

### **Section 604- Electrical Facilities**

**604.2- Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Nick Sullivan, Building inspector



City of Carlsbad  
August 3, 2023



WELCOME

PRIVATE  
PROPERTY

209







Kenmore Elite







R...  
JUSTICE  
...RICAN  
...THEISTS











PRIVATE  
PROPERTY

OPEN

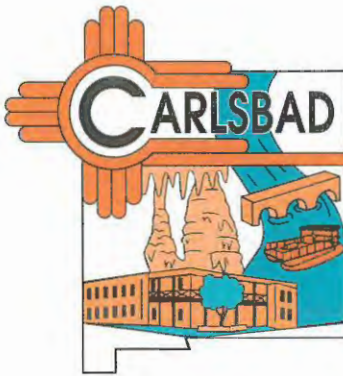
0719 13617



**CAUTION  
KEEP  
GATE  
CLOSED**







Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

DALE JANWAY  
MAYOR

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Carolyn L. Banks  
9 Sagebrush Trl.  
Artesia, NM 88210

RE: Dangerous Premises at the property known as 209 W. Pecan St., Carlsbad, NM

Dear Ms. Banks:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **209 W. Pecan St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the removal of the structure and cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER



**CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the weeds, debris and livestock and a dilapidated structure at <b>902 &amp; 904 Malaga Ave.</b>		
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>The property commonly known as <b>902 &amp; 904 Malaga Ave., Carlsbad, NM</b> is located in a residential neighborhood near the intersection of National Parks Highway and Corrales Rd. There appears to be a residential structure and a shed on the property. There are weeds and debris on the property and a goat.</p> <p>The Eddy County Assessor's Office lists <b>Nancy E. Forni c/o Nancy E. Forni</b> as owning or having an interest in the property. The Assessor's records <b>Nancy E. Forni c/o Nancy E. Forni's</b> address as 573 S. Roosevelt Road, Portales, NM 88130-9128.</p> <p>The property has a structure at <b>902 &amp; 904 Malaga Ave.</b> that appears to be occupied. Code enforcement has been to the property. A Notice of Violation was sent on May 9, 2023 via certified mail, with no response. A complaint was received on May 9, 2023.</p> <p>The property has been inspected by the City Code Enforcement Officer and the Fire Chief. They found that the property remains out of compliance with applicable codes. The person occupying the property said he would clean the property multiple times. There are large piles of trash and debris, tires, lumber and a goat. The property is one-half an acre and the Ordinance requires at least three-quarters of an acre to house one goat. There is debris along the west fence line and old campers in the back. There is an old shed that is ruined and dilapidated. Debris has blown into the alley from this address. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel.</p> <p>A resolution has been prepared which, if adopted, would require the property owner to remove the debris, weeds and goat from the property and remove the dilapidated shed structure within thirty days of the service of the resolution.</p> <p>On August 15, 2023, a certified letter was sent to <b>Nancy E. Forni c/o David and Jacquelynn Calderon</b>, 573 S. Roosevelt Road, Portales, NM 88130-9128, the address on the records of Eddy County, which invited them to attend the meeting and speak with Council about the property.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED

**Reviewed by:**  
**City Administrator** /s/John Lowe **Date:** 08/24/2023

**ATTACHMENT(S):** Proposed Resolution with Attachments  
 Photographs  
 Letter to **Nancy E. Forni c/o David and Jacquelynn Calderon** dated August 15, 2023

**RESOLUTION NO. 2023-46**

**A RESOLUTION FINDING 902 & 904 MALAGA AVENUE TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, DILAPIDATED STRUTURE (SHED), A LIVESTOCK, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE DILAPIDATED STRUCTURE (SHED), RUINS, RUBBISH, WRECKAGE, DEBRIS, A LIVESTOCK AND/OR WEEDS**

WHEREAS, the records of the Eddy County Assessor's Office show **Nancy E. Forni c/o David M. & Jacquelynn M. Calderon** to be the owners of or to have an interest in the property commonly known as **902 & 904 Malaga Avenue**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: JOEL Lot: 19 Block: D  
Subd: JOEL Lot: 20 Block: D

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, a goat, and/or some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, livestock and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

A. Commence removing all ruins, rubbish, wreckage, debris, livestock, dilapidated structure (shed) and weeds from the premises; or

B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**

**A. Begin immediately;**

**B. Proceed properly and with diligence; and**

**C. Be completed in a timely manner;**

**D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:


\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



# CITY OF CARLSBAD

Planning, Engineering,  
and Regulation Department  
114 S. Halagueno, PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379

## CODE ENFORCEMENT REPORT

<b>Case Number:</b>  CE- <u>23</u> - <u>124</u>	<b>Date of Complaint:</b> 5/9/23	<b>Complaint Taken By:</b> EHarrell
	<b>Complainant Name:</b> Anon	<b>Phone Number:</b>
<b>Complaint Location:</b> 902 & 904 Malaga		
<b>Details of Complaint:</b> Junk/trash/debris and a goat		
<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
<b>Narrative:</b> The man at this address has said he would clean this property multiple times. He needs help to clean it every time I talk to him because he had a surgery or needs one . There are a couple of large piles of trash and debris. Random tires and lumber stacked & scattered around a shop on the 902 address, which also houses a goat. The goat is to eat the weeds is what the owner has told me. The property does not have the right amount of acreage to house a goat. The 904 address has random debris along the west fence and multiple old campers in the back. There is an old shed that is ruined and dilapidated at this address. Debris has blown into the alley from this address.		
<b>Disposition of Case:</b> <input type="checkbox"/> No Basis for Complaint: _____ <input checked="" type="checkbox"/> Mailed Notice of Violation/Date: <u>Certified on 5/9/22</u> <input type="checkbox"/> Door Hanger Notice of Violation/Date: _____ <input type="checkbox"/> Verbal Warning/Date: _____ <input type="checkbox"/> Referred to Other Agency: _____ <input checked="" type="checkbox"/> Other: <u>Will ask fire marshal and building department for an inter office memo to start a condemnation.</u>		
 Code Enforcement Signature	EHarrell Printed Name	8/7/23 Date
<b>Report Information:</b> Entered into Database on: _____ By: _____ Page ___ of ___		

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department  
Code Enforcement Division  
101 N. Halagueno St., PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 5/9/2023  
Case: CE- 23 - 124  
Address: 902 Malaga Ave. # 904  
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*  
4-156-131-541-481 & 4-156-131-532-481  
FORNI, NANCY E  
CALDERON, DAVID M & JACQUELYNN M (K/S)  
573 S ROOSEVELT ROAD  
PORTALES, NM 88130-9128

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 5/19/2023  
CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:  
Per our MULTIPLE CONVERSATIONS: Please clean the property of junk/trash/debris and remove the pile of rubbish. Remove the dilapidated shed in the back of house. The parcel of land you have the goat on is only half an acre, the city requires three quarters of an acre (see insert). This is your last notice before a condemnation is submitted to council. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.  
EXCESS WEEDS - LOTS (CCO 22-64): It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

CODE VIOLATED:


DILAPIDATED BUILDINGS AND STRUCTURES  
Sec. 22-32 - Determination, remediation requiring removal  
Whenever any building or structure is ruined, damaged and dilapidated, or any premises covered with ruins, rubbish, wreckage, debris or weeds, the city council may, by resolution, find that the ruined, damaged and dilapidated building or structure or weed covered premises is a menace to the public comfort, health, peace or safety and require the removal from the city of the building, structure, ruins, rubbish, wreckage, debris or weeds.


CODE VIOLATED:

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

 EHarrell 5/9/2023  
Code Enforcement Signature Printed Name Date

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>																
<p>1. Article Addressed to:</p> <p>David Calderon Jacquelynn 573 S. Roosevelt Rd Ponchaes, NM 88130-9128</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>																
 9590 9402 2177 6193 9106 31	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<p>2. Article Number (Transfer from service label)</p> <p>7017 1070 0000 6425 3744</p>																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>																

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7017 1070 0000 6425 3744

7017 1070 0000 6425 3744

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

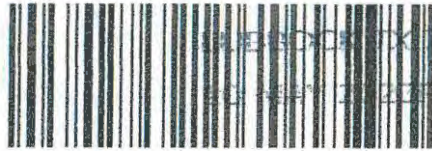
<p>Certified Mail Fee</p> <p>\$ _____</p> <p>Extra Services &amp; Fees (check box, add fee as appropriate)</p> <p><input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p>	<p>Postmark Here</p>
<p>Postage</p> <p>\$ _____</p> <p>Total Postage and Fees</p> <p>\$ _____</p>	
<p>Sent To: <u>David - Jacquelynn Calderon</u></p> <p>Street and Apt. No., or PO Box No. <u>573 S. Roosevelt Rd</u></p> <p>City, State, ZIP+4® <u>Ponchaes NM 88130-9128</u></p>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

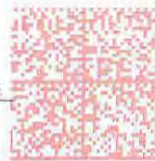
X1569  
5-27

**CERTIFIED MAIL**

**15 CITY OF CARLSBAD**  
Planning, Engineering, and Regulation  
**Code Enforcement Division**  
101 N. Halagueno St., PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185 Fax (575) 628-8379

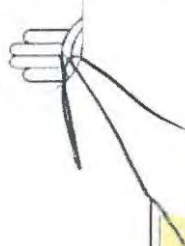


7017 1070 0000 6425 3744



**US POSTAGE** —METER—  
ZIP 88220 **\$ 008.10<sup>0</sup>**  
02 4W  
0000385920 MAY 10 2023

4-156-131-541-481 & 4-156-131-532-481  
FORNI, NANCY E  
CALDERON, DAVID M & JACQUELYNN M (K/S)  
573 S ROOSEVELT ROAD  
PORTALES, NM 88130-9128



*Handwritten signature*

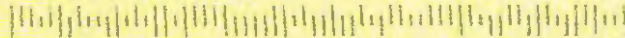
NIXIE 750 FE 1 0605/24/23

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

The following violation(s) of the Carlsbad Code of Ordinances:

88221-1569  
88130-91207B

BT: 88221156959 \*1875-07443-10-45





- e. Stands for display or sale of agricultural products, including poultry or rabbits, raised or grown on the premises are permitted, provided that:
    - (i) The number of stands is limited to one for each property; and
    - (ii) The size of the stand does not exceed 400 square feet of floor space.
  - f. All livestock shall be maintained in permanently fenced fields, corrals or other permanent enclosures of sufficient durability and rigidity to prevent release. A supply of potable water in reasonable quantity shall be readily available for all animals at all times. Sufficient shade shall be provided for all livestock animals maintained within each enclosure. Animal waste shall not be permitted to accumulate and shall be properly disposed of every 24 hours. A minimum of 40 square feet of shade shall be provided for each animal.
- (c) *Animal care, boarding, sales.* No outdoor overnight boarding of animals is allowed in a C-1 zone.
- (d) *Artisan/craftsman shop.* Building size in the R zone is limited to 1,500 square feet. Building size is unlimited in the C-1, C-2, and I zones.
- (e) *Bar/brewery (large and small)/distillery (large and small).* All facilities selling or serving alcohol must comply with state and local licensing requirements and all other applicable ordinances, laws, rules, regulations, codes, and policies.
- (f) *Batch or asphalt plants.* A site and rehabilitation plan shall be submitted to the planning director, and shall contain the following information.
1. The locations of all structures, the location of processing equipment, and adequate fencing and buffering of the site to prevent adverse impacts on neighboring properties, as required by the provisions of this section.
  2. The hours of the day and the number of months or years that the plant will be operating.
  3. How the project site will be rehabilitated upon conclusion of the excavation or upon lapse of any required conditional use permit, whichever occurs first, including finish contours, grading, sloping, and the location and amounts of vegetation.
  4. An access road plan and a traffic impact analysis.
  5. Additional information requested by the planning director and related to the impacts of the project on the surrounding area or the certainty that the site will be rehabilitated.
  6. Where the operation is adjacent to subdivided residential or developed residential or commercial property, fencing or buffering may be required by the planning director to minimize dust, noise and other impacts to neighboring properties.
  7. Where the access road plan or traffic impact analysis indicates potential health or safety concerns on the project site or in the surrounding vicinity, the planning director may place reasonable restrictions on the use of public rights-of-way, or may require the use of alternative access roads to minimize those impacts.
  8. Batching or loading operations shall not be permitted within 1,000 feet of a dwelling unit unless the owner and occupant of the residence have consented in writing to such operation.
  9. Batching and asphalt equipment shall be set back at least 100 feet from all road rights-of-way and watercourses. Existing trees and ground cover along street frontage and watercourses shall be preserved, maintained, and supplemented, if necessary, to reduce dust, erosion and noise impacts to neighboring properties.
  10. Operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m. unless longer or shorter hours of operation are approved as part of the conditional use permit.
  11. The operation shall comply with the plan, as modified by the planning director pursuant to this section, and the provisions of the plan and all other conditions set forth in this section become part of the conditional use permit for the operation.

(a) *Adult business uses.*

1. Adult business uses shall not be established, operated, or maintained within 1,000 feet of any boundary of any residentially zoned district, structure used for residential purposes, outdoor recreation facility, place of worship, public or private school, child day care, or another adult business use.
2. Any adult business use lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of any use listed in subsection (a)(1) above.
3. Advertisements, displays, or other promotional materials displaying or depicting adult material shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks, or walkways, or from other areas outside the establishment.
4. All building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent the interior of such premises from being viewed from outside the establishment.

(b) *Agriculture and livestock uses.*

1. In the R-1 Residential District, a maximum of three chickens (hens only, no roosters) shall be permitted for egg laying but not for butchering. Three rabbits may be kept as pets but not for butchering. Chickens and rabbits shall be housed in proper coops or cages and shall not be allowed to roam freely outside of the property. Excrement shall be cleaned up and properly disposed of daily so as not to create a nuisance. A conditional use permit shall be obtained by the property owner before any chickens or rabbits are brought to the property. All other livestock uses shall be limited to the Rural Residence District on lots that contain a minimum of three-quarters of an acre or as otherwise regulated below. Livestock shall include, but not be limited to, horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, rabbits, ratitae, camelids, members of the lama genus, or farmed cervidae.
2. For a property containing a minimum of three-quarters of an acre, horses, asses, mules, cattle, sheep, goats, bison, ratitae, camelids, members of the lama genus, or farmed cervidae, may be raised or kept, but not to exceed:
  - a. One sheep, goat, ratitae, or member of the lama genus but not to exceed one animal for each 4,000 square feet of land on which the animal will be maintained; or
  - b. One horse, ass, mule, cow, bull, steer, bison, camelid, or farmed cervidae, but not to exceed one animal for each 10,000 square feet of land on which the animal will be maintained.
  - c. Swine may not be raised or kept.
3. For property containing an area of one acre or more:
  - a. Sheep, goats, ratitae, or members of the lama genus may be raised or kept, but not to exceed one animal for each 4,000 square feet of land on which the animals will be maintained.
  - b. Horses, asses, mules, cattle, bison, camelids, or farmed cervidae may be raised or kept, or trained, but not to exceed one animal for each 10,000 square feet of land on which the animals will be maintained.
  - c. Poultry and rabbits may be raised or kept, but not to exceed a total of 24 animals on any property.
    - (i) Poultry or rabbits produced or raised on the property may be sold, but retail stands or structures are not permitted.
    - (ii) The killing or dressing of livestock for commercial purposes is not permitted.
    - (iii) A maximum of one crowing fowl may be kept per acre of land.
  - d. Swine may be raised or kept, but not to exceed one swine for each 20,000 square feet of land on which the animals will be maintained.



08/03/2023 10:12



08/03/2023 10:12



08/03/2023 10:12



08/03/2023 10:11



08/03/2023 10:11







City Of Carlsbad  
Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 10, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 902 & 904 Malaga

---

On August 10, 2023, I inspected a property located at 902 and 904 Malaga. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the trash and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

**Section 110 Unsafe Buildings**

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

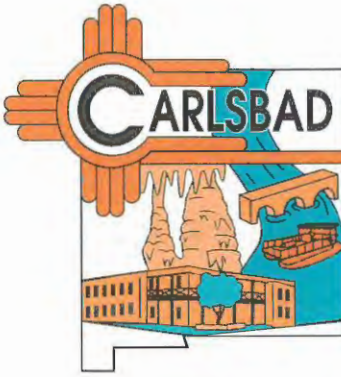
**Section 304 Combustible Waste Material**

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department



DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Nancy E. Forni  
c/o David M. & Jacquelynn M. Calderon  
573 S. Roosevelt Rd.  
Portales, NM 88130-9128

RE: Dangerous Premises at the property known as 902 & 904 Malaga Avenue,  
Carlsbad, NM

Dear Ms. Forni & Mr. & Mrs. Calderon:

According to the records of the Eddy County Assessor's Office, you are the owners or have an interest in the property commonly known as **902 & 904 Malaga Avenue, Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office, and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the dilapidated structure (shed), ruins, rubbish, wreckage, debris, a goat and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

*Denise Madrid Boyea*  
Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: August 31 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the ruins, rubbish, wreckage, debris, non-operable vehicles and occupied recreational vehicle at 106 Farris St.		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 106 Farris St. is in a residential neighborhood near the intersection of National Parks Highway and Farris St. There appears to be an occupied structure on the property and a large amount of junk, tires, trash, debris, an occupied recreational vehicle as well as non-running vehicles on the property. The Eddy County Assessor's Office lists Sylvia A. Trujillo as owning or having an interest in the property. The Assessor's records lists her address as 5502 Singletree Rd., Carlsbad, NM 88220. Code enforcement has been to the property. A Notice of Violation was mailed by certified mail to the owner on March 6, 2023 to 106 Farris, which was returned and on May 25, 2023 to 5502 Singletree via certified mail which was signed for by the owner. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned and the weeds, trash, inoperable vehicles and debris be removed. A resolution has been prepared which, if adopted, would require the property owner to remove all ruins, rubbish, wreckage, debris, occupied R.V., and/or inoperable vehicle, from the property within thirty days of the service of the resolution. On August 15, 2023, a certified letter was sent to Sylvia A. Trujillo at the address on the records of the County, which invited her to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		

**Reviewed by:**  
**City Administrator** /s/John Lowe

**Date:** 08/24/2023

**ATTACHMENT(S):**  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Sylvia A. Trujillo dated August 15, 2023

**RESOLUTION NO. 2023-47**

**A RESOLUTION FINDING 106 FARRIS STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, INOPERABLE VEHICLES, OCCUPIED R.V. AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, INOPERABLE VEHICLES, OCCUPIED R.V. AND/OR WEEDS**

WHEREAS, the records of the Eddy County Assessor's Office show **Sylvia A. Trujillo** to be the owners of or to have an interest in the property commonly known as **106 Farris St.**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: W T PARKER Lot: 15 Block: 4

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. **The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**
- A. Begin immediately;**
  - B. Proceed properly and with diligence; and**
  - C. Be completed in a timely manner;**
  - D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- 22 - 031
Date of Complaint: 3/6/23
Complaint Taken By: EHarrell
Complainant Name: Anon
Phone Number:

Complaint Location: 106 Farris

Details of Complaint: Junk/trash/debris, an old truck and a junked out RV in front set back

Primary Structure: Residential, Commercial, Occupied, Vacant, Secured, Unsecured, No structure on property
Photographs Taken (attach): Yes, No
CE District: North, South

Narrative: An old travel trailer that is being used to live in. Junk/trash/tires/tools/lumber scattered everywhere. A couple old vehicles that are not running in back yard, one is flattened. An old flat bed with no wheels. Stripped motorcycles.


Disposition of Case:
No Basis for Complaint:
Mailed Notice of Violation/Date: Certified on 3/6/23 (returned) Certified on 5/25/23 to another address
Door Hanger Notice of Violation/Date:
Verbal Warning/Date: Owner called the last week of May and said it would be cleaned. It did not get cleaned.
Referred to Other Agency:
Other: Will ask fire marshal for an inter office memo to start a condemnation.

EHarrell
Code Enforcement Signature
Printed Name
Date 6/29/23

Report Information:
Entered into Database on:
By:
Page \_\_\_ of \_\_\_





SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>X</b> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>																
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; font-family: cursive;">Sylvia A Ybarra 106 FARRIS ST CARLSBAD, NM 88220</p>  <p>9590 9402 2177 6193 9107 30</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7017 1070 0000 6425 3829</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>																	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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<p>Certified Mail Fee \$ _____</p> <p>Extra Services &amp; Fees (check box, add fee as appropriate)</p> <p><input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ _____</p> <p>Total Postage and Fees \$ _____</p>	<p style="text-align: center;">Postmark Here</p>
<p>Sent To <u>Sylvia A. YBARRA</u></p> <p>Street and Apt. No., or PO Box No. <u>106 FARRIS ST</u></p> <p>City, State ZIP+4® <u>CARLSBAD, NM 88220</u></p>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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**15 CITY OF CARLSBAD**  
Planning, Engineering, and  
**Code Enforcement Division**

101 N. Halagueno St., PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379



**US POSTAGE** PAID BY PITNEY BOWES  
  
ZIP 88220 **\$ 008.10<sup>0</sup>**  
02 4W  
0000385820 MAR 07 2023

MAR 29 2023

3-13  
-23

4-157-130-412-254  
YBARRA, SYLVIA A  
106 FARRIS ST  
CARLSBAD, NM 88220

RECEIVED  
MAR 29 2023  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
0000385820 MAR 07 2023

JN  
3-8-23

The following violation(s) of the Carlsbad Code of

**15 CITY OF CARLSBAD**

Planning, Engineering, and Regulation Department  
**Code Enforcement Division**  
101 N. Halagueno St., PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379



**NOTICE OF CODE VIOLATION**

Date: 5/25/2023  
Case: CE- 23 - 32  
Address: 106 Farris St.  
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*  
4-157-130-412-254  
YBARRA, SYLVIA A  
5502 SINGLETREE RD  
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 6/4/2023**

**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**  
**A certified letter was sent to 106 Farris also;** Please remove the camper in the front set back. Living in a camper/trailer is not allowed outside of an approved RV park. Remove all the junked vehicles and mechanic work being done at this address. Clean up the junk/trash/debris and any weeds on property or in alley. This is your last notice before a condemnation is submitted. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

**CODE VIOLATED:**

Sec. 56-42 USE REGULATIONS 5. Use of an RV. It shall be unlawful for any person to occupy, place, store or use an RV outside of a properly zoned RV park except as follows: (a) Temporary dwelling. One RV may be occupied or used on a residentially zoned lot containing a dwelling provided the RV is used for temporary dwelling purposes only. The RV may be served only by electricity and water, and no other utility connection is permitted. Such occupation or use is limited to no more than 14 days in any calendar year for any given lot. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required.

**CODE VIOLATED:**

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

EXCESS WEEDS - LOTS (CCO 22-64): It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

**CODE VIOLATED:**

VEHICLE STORAGE (CCO 50-06(d)): No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for a longer period of time than 48 hours; except that this section shall not apply with regard to a vehicle in an enclosed building or otherwise screened from public view or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

  
Code Enforcement Signature

EHarrell  
Printed Name

5/25/2023  
Date

7017 1070 0000 6425 2693

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Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ 2.60

Total Postage and Fees \$ 8.10



Sent To Sylvia YBARRA

Street and Apt. No., or PO Box No. 5502 Singletree Rd

City, State, ZIP+4® CARLSBAD NM 88220

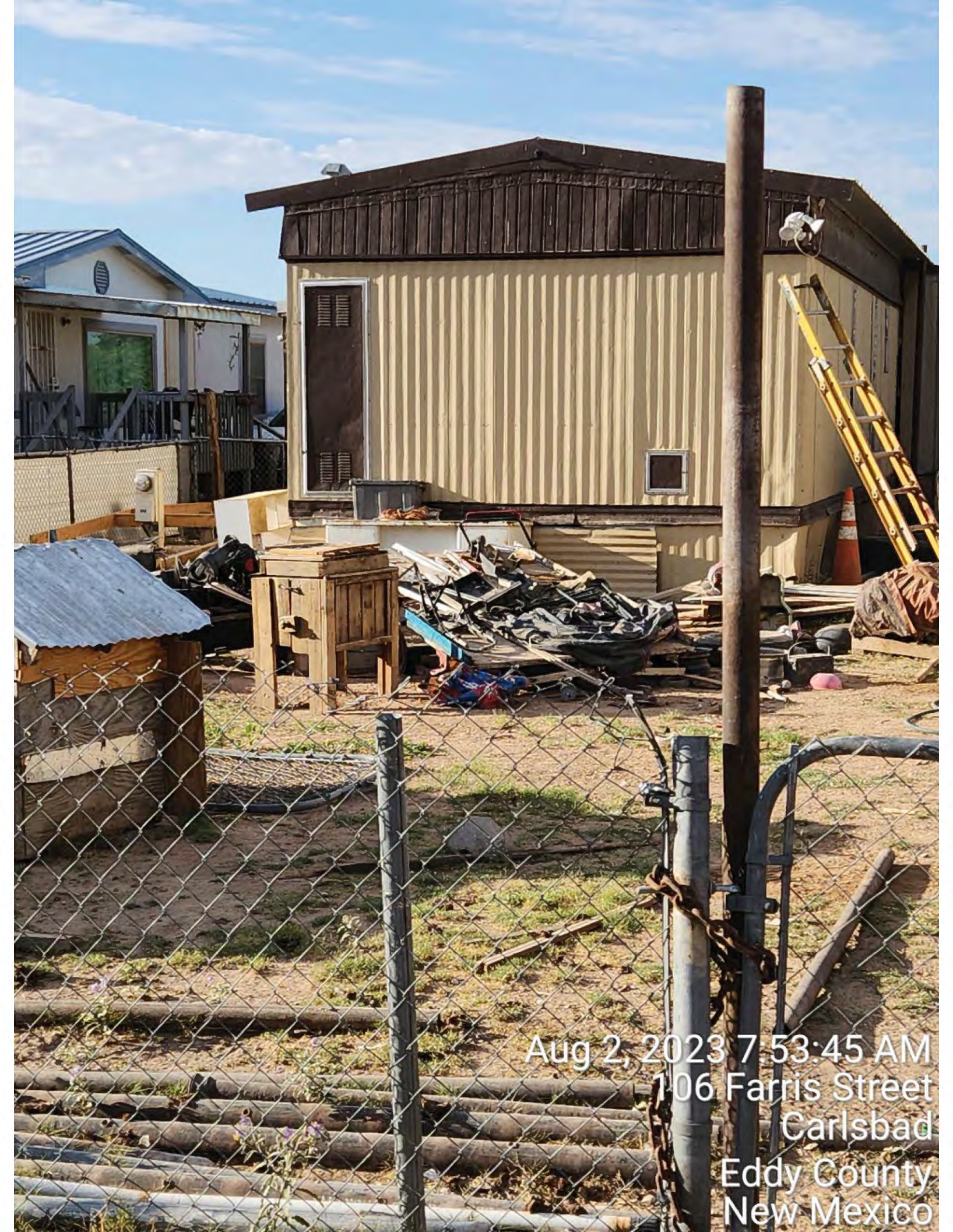
PS Form 3800, April 2015 PSN 7530-02-000-9047. See Reverse for instructions.



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Sylvia Ybarra</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>Sylvia Ybarra</i></p>
<p>1. Article Addressed to:</p> <p><u>Sylvia YBARRA</u> <u>5502 Singletree Rd</u> <u>CARLSBAD, NM 88220</u></p>  <p>9590 9402 2177 6193 9105 56</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> 
<p>2. Article Number (Transfer from service label)</p> <p>7017 1070 0000 6425 2693</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>	



Aug 2, 2023 7:53:47 AM  
106 Farris Street  
Carlsbad  
Eddy County  
New Mexico



Aug 2, 2023 7:53:45 AM  
106 Farris Street  
Carlsbad  
Eddy County  
New Mexico



Aug 2, 2023 7:53:51 AM  
106 Farris Street  
Carlsbad  
Eddy County  
New Mexico





Jun 28, 2023 2:10:34 PM

[REDACTED]

Carlsbad

Eddy County

New Mexico



Jun 28, 2023 2:10:37 PM

[Redacted]

Carlsbad

Eddy County

New Mexico

# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: 1 August 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 106 Farris St.

---

On August 1, 2023, I inspected a property located at 106 Farris St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and all trash, debris, and inoperable vehicles be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### Section 110 Unsafe Buildings

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.4 Abatement.** The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

### Section 304 Combustible Waste Material

**304.1 Waste accumulation prohibited.** Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

**304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

### **Section 313 Fueled Equipment**

**313.1.1 Removal.** The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

### **Section 315 Miscellaneous Combustible Materials Storage**

**315.3 Outside Storage.** Outside storage of combustible materials shall not be located within 10 feet of a property line.

A handwritten signature in blue ink, appearing to read 'Ken Ahrens', with a long horizontal line extending to the right.

Ken Ahrens, Fire Chief  
Carlsbad Fire Department



Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

DALE JANWAY  
MAYOR

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Sylvia A. Trujillo  
5502 Singletree Rd.  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 106 Farris St., Carlsbad, NM

Dear Ms. Trujillo:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **106 Farris St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the ruins, rubbish, wreckage, debris, inoperable vehicles, occupied R.V. from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

A handwritten signature in blue ink that reads "Denise Madrid Boyea".

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <span style="font-size: 1.5em; vertical-align: middle;">DB</span>	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the weeds at 706 Elgin Rd.		
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>The property commonly known as 706 Elgin Rd. is in a residential neighborhood near the intersection of the South "Y" (National Parks Highway and Highway 285). There appears to be an old occupied structure on the property and some weeds.</p> <p>The Eddy County Assessor's Office lists Arturo Matta and Hortencia Matta as owning or having an interest in the property. The Assessor's records lists the Matta's address as 1604 W. Bronson St., Carlsbad, NM 88220.</p> <p>Code enforcement has been to the property, and have made contact with the property owner's daughter Beatrice, who lives on the property with her family. A Notice of Violation was mailed by certified mail to the owners on March 13, 2023 by certified mail. The property has been cleaned except for excessive weeds in the back of the property. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned up and the weeds be removed.</p> <p>A resolution has been prepared which, if adopted, would require the property owners to remove all weeds from the property within thirty days of the service of the resolution.</p> <p>On August 15, 2023, a certified letter was sent to Arturo Matta and Hortencia Matta at the address on the records of the County, which invited them to attend the meeting and speak with Council about the property.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED

**Reviewed by:**  
**City Administrator** /s/John Lowe **Date:** 08/24/2023

**ATTACHMENT(S):**  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Arturo Matta and Hortencia Matta, dated August 15, 2023

**RESOLUTION NO. 2023-48**

**A RESOLUTION FINDING 706 ELGIN ROAD  
TO BE COVERED WITH WEEDS AND  
REQUIRING THE REMOVAL OF WEEDS**

WHEREAS, the records of the Eddy County Assessor's Office show **Arturo & Hortencia Matta** to be the owners of or to have an interest in the property commonly known as **706 Elgin Road**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: GENTRY Lot: 7 W 107'OF S 164.32' MAP# 267-G-7.2 LOT SIZE 107'  
X 164.32'

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the

Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the weeds shall:**

- A. Begin immediately;**
- B. Proceed properly and with diligence; and**
- C. Be completed in a timely manner;**
- D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the weeds shall leave the property from which the materials have been removed in a clean, level, safe condition and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.



INTRODUCED, PASSED, ADOPTED, AND APPROVED this\_\_day of \_\_\_\_\_,  
2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



**CITY OF CARLSBAD**

*Planning, Engineering,  
and Regulation Department*

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

**CODE ENFORCEMENT REPORT**

<b>Case Number:</b>  CE- <u>23</u> - <u>034</u>	<b>Date of Complaint:</b> 3/13/23	<b>Complaint Taken By:</b> EHarrell
	<b>Complainant Name:</b> Tanya McCarty	<b>Phone Number:</b>

**Complaint Location:**  
706 Elgin

**Details of Complaint:**  
Junk/trash/debris/weeds/dogs and old house

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North  <input checked="" type="checkbox"/> South
--	--	--

**Narrative:**  
 An old house a couple with kids live in with a couple dogs. Property has a fence around the perimeter and gates. Weeds with a non running vehicle. Will make contact. Property is owned by Beatrice's mother, Beatrice is the daughter that lives in the house along with her husband and son. The whole family works and Beatrice goes after work to help her mother with her father until late everyday. Weeds have been cleaned in the front and a lot of the junk/trash has been picked up. They could not get in the back for a long time because of a bee hive. The bees are gone and they have been cleaning. There is a small amount of weeds left in the back of the property that needs cleaned. Beatrice said it would have already been cleaned, but every time they try to go out in the evening to clean, the neighbor will run down to the fence and start taking pictures and yelling at her that her dogs are vicious. Beatrice said she feels intimidated and goes in the house. She has to keep her dogs in the house now. The neighbor has been telling Beatrice she is going to take her fence down. Animal control has been to the property also with no report anything is wrong. The building in the back seems to be in good condition. The house is old, but is still livable. All utilities are on and kept up. The plan is to move a double wide home on the property when they can financially afford it. I will submit a condemnation for the small amount of weeds in the back.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_

Mailed Notice of Violation/Date: Certified on 3/13/23

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: Beatrice and I have made contact with each other multiple times, she calls and keeps me posted

Referred to Other Agency: \_\_\_\_\_

Other: Will ask fire marshal and building department for an inter office memo to start a condemnation.

	EHarrell	6/28/23
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
 Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <i>Arturo + Hortencia Matta</i>	
Street and Apt. No., or PO Box No. <i>1604 Bronson St</i>	
City, State, ZIP+4® <i>CARLSBAD NM 88220</i>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Arturo + Hortencia MATTIA*  
*1604 BRONSON ST*  
*CARLSBAD, NM 88220*

2. Article Number (Transfer from service label)  
7017 1070 0000 6425 3812

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Aug 11, 2023 at 11:57:05 AM



Aug 11, 2023 at 11:57:19 AM



Aug 11, 2023 at 11:57:00 AM



Aug 11, 2023 at 11:58:03 AM





Aug 11, 2023 at 11:57:57 AM



# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 10, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 706 Elgin

---

On August 10, 2023, I inspected a property located at 706 Elgin. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the weeds, overgrown vegetation, and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### Section 110 Unsafe Buildings

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

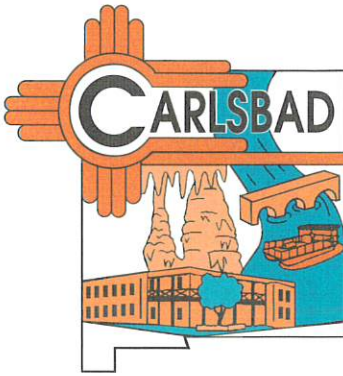
### Section 304 Combustible Waste Material

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department



Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

DALE JANWAY  
MAYOR

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Arturo & Hortencia Matta  
1604 W. Bronson St.  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 706 Elgin Rd., Carlsbad, NM

Dear Mr. & Mrs. Matta:

According to the records of the Eddy County Assessor's Office, you are the owners or have an interest in the property commonly known as **706 Elgin Rd., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Chief. They have found the property to be in violation of a number of health and safety laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

A handwritten signature in blue ink that reads "Denise Madrid Boyea".

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <span style="color: blue; font-size: 1.2em; margin-left: 10px;">DB</span>	<b>DATE:</b> August 15, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the weeds, dead trees and debris at 1413 W. Mermod/106 S. Cypress		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 1413 W. Mermod/106 S. Cypress is in a residential neighborhood near the intersection of Mermod and Cypress. There appears to be an unsecured structure (detached garage) on the property and a large amount of overgrown weeds on the property and in the alley and dead trees. The Eddy County Assessor's Office lists Derek Apodaca as owning or having an interest in the property. The Assessor's records lists Derek Apodaca's address as 1008 N. Guadalupe St., Carlsbad, NM 88220. Code enforcement has been to the property, but have not made contact with the property owner. A Notice of Violation was mailed by certified mail to the owner on October 31, 2022. The detached garage should be secured or demolished, according to the Fire Chief's report. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned up and the weeds, debris, and dead trees be removed and the garage be secured. A resolution has been prepared which, if adopted, would require the property owner to remove all rubbish, wreckage, debris and weeds from the property, including in the alley, within thirty days of the service of the resolution. On August 15, 2023, a certified letter was sent to Derek Apodaca at the address on the records of the County, which invited him to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		

**Reviewed by:**  
**City Administrator** /s/John Lowe **Date:** 08/23/2024

ATTACHMENT(S):  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Derek Apodaca dated August 15, 2023

**RESOLUTION NO. 2023-49**

**A RESOLUTION FINDING 1413 W. MERMOD/106 S. CYPRESS STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, DEAD TREES, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, DEAD TREES, AND/OR WEEDS AND SECURING OF A STRUCTURE**

WHEREAS, the records of the Eddy County Assessor's Office show **Derek Apodaca** to be the owners of or to have an interest in the property commonly known as **1413 W. Mermod/106 S. Cypress St.**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: GIBSONS AM BLK 7 Lot: 11 Block: 7 Quarter: SE S: 1 T: 22S R: 26E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, debris, dead trees and weeds on the property and in the alley and an unsecured garage; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, dead trees, weeds and the unsecured garage are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, dead trees and weeds from the premises, including the alley; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the ruins, rubbish, wreckage, debris, dead trees and weeds and secure the garage shall:**

- A. Begin immediately;**
- B. Proceed properly and with diligence; and**
- C. Be completed in a timely manner;**
- D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, dead trees or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items and securing of the garage, and if no written objection is filed as

required, or if the removal of the stated items and securing of the garage is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, dead trees and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such work shall constitute a lien against the lot or parcel of land.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



**CITY OF CARLSBAD**

*Planning, Engineering,  
and Regulation Department*

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

**CODE ENFORCEMENT REPORT**

<b>Case Number:</b>  CE- _____ - _____	<b>Date of Complaint:</b> April 2022	<b>Complaint Taken By:</b> L. Jaquez
	<b>Complainant Name:</b>	<b>Phone Number:</b>

**Complaint Location:**  
1413 W. Mermod/106 S. Cypress, Carlsbad NM

**Details of Complaint:**  
Property full of weeds and dead trees  
Weeds are overgrown in alley  
Trash and debris

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
--	--	--

**Narrative:**  
Property is overgrown with weeds and dead trees. There is litter and debris that needs to be addressed. The homeowner has been unresponsive to notices sent by Code Enforcement. Letters have been sent by Code Enforcement (L. Jaquez) to the owners address on the assessors record.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_

Mailed Notice of Violation/Date: 10-31-2022

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: 4-19-2022

Referred to Other Agency: \_\_\_\_\_

Other: \_\_\_\_\_

	Trysha Ortiz	8/11/2023
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_





7022 0410 0002 9828 8139

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**OFFICIAL USE**

Certified Mail Fee	\$ 4.00
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.25
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$ .57
<b>Total Postage and Fees</b>	<b>\$ 7.82</b>



Sent To Derek Apodaca  
 Street and Apt. No., or P.O. Box No. 1008 North Guadalupe  
 City, State, ZIP+4® Carlsbad N.M. 88220

Aug 11, 2023 at 9:26:14 AM



NO PARKING  
HERE TO  
CORNER

Aug 11, 2023 at 9:26:28 AM



Aug 10, 2023 at 5:12:22 PM



Aug 10, 2023 at 5:12:27 PM



Aug 10, 2023 at 5:12:54 PM



Aug 10, 2023 at 5:12:43 PM





# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 10, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 1413 W. Mermod St.

---

On August 10, 2023, I inspected a property located at 1413 W. Mermod St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the detached garage be secured or demolished, the property be cleaned up, and the weeds and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### **Section 110 Unsafe Buildings**

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.1.1 Unsafe Conditions.** Structures or existing equipment that are or here after become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be unsafe.

**110.1.2 Structural Hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building official in accordance with Section 110.1

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

## Section 304 Combustible Waste Material

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

## Section 311 Vacant Premises

**311.1 General.** Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces shall be safeguarded and maintained in accordance with this section.

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered, declared unsafe and abated by demolition or rehabilitation.

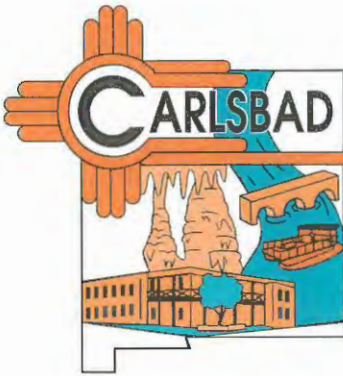
**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with this section.

**311.2.2 Security.** Exterior openings and interior openings accessible to other tenants or authorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

**311.3 Removal of combustibles.** Persons owning, or in charge of a vacant building or portion thereof, shall remove therefrom all accumulations of combustible material, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department



DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

JOHN N. LOWE  
CITY ADMINISTRATOR

August 15, 2023

Derek Apodaca  
1008 N. Guadalupe St.  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1413 W. Mermod/106 S. Cypress St., Carlsbad, NM

Dear Mr. Apodaca:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **1413 W. Mermod/106 S. Cypress St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They have found the property to be in violation of a number of health and safety laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, dead trees and weeds from the property, including the alley, within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <i>DB</i>	<b>DATE:</b> August 24, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the trash, debris and weeds at 911 Richard St. and to secure the structure.		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 911 Richard St. is in a residential neighborhood near the intersection of the Blodgett and Richard Streets. There appears to be a residential structure on the property and some trash, debris and weeds. The Eddy County Assessor's Office lists Pleasant Carl Watson as owning or having an interest in the property. The Assessor's records list Pleasant Carl Watson's address as c/o Carla Wales, 251 N. Roadrunner Parkway, Apt. 1907, Las Cruces, NM 88011. Code enforcement has been to the property, and have made contact with a person who claimed to be the caretaker of the property. That person was informed by Code Enforcement that if the property was not occupied, it should be boarded up and secured. No action was taken to secure the structure. The neighbors have been mowing the front yard, but trash and weeds remain on the rest of the property. A Notice of Violation was mailed by certified mail to the address listed in the Eddy County records on August 14, 2023. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned up, the structure demolished or secured and the weeds be removed. A resolution has been prepared which, if adopted, would require the property owners to remove all weeds from the property within thirty days of the service of the resolution. On August 23, 2023, a certified letter was sent to Pleasant Carl Watson at c/o Carla Wales, 251 N. Roadrunner Parkway, Apt. 1907, Las Cruces, NM 88011 the address on the records of the County, which invited him/her/them to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED

**Reviewed by:** City Administrator /s/John Lowe **Date:** 08/24/2023

**ATTACHMENT(S):**  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Pleasant Carl Watson c/o Carla Wales, 251 N. Roadrunner Parkway, Apt. 1907, Las Cruces, NM 88011 dated August 15, 2023.

**RESOLUTION NO. 2023-50**

**A RESOLUTION FINDING 911 N. RICHARD STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS**

WHEREAS, the records of the Eddy County Assessor's Office show **Pleasant Carl Watson** to be the owner of or to have an interest in the property commonly known as **816 Lobo Lane**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: CARTER UNIT #3 Lot: 3 Block: 16 Quarter: SE S: 36 T: 21S R: 26E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or

B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**

**A. Begin immediately;**

**B. Proceed properly and with diligence; and**

**C. Be completed in a timely manner;**

**D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



**CITY OF CARLSBAD**

*Planning, Engineering,  
and Regulation Department*  
114 S. Halagueno, PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379

**CODE ENFORCEMENT REPORT**

<b>Case Number:</b>  CE- 2023 - 0002	<b>Date of Complaint:</b> 12/15/2022	<b>Complaint Taken By:</b> L. Jaquez
	<b>Complainant Name:</b>	<b>Phone Number:</b>

**Complaint Location:**  
911 Richard St., Carlsbad NM 88220

**Details of Complaint:**  
Overgrown weeds  
Debris/Trash piles  
Vacant & Unsecured

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Secured <input checked="" type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
---	--	--

**Narrative:**  
Code Enforcement received complaints of the property having trespassers. Contact was made with the person in care of the property. Code Enforcement explained that if the property was not legally occupied, she should board it up due to the amount of complaints. No action was taken. The neighbors have been mowing the front of the property, but the rear remains out of compliance.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_


Mailed Notice of Violation/Date: 8/14/2023 \_\_\_\_\_

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: \_\_\_\_\_

Referred to Other Agency: \_\_\_\_\_

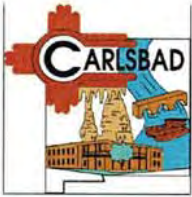
Other: \_\_\_\_\_

 Trysha Ortiz 8/22/2023

Code Enforcement Signature      Printed Name      Date

**Report Information:**  
Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_





**CITY OF CARLSBAD**  
 Planning, Engineering, & Regulation Dept.  
 Code Enforcement Division  
 114 S. Halagueno, PO Box 1569  
 Carlsbad, NM 88220  
 Phone 575-885-1185. Fax 575-628-8379

Case Number: <b>CE-2023-0002</b>
Case Type: <b>Code Enforcement</b>
Date Case Established: <b>08/14/2023</b>
Compliance Deadline: <b>08/24/2023</b>

**Owner:** Pleasant Carl Watson

**Mailing Address**

Caria Wales  
 251 N. Roadrunner Parkway Apt 1907  
 Las Cruces, NM 88011

**Notice of Violation for the following location:**

Address	Parcel
911 N RICHARD ST Carlsbad, NM 88220	4-156-126-407-454

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

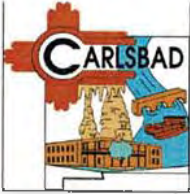
**Violation:** Sec. 22-3. - Junkyards.  
 Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city. A junkyard for purposes of this section is defined as any establishment or place of business maintained, used or operated for storing, keeping, buying or selling junk or the maintenance or operation of an auto graveyard any portion of which is located within 1,000 feet of the nearest edge of the right-of-way of an interstate or primary system and includes garbage dumps and sanitary fills. (Code 1974, § 23-12)  
**Corrective Action:** Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city. All junk, trash or debris needs to be removed from the property  
**Compliance Date:** 08/24/2023

**Violation:** Sec. 22-64. - Growth or accumulation—Lots.  
 It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds. (Code 1974, § 37.1-3)  
**Corrective Action:** It shall be the duty of the owner to cut the weeds and remove the cuttings or any accumulation of weeds or cause the weeds to be cut and cause the cuttings or any accumulation of weeds to be removed as often as necessary in order to comply with the provisions set out in sections 22-64 and 22-65. (Code 1974, § 37.1-5) All such deposits shall be placed in approved garbage containers and shall be placed for collection by garbage trucks of the city. (Code 1974, § 17-1; Ord. No. 958, 5-12-87)  
**Compliance Date:** 08/24/2023

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Action listed above must be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II. of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgement in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City Records.



**CITY OF CARLSBAD**

Planning, Engineering, & Regulation Dept.  
Code Enforcement Division  
114 S. Halagueno, PO Box 1569  
Carlsbad, NM 88220  
Phone 575-885-1185. Fax 575-628-8379

<b>Case Number: CE-2023-0002</b>
<b>Case Type: Code Enforcement</b>
<b>Date Case Established: 08/14/2023</b>
<b>Compliance Deadline: 08/24/2023</b>

Sincerely,

Trysha Ortiz  
Deputy Director of Planning & Regulation

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7017 1070 0000 6425 2006  
7017 1070 0000 6425 2006

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

## OFFICIAL USE

Certified Mail Fee	\$	15-10 Postmark Here
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	
Sent To <i>Wales</i>		
Street and Apt. No., or PO Box No. <i>251 Roadrunner Pkwy Apt 1907</i>		
City, State, ZIP+4® <i>Las Cruces NM 88011</i>		
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions		

### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Wales  
251 Roadrunner Pkwy  
Apt 1907  
Las Cruces NM 88011*



9590 9402 2177 6193 9112 94

2. Article Number (Transfer from service label)

7017 1070 0000 6425 2006

### COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                             | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery         | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                             | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery          | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                         | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery     | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Registered Mail Restricted Delivery (\$500) |   |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Aug 14, 2023 at 4:31:07 PM



Aug 14, 2023 at 4:29:56 PM



Aug 14, 2023 at 4:29:51 PM



Aug 14, 2023 at 4:29:42 PM



# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 21, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 911 N. Richard St.

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On August 21, 2023, I inspected a property located at 911 N. Richard St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the buildings be secured or demolished, the property be cleaned up, and the debris and overgrown vegetation be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### **Section 110 Unsafe Buildings**

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.1.1 Unsafe Conditions.** Structures or existing equipment that are or here after become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be unsafe.

**110.1.2 Structural Hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building official in accordance with Section 110.1

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.



## Section 304 Combustible Waste Material

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

## Section 311 Vacant Premises

**311.1 General.** Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces shall be safeguarded and maintained in accordance with this section.

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered, declared unsafe and abated by demolition or rehabilitation.

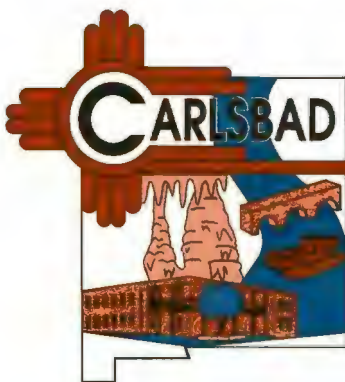
**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with this section.

**311.2.2 Security.** Exterior openings and interior openings accessible to other tenants or authorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

**311.3 Removal of combustibles.** Persons owning, or in charge of a vacant building or portion thereof, shall remove therefrom all accumulations of combustible material, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Ken Ahrens, Fire Chief  
Carlsbad Fire Department



DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

JOHN N. LOWE  
CITY ADMINISTRATOR

August 23, 2023

Pleasant Carl Watson  
c/o Carla Wales  
251 N. Roadrunner Parkway Apt 1907  
Las Cruces, NM 88011

RE: Dangerous Premises at the property known as 911 N. Richard St., Carlsbad, NM

Dear Ms. Wales:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **911 N. Richard St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <span style="font-size: 1.5em; vertical-align: middle;">DB</span>	<b>DATE:</b> August 24, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the trash, debris and weeds at 607 Welshire St. and to secure the structure.		
<b>BACKGROUND, ANALYSIS AND IMPACT:</b> <i>(Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</i> The property commonly known as 607 Welshire St. is in a residential neighborhood near the intersection of Lea and 6th Streets. There appears to be a residential structure on the property and some trash, debris and weeds. The Eddy County Assessor's Office lists Rogelio Balderrama as owning or having an interest in the property. The Assessor's records list Rogelio Balderrama's address as 710 Jason St., Carlsbad, NM 88220. Code enforcement has been to the property. The structure is abandoned and unsecured. There are weeds, trash and debris throughout the property. A Notice of Violation was mailed by certified mail to the address listed in the Eddy County records on October 5, 2021 via certified mail and the owner signed the receipt. A second notice of violation was mailed on April 13, 2023 with no response. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned up, the structure demolished or secured and the weeds be removed. A resolution has been prepared which, if adopted, would require the property owner to remove all weeds, trash and debris from the property within thirty days of the service of the resolution. The structure also needs to be secured. On August 23, 2023, a certified letter was sent to Rogelio Balderrama at 710 Jason St., Carlsbad, NM 88220, the address on the records of Eddy County, which invited him to attend the meeting and speak with Council about the property.		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED

**Reviewed by:**  
**City Administrator** /s/John Lowe **Date:** 08/24/2023

**ATTACHMENT(S):**  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Rogelio Balderrama, 710 Jason St., Carlsbad, NM 88220 dated August 23, 2023.

**RESOLUTION NO. 2023-51**

**A RESOLUTION FINDING 607 WELSHIRE STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND SECURING THE STRUCTURE AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND SECURING THE STRUCTURE**

WHEREAS, the records of the Eddy County Assessor's Office show **Rogelio Balderrama** to be the owners of or to have an interest in the property commonly known as **607 Welshire Street**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: WELSHIRE Lot: 12 Block: 1

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, weeds and structure needs to be secured; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, weeds and securing of structure are a menace to the public comfort, health, peace, and safety and require removal and the structure needs to be secure forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises and securing the structure; or

B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

**5. The removal of the ruins, rubbish, wreckage, debris, weeds and securing of structure shall:**

**A. Begin immediately;**

**B. Proceed properly and with diligence; and**

**C. Be completed in a timely manner;**

**D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds and securing of structure, shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal or securing of structure of the stated items, and if no written objection is filed as required, or if the removal or securing of structure of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds and secure structure at the cost and expense of the owner.

8. The reasonable cost of such a removal or securing of structure shall constitute a lien against the lot or parcel of land from which it was removed and secured.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



# CITY OF CARLSBAD

Planning, Engineering,  
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

## CODE ENFORCEMENT REPORT

<b>Case Number:</b>  CE- <u>2023</u> - <u>0003</u>	<b>Date of Complaint:</b> 4/12/2023	<b>Complaint Taken By:</b> L. Jaquez
	<b>Complainant Name:</b>	<b>Phone Number:</b>

**Complaint Location:**  
607 Welshire, Carlsbad NM 88220

**Details of Complaint:**  
Structure abandoned & unsecured  
Weed, trash, debris

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Secured <input checked="" type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>CE District:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South
---	--	--

**Narrative:**  
Property has weed, trash & debris. The structure has been abandoned and has remained unsecured.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_

Mailed Notice of Violation/Date: October 5, 2021; April 13, 2023

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: \_\_\_\_\_

Referred to Other Agency: \_\_\_\_\_

Other: \_\_\_\_\_

	Trysha Ortiz	8/22/2023
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_

**15 CITY OF CARLSBAD**

Planning, Engineering, and Regulation Department  
**Code Enforcement Division**  
101 N. Halagueno St., PO Box 1569  
Carlsbad, New Mexico 88220  
Phone (575) 885-1185, Fax (575) 628-8379



**NOTICE OF CODE VIOLATION**

Date: April 13 2023  
Case: CE- 2023 - Pending  
Address: 607 Welshire  
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*  
4-156-127-024-477  
Rogelio Balderrama  
710 Jason Street  
Carlsbad, N.M. 88220

**FINAL NOTICE**  
**FINAL NOTICE**

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: April 20, 2023**  
**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**  
Please clean and remove all trash and debris from the property. Also the building on the property appears to be dilapidated and not in compliance with the city code. Thank you for your compliance, should you have any questions please call our office at 575-885-1185.

**CODE VIOLATED:**  
WASTE DISPOSAL (CCO 22-01):  
WASTE STORAGE (CCO 22-03):  
ESTABLISHMENT OF A JUNKYARD (CCO 22-3):

**FINAL NOTICE**

**CODE VIOLATED:**  
SECTION 108  
UNSAFE STRUCTURES AND EQUIPMENT  
EXCESS WEEDS - LOTS (CCO 22-64):  
EXCESS WEEDS - TRACTS (CCO 22-65):

**FINAL NOTICE**

**CODE VIOLATED:**  
Sec. 22-32. - Determination; resolution requiring removal.

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

  
Code Enforcement Signature

Lonnie Jaquez  
Printed Name

04/13/2023  
Date





**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Rogelio Balderrama  
 710 Jason Street  
 Carlsbad, N.M. 88220



9590 9402 6413 0303 9504 39

20 2450 0000 9228 1941

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Rogelio Balderrama*  Agent  Address  
 B. Received by (Printed Name) *Rogelio Balderrama* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:



3. Service Type
- Adult Signature  Priority Mail Express®
  - Adult Signature Restricted Delivery  Registered Mail™
  - Certified Mail®  Registered Mail Restricted Delivery
  - Certified Mail Restricted Delivery  Signature Confirmation
  - Collect on Delivery  Signature Confirmation Restricted Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)

7020 2450 0000 9228 1941

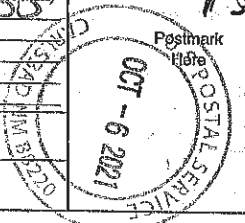
U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

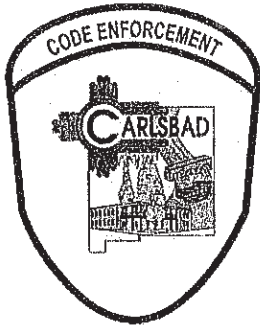
**OFFICIAL USE**

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fees as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 0.50
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$ 2.53
Total Postage and Fees	\$ 1.23



Sent To Rogelio Balderrama  
 Street and Apt. No., or PO Box No. 710 Jason Street  
 City, State, ZIP+4® Carlsbad N.M. 88220



## City of Carlsbad Weed Blitz 2021

August 26, 2021,

Attention Carlsbad Residents

The City of Carlsbad Code Enforcement and Fire Department are conducting outreach to all of the residents of Carlsbad to remind property owners and residents to keep any and all weeds properly maintained. Due to the recent rainfall, the weeds in and around the City have been growing at a significant rate. Un-kept weeds can grow to an enormous size and thickness, and this un-mitigated weed growth can present a fire and safety hazard to the community, especially as the weeds begin to die and dry out. Please join Carlsbad Code Enforcement and the Carlsbad Fire Department in a City-wide Weed Blitz, our joint effort to take control of any weed-issues that may exist around town. Together, Code Enforcement, the Fire Department, and the residents of Carlsbad can work to eliminate the City's weed issues and make our community a safer place to live. To report any weed issues, please contact our 311 system operator by calling (575) 887-1200, or by visiting the City's website at [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) and clicking on the "Citizen's Requests" tab.

*(CCO Ch. 22 Sec. 64: Grass, weeds, or uncultivated plants should not be allowed to grow taller than 12 inches. Remember, maintenance of vegetation in parkways and alleys is the property owner's responsibility.)*

*(304.1.2 Vegetation: Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code.)*

Thank you,

A handwritten signature in black ink, appearing to read "Jeff Patterson".

Jeff Patterson,  
Director of Planning and Regulation

Aug 11, 2023 at 9:36:58 AM



Aug 11, 2023 at 9:37:11 AM



Aug 11, 2023 at 9:37:22 AM



Aug 11, 2023 at 9:37:33 AM





Aug 11, 2023 at 9:37:41 AM



Aug 11, 2023 at 9:38:10 AM



Aug 11, 2023 at 9:38:35 AM



Aug 11 2023 at 9:38:49 AM



Aug 11, 2023 at 9:38:52 AM





Apr 11, 2023 9:33:56 AM  
[Redacted] Welshire Street  
Carlsbad  
Eddy County  
New Mexico



Apr 11, 2023 9:33:53 AM  
607 Welshire Street  
Carlsbad  
Eddy County  
New Mexico

# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 21, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 607 Welshire

---

On August 21, 2023, I inspected a property located at 607 Welshire. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the buildings be secured or demolished, the property be cleaned up, and the weeds and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### **Section 110 Unsafe Buildings**

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.1.1 Unsafe Conditions.** Structures or existing equipment that are or here after become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be unsafe.

**110.1.2 Structural Hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building official in accordance with Section 110.1

**110.4 Abatement.** The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.



## Section 304 Combustible Waste Material

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

## Section 311 Vacant Premises

**311.1 General.** Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces shall be safeguarded and maintained in accordance with this section.

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered, declared unsafe and abated by demolition or rehabilitation.

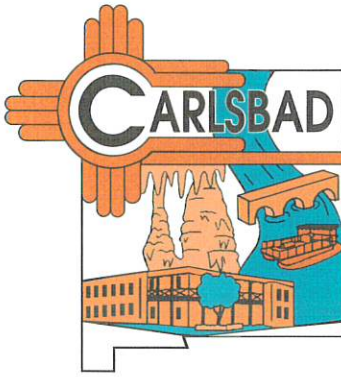
**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with this section.

**311.2.2 Security.** Exterior openings and interior openings accessible to other tenants or authorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

**311.3 Removal of combustibles.** Persons owning, or in charge of a vacant building or portion thereof, shall remove therefrom all accumulations of combustible material, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department



Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

DALE JANWAY  
MAYOR

JOHN N. LOWE  
CITY ADMINISTRATOR

August 23, 2023

Rogelio Balderrama  
710 Jason St.  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 607 Welshire St., Carlsbad, NM

Dear Mr. Balderrama:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **607 Welshire St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property and securing the structure. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the ruins, rubbish, wreckage, debris, and weeds from the property and securing the structure within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

A handwritten signature in black ink that reads "Denise Madrid Boyea".

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

**CITY OF CARLSBAD**

**AGENDA BRIEFING MEMORANDUM**

Council Meeting Date: August 31, 2023

<b>DEPARTMENT:</b> Legal	<b>BY:</b> Denise Madrid Boyea <i>DB</i>	<b>DATE:</b> August 24, 2023
<b>SUBJECT:</b> Proposed Resolution requiring the removal of the trash, debris and weeds at 1005 N. Mesa St.		
<p><b>BACKGROUND, ANALYSIS AND IMPACT:</b> (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>The property commonly known as 1005 N. Mesa St. is in a residential neighborhood near the intersection of Blodgett and Mesa Streets. There appears to be a residential structure on the property and some trash, debris and weeds.</p> <p>The Eddy County Assessor's Office lists Roy Wilkinson as owning or having an interest in the property. The Assessor's records list Roy Wilkinson's address as 1005 N. Mesa St., Carlsbad, NM 88220.</p> <p>Code enforcement has been to the property. The structure is occupied and secured. There are weeds, trash and debris throughout the property. There are complaints of trash and debris in the alley. A Notice of Violation was mailed to the address listed in the Eddy County records on February 28, 2023 with no response. A second notice of violation was mailed on July 27, 2023 via certified mail which was unclaimed. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They found that the property remains out of compliance with applicable codes. The Fire Chief found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends all trash and debris be removed from the property.</p> <p>A resolution has been prepared which, if adopted, would require the property owner to remove all weeds, trash and debris from the property within thirty days of the service of the resolution.</p> <p>On August 23, 2023, a certified letter was sent to Roy Wilkinson at 1005 N. Mesa St., Carlsbad, NM 88220, the address on the records of Eddy County, which invited him to attend the meeting and speak with Council about the property.</p>		
<b>DEPARTMENT RECOMMENDATION:</b> Adopt the proposed resolution.		
<b>BOARD/COMMISSION/COMMITTEE ACTION:</b> N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		

**Reviewed by:**  
**City Administrator** /s/John Lowe **Date:** 08/24/2023

**ATTACHMENT(S):**  
 Proposed Resolution with Attachments  
 Photographs  
 Letter to Roy Wilkinson, 1005 N. Mesa St., Carlsbad, NM 88220 dated August 23, 2023.

**RESOLUTION NO. 2023-52**

**A RESOLUTION FINDING 1005 N. MESA STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS**

WHEREAS, the records of the Eddy County Assessor's Office show **Roy Wilkinson** to be the owner of or to have an interest in the property commonly known as **1005 N. Mesa St.**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: SPRINGS AMD BLK B Lot: 31 Block: B Quarter: SW S: 31 T: 21S R: 27E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Chief; and

WHEREAS, the Code Enforcement Officer and the Fire Chief found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. **The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**
- A. Begin immediately;**
  - B. Proceed properly and with diligence; and**
  - C. Be completed in a timely manner;**
  - D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
DALE JANWAY, MAYOR

ATTEST:

\_\_\_\_\_  
NADINE MIRELES, CITY CLERK



# CITY OF CARLSBAD

Planning, Engineering,  
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

## CODE ENFORCEMENT REPORT

<b>Case Number:</b>  CE- <u>23</u> - <u>027</u>	<b>Date of Complaint:</b> 02/28/2023	<b>Complaint Taken By:</b> M. Devlin
	<b>Complainant Name:</b> Anonymous	<b>Phone Number:</b>

**Complaint Location:**  
1005 N. MESA STREET

**Details of Complaint:**  
Trash, junk and debris on the property and alley.

<b>Primary Structure:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input checked="" type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	<b>Photographs Taken (attach):</b> <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No	<b>CE District:</b> <input checked="" type="checkbox"/> North  <input type="checkbox"/> South
---	--	--

**Narrative:**  
This property is an ongoing issue. There is junk and debris throughout the property. There is also a pile of stuff in the driveway area with a big tarp over the top of it. There has been complaints of trash and debris being taken into the alley area as well. This property needs to be cleaned up and brought into compliance.

**Disposition of Case:**

No Basis for Complaint: \_\_\_\_\_

Mailed Notice of Violation/Date: 02/28/2023, 07/27/2023

Door Hanger Notice of Violation/Date: \_\_\_\_\_

Verbal Warning/Date: I spoke with Mr Wilkinson on the phone after the first letter was sent to him regarding the violations.

Referred to Other Agency: \_\_\_\_\_

Other: \_\_\_\_\_

	Melissa Devlin	08/10/2023
<b>Code Enforcement Signature</b>	<b>Printed Name</b>	<b>Date</b>

**Report Information:**  
Entered into Database on: \_\_\_\_\_ By: \_\_\_\_\_ Page \_\_\_ of \_\_\_

15 CITY OF CARLSBAD  
Planning, Engineering, and Regulation Department  
Code Enforcement Division  
114 S. Halagueno, PO Box 1569  
Carlsbad, New Mexico 88220  
Phone 575.885.1185, Fax 575.628.8379



**NOTICE OF CODE VIOLATION**

Date: 07/27/2023  
Case: CE- 23 - 27  
Address: 1005 N. MESA ST.  
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant\*  
WILKINSON, ROY  
1005 N MESA ST.  
CARLSBAD, NM 88220

**FINAL NOTICE**

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 08/06/2023**

**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**  
Please remove ALL TRASH, JUNK AND DEBRIS FROM THE ENTIRE PROPERTY. REMOVE ALL NON RUNNING VEHICLES FROM THE PROPERTY AS WELL. THIS IS YOUR FINAL NOTICE BEFORE A CONDEMNATION WILL BE SUBMITTED. Thank You. Any Question Contact 885-1185, Ext 2238.

**CODE VIOLATED:**  
WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

**CODE VIOLATED:**  
CARE OF PREMISES 506 (CCO Sec. 8-53): It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, motor vehicle parts, ice box, refrigerators, stoves, glass, building material, building rubbish or similar items (including, but not limited to weeds, dead trees, trash, garbage, etc.).

**CODE VIOLATED:**  
VEHICLE STORAGE(CCO 50-06(d)): No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for a longer period of time than 48 hours. THANK YOU!

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

M. DEVLIN 07/27/2023  
Code Enforcement Signature Printed Name Date



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>X</b></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p><i>Wilkinson Roy 1005 N Mesa St. Carlsbad, NM 88220</i></p>	<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p><b>7017 1070 0000 6425 3065</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (0)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>Domestic Return Receipt</p>

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: *Wilkinson Roy*  
Street and Apt. No., or PO Box No. *1005 N Mesa St.*  
City, State, ZIP+4® *Carlsbad, NM 88220*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

*23-27*

*me #15*

Postmark Here

7017 1070 0000 6425 3065

7017 1070 0000 6425 3065

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$ *4.35*

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ *3.55*

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ *2.63*

Total Postage and Fees \$ *8.53*

Sent To: *Wilkinson Roy*  
Street and Apt. No., or PO Box No. *1005 N Mesa St.*  
City, State, ZIP+4® *Carlsbad, NM 88220*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

*me #15*

**U.S. POSTAL SERVICE**  
Postmark Here  
**JUL 28 2023**  
CARLSBAD, NM 88220

*7-27-23*

**15 CITY OF CARLSBAD**

Planning, Engineering, and Regulation Department  
**Code Enforcement Division**  
114 S. Halagueno, PO Box 1569  
Carlsbad, New Mexico 88220  
Phone 575.885.1185, Fax 575.628.8379



**NOTICE OF CODE VIOLATION**

Date: 02/28/2023  
Case: CE- 23 - 027  
Address: 1005 N. MESA ST.  
Carlsbad, New Mexico 88220

*Sent Certified*

**FINAL NOTICE**

Name and Address of Property Owner or Occupant\*  
**WILKINSON, ROY**  
**1005 N MESA ST**  
**CARLSBAD , NM 88220**

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

**COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 03/10/2023**

**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**  
Please remove ALL trash, junk and debris from the entire property, including in the alley. Cut, mow or sterilize all the grass and weeds on the entire property, including those half way through the alley. This is your final notice. Thank You. Any Question Contact 885-1185, Ext 2238.

**CODE VIOLATED:**  
EXCESS WEEDS - LOTS (CCO 22-64): It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

**CODE VIOLATED:**  
WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

**CODE VIOLATED:**  
  
**THANK YOU!**

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com) or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

\*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

*M. Devlin*  
Code Enforcement Signature

**M. DEVLIN**  
Printed Name

**02/28/2023**  
Date

U.S. Postal Service™ **CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

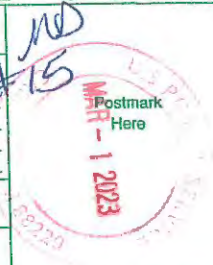
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$ 4.15  
 Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$ 3.00  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_


Postage \$ .10  
 Total Postage and Fees \$ 8.10

Sent to Roy Wilkinson  
 Street and Apt. No., or PO Box No. 1005 N. Mesa  
 City, State, ZIP+4® Carlsbad NM 88220



7017 1070 0000 6425 2969

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature                  X <u>Roy Wilkinson</u> <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <u>Roy Wilkinson</u> C. Date of Delivery <u>3-13-23</u></p>												
<p>1. Article Addressed to:  <u>Wilkinson, Roy</u>  <u>1005 N. Mesa St.</u>  <u>Carlsbad, N.M. 88220</u></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>												
<p>Barcode:                   9590 9402 2177 6193 9060 61</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
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<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>2. Article Number (Transfer from service label)  <u>7017 1070 0000 6425 2969</u></p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>												

23-27



07/31/2023 10:09



07/31/2023 10:13



07/31/2023 10:12

# City Of Carlsbad

## Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 21, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 1005 N. Mesa St

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On August 21, 2023, I inspected a property located at 1005 N. Mesa St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and all trash and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

### Section 110 Unsafe Buildings

**110.1 General.** If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.4 Abatement.** The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

### Section 304 Combustible Waste Material

**304.1 Waste accumulation prohibited.** Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

**304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

**Section 313 Fueled Equipment**

**313.1.1 Removal.** The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

**Section 315 Miscellaneous Combustible Materials Storage**

**315.3 Outside Storage.** Outside storage of combustible materials shall not be located within 10 feet of a property line.



Ken Ahrens, Fire Chief  
Carlsbad Fire Department





DALE JANWAY  
MAYOR

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191  
1-800-658-2713  
www.cityofcarlsbadnm.com

JOHN N. LOWE  
CITY ADMINISTRATOR

August 23, 2023

Roy Wilkinson  
1005 N. Mesa, St.  
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1005 N. Mesa St., Carlsbad, NM

Dear Mr. Wilkinson:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **1005 N. Mesa St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Chief. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its special meeting on **Thursday, August 31, 2023 at 4:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea  
City Attorney

Enclosure

COUNCILORS

Ward 1  
EDDIE T. RODRIGUEZ  
LISA A. ANAYA FLORES

Ward 2  
JEFF FORREST  
J J CHAVEZ

Ward 3  
KARLA NIEMEIER  
JUDI WATERS

Ward 4  
MARK WALTERSCHEID  
WESLEY A. CARTER

# Adjourn