

## § 9.2.4 GENERAL REGULATIONS

(A) **PURPOSE AND INTENT.** These general regulations shall apply to all development and redevelopment in the Village for the purpose of implementation of the goals of the Master Plan. These regulations shall be construed as minimum requirements.

(B) **AREAS SUBJECT TO FLOODING.** All buildings and structures erected or improvements constructed upon any lot within the Village shall conform to § 4.2.1 *et seq.* Flood Damage Prevention and § 4.3.1 *et seq.* Storm Water Management.

(C) **CLEAR SIGHT TRIANGLE.** At all roadway intersections, no obstruction to view shall be placed or maintained within the clear sight triangle.

(D) **DEVELOPMENT.** All properties developed for residential purposes whether they are occupied or not shall be regularly maintained so that they are not allowed to fall into a state of disrepair and neglect. They shall consistently present a neat and orderly appearance to the general public as well as adjacent or nearby tenants and property owners. All properties developed for commercial purposes whether occupied or not shall be regularly maintained so that they are not allowed to fall into a state of disrepair and neglect and they shall be brought up to current regulations and codes, i.e., storm water retention, lighting, signage, landscaping, ADA access, upon additional construction, including interior remodeling, exterior renovation or parking lot improvements. All properties shall be maintained free of hazards, accumulations of weeds, refuse, trash, attractive nuisances, construction or demolition debris or any other health and safety menace. A property shall not be used to accumulate soil for development unless a grading and drainage plan has been approved by the Village and a zoning permit and construction permit have been issued.

(E) **DITCH PRESERVATION.** This Article shall be interpreted and enforced to preserve the Middle Rio Grande Conservancy District's network of irrigation and drainage facilities to the greatest degree possible and encourage continued irrigation.

(F) **DRIVEWAY ACCESS TO STRUCTURES.** All structures shall be located such that safe and legal access is provided for emergency vehicles, service vehicles, police and fire protection, and are required to provide off-street parking or loading. All development on parcels in the Fourth Street corridor shall provide driveways for vehicular access based on the following restrictions:

(1) For every one hundred and fifty (150) feet of roadway frontage, there shall be no more than one (1) driveway providing ingress and egress. Shared access shall be encouraged between parcels wherever practicable.

(2) No driveway shall have a width in excess of twenty-eight (28) feet unless greater width is specifically required by the Village.

(3) All driveway areas shall be clearly defined.

(4) Corner lots may make use of public side streets for egress provided they are at least seventy-five (75) feet from other driveways measured from the center of the respective driveways.

(5) Any driveway within seventy-five (75) feet of an intersection must be approved by the Village.

(6) Driveway curve radius shall be no greater than fifteen (15) feet. Sidewalks shall be constructed in a continuous horizontal plane across driveways.



**(G) FIRE HAZARD AND FIRE HYDRANT ACCESS.** All property, developed or undeveloped, shall be maintained in such a manner so as not to be a fire hazard as defined by applicable State and Village-adopted Fire Codes. There will be a minimum of a three (3) foot clear radius around every fire hydrant.

**(H) HEALTH AND VECTOR CONTROL.** All property, developed and/or undeveloped, shall be maintained in such a manner not to allow harboring or attracting of vermin such as rodents, mosquitoes, flies, and cockroaches.

**(I) LIGHTING REQUIREMENTS.** All exterior lighting shall be arranged and shaded and in compliance with § 9.2.20, Dark Skies.

**(J) MOBILE HOMES / RECREATIONAL VEHICLES.** All mobile homes shall be skirted within ninety (90) days of placement in an approved Mobile Home Park with material similar in color and texture to the exterior of the mobile home. In no case shall a gap be visible between the bottom of the mobile home and its skirting.

**(1)** Recreational Vehicles (RV) shall not be leased as permanent dwelling units, even in a mobile home park, however, an owner of an RV unit may lease space from a mobile home park and is considered transient.

**(K) OCCUPANCY REQUIREMENTS.** No building or structure shall be occupied unless it is connected to a well or water supply system permitted by the State Engineer; private or community liquid waste system which is permitted by the State of New Mexico Environment Department or its succeeding agency or public sanitary sewer. No building or structure shall be occupied unless a Certificate of Occupancy has been issued by the Building Inspector or a Certificate of Compliance issued by the Building Official/Planning Director.

**(L) PUBLIC NUISANCE (UNSAFE BUILDINGS OR DWELLING UNITS)**

**(1)** General. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Code Enforcement Officer or Director of Planning and Zoning, to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness, disease or death, is deemed a dangerous building or structure.

**(2)** All buildings or structures (including Mobile Homes and RVs) regulated by this Code that are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings or dwelling units.

**(3)** Service Equipment. Building service equipment, which constitutes a fire, electrical, health hazard, unsanitary condition, or is otherwise dangerous to human life, is for the purpose of this section, unsafe. Any use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

**(4)** Projections. Parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages or structural members which are supported by, attached to, or are a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the International Building Code are hereby designated as unsafe building appendages.



(5) Abatement. All such unsafe buildings, structures, dwelling units or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Building Code or such alternate adopted by this jurisdiction. As an alternative, the Planning Director or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

**(M) SHELTER FOR SMALL ANIMALS.** Shelter for small animals, including but not limited to chickens, rabbits, canines, Avery, sheep, goats, etc., is exempt from building permit requirements of the adopted Building Code, but do require a zone review from the Village if shelter exceeds 50 square feet.

**(N) SIGNS AND OUTDOOR ADVERTISEMENT.** All signs shall conform to the applicable regulations delineated in § 9.2.22 *et seq.*, Signs.

**(O) STORM WATER RETENTION/DETENTION.** Storm water retention and/or detention shall be in accordance with all applicable Village, County and State statutes, ordinances and requirements. All lots improved or developed, after October 27, 2003, shall retain additional localized storm water generated by development on site in accordance with §4.3.1 *et seq.*, Stormwater Management.

**(P) UTILITY EASEMENT RESTRICTIONS.** Trees expected to attain a mature height of more than twenty-five (25) feet shall not be planted within fifteen (15) feet of the centerline of overhead utility lines.

**(Q) WATER AND WASTEWATER REQUIREMENTS.** All structures constructed within the Village shall be in compliance with applicable regulations established by the New Mexico Environment Department and the New Mexico State Engineer's Office concerning water and wastewater facilities and systems as well as § 13.1.1 *et seq.*, Sewer Systems. All commercial properties in the C-1, GD or VC Zones must connect to the public sanitary sewer upon development or redevelopment.

**(R) WELFARE OF ANIMALS.** § 7.2.1 *et seq.*, Animal Control is hereby incorporated by reference and any violation of the Animal Control Ordinance shall also be a violation of the Village Zoning Code.

**(S) PROHIBITED USES.** Any use not classified as a permissive or conditional use within a particular zoning district is hereby prohibited from that zoning district.

**(T) USE OF RIGHT-OF-WAY.** No improvements, including landscaping or other obstructions, shall be placed in the right-of-way without the written consent of the Village prior to such improvement being placed. The Village shall have the right to order the removal of any right-of-way encroachments and the failure to comply with such order shall be a violation of this Article.

**(U) FOURTH STREET DEVELOPMENT.** For any undeveloped lot with frontage on Fourth Street, a mandatory condition of approval for a site development plan or subdivision is the dedication of no less than seven (7) feet of right-of-way along the property frontage for the future use of the Village to provide pedestrian and aesthetic amenities. Likewise, for a lot with Fourth Street frontage being redeveloped, a mandatory condition of approval for a site development plan or subdivision is the dedication of no less than seven (7) feet of right-of-way along the property frontage unless said dedication has already occurred on the property. The



Village reserves the right to require greater dedications to comply with approved development plans of the Village.

