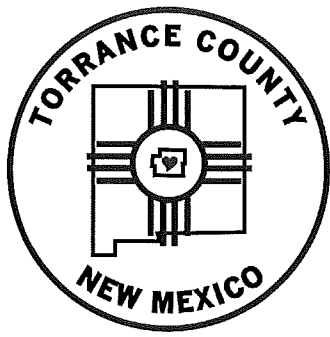


TORRANCE **C**OUNTY
COMMISSION MEETING
AUGUST 23RD, 2017
9:00 A.M.

FOR PUBLIC VIEW, DO NOT REMOVE



Torrance County Commission

Regular Meeting to be Held at:
Administrative Offices of Torrance County
Commission Chambers
205 9th Street
Estancia, NM 87016

AGENDA

August 23rd, 2017

9:00 A.M.

Please Silence All Electronic Devices

Call Meeting to Order
Pledge of Allegiance
Invocation

Approval of Minutes: August 9th, 2017

Approval of Meeting Agenda

Approval of Consent Agenda:

1. *Approval of Checks*
2. *Indigent Claim(s)*

ACTION ITEMS*:

ITEMS TO BE CONSIDERED AND ACTED UPON

(Public Comment, each item: At the Discretion of the Commission Chair. Comments are limited to one (1) minute per person.)

Presentation(s):

- a) FY 16 Audit Presentation – Josh Trujillo, REDW
- b) Workforce Connection – Saul Araque

* **Public Hearing:** Consider an Appeal to a Zoning decision filed by Dennis May regarding the property located at #4 Turner Ridge Rd. on multiple lots in Tract D of the Bella Vista Subdivision.

- A. Consider P&Z's determination that Dennis May exceeded the limitations of his "Non-Conforming" Use of his property

* Department Requests/Reports:

1. Updates: a. Various County Departments b. Other Boards or Land Grants (upon request) c. Forest Service (upon request) d. Commission
2. Schedule Anywhere Hosting Agreement – Christine Snow, Dispatch Supervisor
3. Target Solutions Learning Client Agreement – Christine Snow, Dispatch Supervisor
4. Request Payment of Purchase without Purchase Order – Isabel Lesperance, County Fair Secretary

*Commission Matters:

5. Consider Forming a Committee to Research Short-Term & Long-Term Solutions for CoreCivic Closure
6. Commission Review of the Vacant Exempt status under Ordinance 94-12 of Lot 2, Block E, Unit 2 Sherwood Forest being 84 Sherwood Forest Dr., lands of Raymundo & Lucy Carrillo Trust. Raymundo Carrillo
- 7.

* Infrastructure Capital Improvements Plan 2019-2023 Workshop:

8. Public Input/Requests
9. Department Input/Requests
10. Ranking of Projects
11. Resolution 2017-042 Adopting an Infrastructure Capital Improvements Plan

*County Manager Requests/Reports:

12. Update

Public Comment / Requests: At the Discretion of the Commission Chair. For Information Only (No Action Can Be Taken). Comments are limited to three (3) minutes per person on any subject.

*Adjourn



Minutes

DRAFT COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
AUGUST 9th, 2017

COMMISSIONERS PRESENT: JAVIER SANCHEZ-CHAIRMAN
JAMES FROST-MEMBER
JULIA DUCHARME-MEMBER

OTHERS PRESENT: BELINDA GARLAND-COUNTY MANAGER
ANNETTE ORTIZ-DEPUTY COUNTY MANAGER
DENNIS WALLIN-COUNTY ATTORNEY
YVONNE OTERO-ADMIN. ASST.

CALL MEETING TO ORDER

Chairman Sanchez calls the August 9th, 2017 Regular Commission Meeting to order at 4:15 pm

Pledge lead by Mr. Dennis Wallin and Invocation lead by Chairman Sanchez

APPROVAL OF THE JULY 21st, 2017 REGULAR COMMISSION MEETING MINUTES

Chairman Sanchez asks for a motion to approve the July 21st, 2017 Regular Commission Meeting Minutes. **ACTION TAKEN:** Madam Commissioner Ducharme makes a motion to approve the July 21st, 2017, Regular Commission Meeting Minutes. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE JULY 24th, 2017 SPECIAL COMMISSION MEETING MINUTES

Chairman Sanchez asks for a motion to approve the July 24th, 2017 Special Commission Meeting. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the July 24th, 2017 Special Commission Meeting. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF THE July 26th, 2017 SPECIAL COMMISSION MEETING MINUTES

Chairman Sanchez asks for a motion to approve the July 26th, 2017 Special Commission Meeting. **ACTION TAKEN:** Madam Commissioner Ducharme makes a motion to approve the July 26th, 2017 Special Commission Meeting. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF THE AUGUST 9th, 2017 REGULAR COMMISSION MEETING AGENDA

Chairman Sanchez asks for a motion to approve the August 9th, 2017 Regular Commission Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the August 9th, 2017 Regular Commission Meeting Agenda. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF CONSENT AGENDA

Chairman Sanchez asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in Favor. **MOTION CARRIED.**

***Proclamation:** National Health Center Week, August 12th-19th, 2017

ACTION TAKEN: Commissioner Frost makes a motion to approve the Proclamation declaring August 12th-19th, 2017 National Health Week. Chairman Sanchez seconds the motion. Madam Commissioner Ducharme requests that the proclamation be read into the record. Chairman Sanchez proceeds to read the proclamation. Proclamation hereto attached. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ACTION ITEMS

***Department Requests/Reports:**

1.) Updates:

***County Departments:**

a.) Lester Gary Torrance County Fire Chief

Mr. Gary states that he has been here for two weeks already and this will be the first time he will be giving the commission an update on where his department has come since he has taken over. Mr. Gary states that one thing we will be talking about a little later in the meeting is going with a new medical director. In the past we were with the New Mexico Consortium out of UNM Hospital. The services that they provided were not quite what the county needed, so we will be going with a new Medical Director who is a practicing licensed physician that is working out of the VA Hospital emergency room. He is also the Medical Director for Los Alamos, APD SWAT, Estancia, and Moriarty. Upon searching for a new Medical Director we noticed that we do not have a licensed pharmacist on contract. We are required to have a pharmacist because we have medical rescues. We have used a pharmacist out of Mountainair in the past. Mr. Gary states that he will be interviewing several different consulting pharmacists next week to get a better lower price.

Mr. Gary would like for the Commission to know that as of right now the only take home vehicle is his. All the rest have been pulled back and are at county admin. The vehicles are

available during the day but are not being taken home in the evenings. We no longer have a tactical medical program. Mr. Gary will be reviewing and researching this program as well as conversing with Sheriff White to see if that's something that the Fire Department wants to be involved in or leave it strictly with the Sheriff's Department. Mr. Gary is looking at the search and rescue program and doing a needs assessment on that as well. Mr. Gary is also working on the SOG's and job specifications for the department.

Starting at the beginning of next week Mr. Gary as well as the County Manager are going to be doing station tours, all the main stations as well as the sub-stations. It's been a busy couple of weeks, but we are moving forward and getting thing done.

Ms. Garland thanks Mr. Gary for all his hard work within the past couple of weeks.

b.) Steve Guetschow P & Z Director

Mr. Guetschow passes out the briefing form and the time line schedule that Elaine Kohrman from the US Forest Service gave us at our Cibola shared stewardship collaborating Coordinating council meeting. At that meeting we did finalize the charter for that group, and this form was the update. Briefing paper hereto attached.

At the meeting Ms. Kohrman reported that the draft forest service plan revisions for the Cibola, Carson, and Santa Fe National Forests engaged in a consistency review of their draft plans to provide a more cohesive approach to several topics. These are to include minor word changes, additions, clarity of ideas from other forest, and the elimination of redundancy in sections. The draft of this revision should be available for review early 2018.

In other news as a reminder, on August 23rd, 2017, Mr. Dennis May has filed an appeal and will be in front of the Commission on the 23rd presenting his appeal in a public hearing. The advertisement came out in the paper the week before last.

***COMMISSION UPDATES**

a.) Julia Ducharme District 1

Madam Commissioner Ducharme state that she was invited by the New Mexico National Guard to attend an event yesterday. It was called visitors day, but they also had a training organized by New Mexico National Guard, Homeland Security, Albuquerque Police Department, Santa Fe Fire Department and other agencies. This event had been in planning for 2 years and is one of the biggest ones to date of this nature. This event was for 1st responders for training on how to respond to certain emergency situations. Madam Commissioner Ducharme states that she hopes one day our county will be able to participate in this event as there were 1st responders there from other states as well.

Madam Commissioner Ducharme states that when you come in contact with the young men and women in the Military you see common characteristics. They are very well disciplined, orderly, respectful, and polite. Madam Commissioner Ducharme states that she felt honored to have been invited to attend this event and to have come in contact with these amazing

individuals. She was told that a recruiter may be attending the county fair and becoming a part of the National Guard may be another form of employment for Torrance County Residents.

b.) Jim Frost District 2

Commissioner Frost would like everyone to know that the Torrance County Fair is well under way this week and would like to encourage everyone to attend and check things out.

2.) Request Ratification of State of NM Dept. of Finance and Administration Local Government Division Enhanced 911 Act Program

Annette Ortiz Deputy County Manager states that this was a grant agreement that was submitted by Dorothy Rivera our EMS Director. An enhanced 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number, to achieve a faster response time which minimizes the loss of life and property, provides automatic routing to the appropriate public safety answering point (PSAP), provides immediate visual display of the location and telephone number of the caller and curtails abuses of the emergency system documenting callers. This was signed by the county manager due to time constraints of when the grant needed to be submitted. Ms. Ortiz is asking the Commission for ratification of the agreement at this time.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Ratification of State of NM Dept. of Finance and Administration Local Government Division Enhanced 911 Act Program. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

3.) Termination of Torrance County Inmate Confinement Agreement-Belinda Garland, County Manager

Ms. Garland states that the county has received a letter from Core Civic giving us 90 days in which to remove our inmates that are being housed at the facility. They are asking us that we relieve them of that contract obligation within 60 days. Ms. Garland states that she had our legal department draft a letter to Core Civic telling them that they need the full 90 days.

Madam Commissioner Ducharme asks Ms. Garland which letter they are referring to. Ms. Garland replies that Core Civic wrote us a letter asking the county to move our inmates within 60 days as opposed to the contract where Core Civic is supposed to give us a 90 day notice to remove our inmates. What we are informing the Commission of is the letter that was sent in response telling Core Civic that we are holding them to the full 90 days that is in the contract.

Madam Commissioner Ducharme asks Sheriff White if this is doable. Sheriff White replies that all we can do on our part is hold them to the contract. Madam Commissioner Ducharme asks if Mr. White thinks they will be able to provide the service the extra 30 days. Sheriff White replies that we shall see here shortly.

Mr. Wallin states that the letter has already been sent out, we are just waiting on a response from Core Civic.

Madam Commissioner Ducharme states that on the agenda it states that this is a Termination of Inmate Confinement. Ms. Garland states, yes, because Core Civic is trying to terminate the contract and have us move out inmates within 60 days as opposed to the 90 days. In the contract it states that they give us 90 days' notice to move our inmates. As of now we don't even know if they will be able to oversee our inmates for the last 30 days. Since they have not responded to our letter everything is still up in the air.

Sheriff White states that we are not terminating the contract it is Core Civic that is wanting to terminate so that we can get the inmates out in 60 days. We are holding them to the contract. Madam Commissioner Ducharme asks Mr. Wallin if we can do this according to the wording on the agenda. Mr. Wallin replies that this item is merely informative and requires no action. The letter has already gone out, again all we are waiting for is a response from the facility. We don't see that they will keep the facility open the extra 30 days for the county but they may provide some kind of financial support for us when we need to move the inmates. Commissioner Frost states that as of this point the ball is in their court all we are doing is waiting for a response. Mr. Wallin replies, yes, that is correct.

NO ACTION TAKEN. DISCUSSION ONLY

4.) Request Formation and Funding of Transportation Division in the Sheriff's Department-Sheriff White

Sheriff White states that what he has brought the Commission is a solution to when Core Civic does shut down the needs of the Sheriff's Department to continue to provide services for transporting of inmates to an outside facility while maintaining a law enforcement presence within the county. When you look through the packet, the first page is just some stat numbers of what the 2½ deputies have done with transportation in the last 12 months. Combined they have traveled 146,328 miles, transported 723 inmates, worked 5,327 hours. This is 3,452 hours of overtime beyond the 1,920 hours expected from the 80 hour work month for 2 transport deputies.

Sheriff states that as a reminder transporting inmates out of county is extremely taxing to any law enforcement agency. The Sheriff's office is fully responsible for every arrest that is made within the county, be it state police, Moriarty, Mountainair, or Estancia. We are responsible for them to house them, transport them, and whatever it may be that is our responsibility. Even taking them to court is up to us. We must provide court security while the inmate(s) are attending any one of the courts. The fees for this will also go up, and this includes all 3 District Courts, Domestic Violence Court, and Magistrate Court.

This transport division will not only be for in state transport or solely for county transport but also out of state transport as we have to go and get inmates from places like Arizona, Oregon, and about to schedule one back east somewhere. This is way more complex than just the transportation and housing of inmates.

Commissioner Frost asks Sheriff White how many arrests per week the department makes. Sheriff White replies that he does not have that figure available at this time.

Chairman Sanchez states that in the breakdown the increase would be at \$1,229,939.00, Sheriff White states that this is the startup fee which will include 1 Sergeant and 8 new transport deputies, benefits, salaries, uniforms, weapons, ammunition, vehicles, vehicle emergency equipment, fuel, maintenance, and training. Chairman Sanchez asks if Sheriff White envisions within a 5 year period what the costs are going to be. Sheriff White states that they did an analysis and the breakdown of what that would cost per year after the startup should have been given to you in your packet.

Ms. Garland states that she has not yet had a chance to review Sheriff White's operation plan, but she has gone over the numbers and has met with Ms. Tenorio and after looking at the budget there is no way we can afford what Sheriff White is requesting. There are some possible areas that she can look into that may be able to assist us with startup but she needs to do more research into this to see what they can do. Ms. Garland would like to suggest that possibly the commission look into approving two new hires and then maybe in the coming weeks approve two more hires after we look to see if we can find more money and so that we can have a better understanding of what our housing cost will be for the inmates. We currently have one part time position open in the Sheriff's department, so instead of maybe hiring a sergeant we can move this position to full time transport deputy and add another full time deputy as well. Ms. Garland states that this funding would need to come from the PILT fund if the commissioners agree to the two new hires.

Sheriff White states that we really need to start preparing for this. Time is approaching quickly and we need to get this moving. There is training that needs to be done once the deputies are hired, the transport vehicles need to be equipped once they are purchased, the deputies also need to be equipped once they are hired. We are on day 39 of the 60 days and we need to get this set in place so that when the day comes that we are needing to start transporting we can handle it without any problem.

Commissioner Frost states that the Sheriff's Department currently has 2 transport officers. Sheriff White replies, yes, they have two that are solely dedicated to transport. Commissioner Frost states that per Ms. Garland's proposal the request is to add two more transport deputies, correct? Ms. Garland replies, yes, that is correct for now. Commissioner Frost asks Sheriff White how many inmates we currently have housed at the prison. Sheriff White replies that at last night's pop count we have 62 inmates housed at the facility.

Madam Commissioner Ducharme asks Sheriff White what he thinks about Ms. Garland's proposition. Sheriff White replies that even though he is requesting 8 he understands how tight things are and will be happy and work with whatever the commission can give him.

Commissioner Frost asks Sheriff White if there is a car in the proposal. Ms. Garland replies, yes, there is a vehicle in the proposal. Sheriff White states they are currently using a Charger for transport. Some of the vehicles that are currently being used are getting pretty worn out. So we will need a new vehicle once we are transporting more.

Ms. Garland states that she has come up with a rough figure for the startup fee to hire 2 new transport deputies in the Sheriff's Department, and that figure is about \$262,000.00. This could be more or less depending on the price of the vehicles.

Mr. Wallin states that the hiring of the two new deputies could reduce the amount of overtime that they are currently paying to other deputies. This is a good thing because with the reduction of the overtime they could possibly have enough money in which to hire another full time employee.

Commissioner Frost states that if he was wanting to hire someone he would want to know if we have the funds. So Ms. Garland do we have the funds. Ms. Garlands replies, yes, we do have the funds for 1½ but after that we are going to have to start looking harder for the money. At this time Ms. Tenorio can support Ms. Garland on this and had her look at the budget so that we would be prepared for this today. Ms. Tenorio states that we do have the money and we can utilize the wind PILT or the infrastructure tax. That can handle the \$262,000.00 I will just have to do budget adjustments throughout the year.

ACTION TAKEN: Commissioner Frost make a motion approve the hiring of 2 new transport deputies for the Sheriff's department per the County Manager's proposal. Madam Commissioner Ducharme asks if Ms. Garland could please specify what her proposal consists of. Chairman Sanchez also asks if Ms. Garland could be more specific as to the numbers for her proposal. Ms. Garland reads from the start up proposal for 2 new transport deputies. Proposal hereto attached. The total for the startup is \$255,295.00. Madam Commissioner Ducharme seconds the motion. Chairman Sanchez states that he would like more of a detailed spreadsheet for the costs. Ms. Garland states that if they would like they can proceed to the next agenda item and she will come back with a spreadsheet for the numbers.

Ms. Garland returns and reads the breakdown of the fees for the startup. Proposal breakdown hereto attached. Ms. Garland asks if the maintenance for the vehicles is something that occurs yearly. Sheriff White replies, no, the vehicles are set up on a rotational plan so it's not a reoccurring cost. Ms. Garland states that the reason she is asking for only two positions for the sheriff's department, is because if by some miracle the prison does stay open, these two new hires would be a great asset to the department.

Madam Commissioner Ducharme asks Sheriff White about the court security, what is that exactly? Sheriff White states we all share this duty while court is in session. Just a reminder it does take us away from our duty out in the field.

Commissioner Frost asks is there a way we can hold our inmates in any cells that we have. Sheriff White states that we are only allowed to hold them for a certain period of time. They can become a liability to the county if we hold them for too long. We don't know the mental stability of these inmates so we have to take them to the facility as quickly as we can.

Madam Commissioner Ducharme states that she knows that Core Civic uses a contracted entity in which to transport their inmates to and from other facilities. Has the county looked at that and if so would it be cheaper for us to contract someone to do out transport. Sheriff White replies that it is not cheaper. Here recently we had an inmate in Oregon and the transport company was going to charge me \$1,800.00 to bring that inmate back to New Mexico. Sheriff White sent two deputies and spent a little under \$600.00 to go get that inmate and bring him back here. So if we were to go that route with a private company, one they would need to have an established route with us in Torrance County and second the companies do not provide the

best services. Sheriff White will utilize one of the more respected companies for transport when an inmate has to be retrieved from long distances such as New York or Florida.

Madam Commissioner Ducharme would also like to let Sheriff White know that she is happy to see the new SOP. It took a lot of effort to read it so she is sure it took a lot of effort to put it together. Thank you and she has hopes that every department will prepare an SOP for their office.

Chairman Sanchez states that in order to take full measure of this closure, perhaps we should measure its impact and see what we want to do across the board. We need to see what our long term strategy will be concerning this negative impact. We are all for easing the transportation of the inmates. We need to look at the various ways the county is going to be impacted and the money that we are going to need to spend on this. We need to know where the money will be coming from, what costs are going to be sustainable, what costs are going to be recurring, and to see what we will be looking at going forward. Then we can put together some sort of plan as to where we are going to pull money from. Commissioner Sanchez states this is the way he would go about it. We would need to all get together, the County Manager, Treasure, Sheriff, and Finance, so that we can measure our long terms as well as short term goals effectively. At the same time apply the money where it is best needed. We need to look at this a little deeper and see if this is what we want to do.

Ms. Garland states this is why she is only proposing the 2 deputies today so that Sheriff White can move forward with hiring those 2 deputies because within a matter of about 39 days we are going to have to start transporting prisoners. Ms. Garland says that she and Sheriff White have spoken and he said he will be able to manage for now with just the 4 transport deputies. In the meantime we are going to be looking at housing costs and other possible solutions to this. We feel that this is an immediate need for these transport deputies.

Mr. Wallin wants to emphasize what Sheriff White has said. Sheriff White has no choice, he is statutorily obligated to provide jail for the people that are arrested in this county. This just isn't for his department but for State and Municipal as well. Second, it is Sheriff White's duty to transport those inmates to court or to any place the court say to transport them. This is not optional it is something that he as to do, and if he doesn't he will find himself in contempt of court.

Chairman Sanchez says that he doesn't think there is anyone disputing the fact that this is mandatory. It's just a matter of how we want to do this. Madam Commissioner Ducharme states that we have a motion and a second we just need to vote. No further discussion, 2 Commissioners in favor Chairman Sanchez opposed. **MOTION CARRIED**

5.) Ratification of the Torrance County Sheriff's Department Standard Operation Guide-Sheriff White

Sheriff White presents to the Commission its newly updated Standard Operating Procedures. Sheriff White states that they have been working on these for a few years and these are the SOP's for the entire department. Which will now bring us up to standards with safe vehicle pursuit acts and all of our legal requirements.

Commissioner Frost asks Sheriff White if this is pretty common with other Sheriff's Departments throughout the states. Sheriff White replies, yes, it is. Commissioner Frost states that it is very complete as it took him several hours to read. Sheriff White states that if you go to other departments and ask to see their SOP, they are only 10 pages long which doesn't cover very much. Ours are very complete, up to date, a lot of work went into these. The last time the SOP's were updated were in 2000. Sheriff Whites states that since he has been in office they have made improvements to the 2000 version to stay standard, but it has taken us a couple of years to get it done and bring it up to date.

Commissioner Frost states that on the agenda it is listed as a ratification. Does this mean it has already been signed? Ms. Ortiz states that the reason it is listed as a ratification is because the Sheriff's department is currently operating out of this SOP but the Commission does need to approve it for the record. It is the Sheriff's SOP it just needs to be ratified by the Commission.

ACTION TAKEN: Chairman Sanchez makes a motion to approve the Ratification of the Torrance County Sheriff's Department Standard Operation Guide. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

6.) Request Ratification of Professional Services Agreement between Torrance County & Duke City Healthcare for Medical Direction-Lester Gary, Fire Chief

Mr. Gary states that what the Commission has before them is the Professional Services Agreement between Torrance County and Duke City Healthcare for Medical Direction. This document explains what we are expecting from him as our medical director, but also what he is going to provide for us. One of the differences between this document and the agreement we had with the UNM Consortium is that he will also cover our medical dispatchers. They are required to have Medical Director coverage for certain types of emergency dispatching for EMS stuff. Duke City Healthcare will not only cover the fire department but dispatch as well.

Madam Commissioner Ducharme states that she noticed in the consent agent that was approved today, the county approved for April, May, and June, to pay \$3,000 to the previous Medical Director. Will this company be cheaper? Mr. Gary replies, yes, it will save the county \$6,000.00 per year.

ACTION TAKEN: Madam Commission Ducharme makes a motion to approve the Ratification of Professional Services Agreement between Torrance County & Duke City Healthcare for Medical Direction. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

7.) Request Ratification of NM Environment Department Solid Waste Bureau Project #18 RAID-09 Recycling and Illegal Dumping Fund Grant Agreement-Dan DeCosta, Code Enforcement Officer

Mr. DeCosta states that this is a grant that he applied for at the beginning of the year and it was approved in the amount \$30,300.00. It's to help pay for cleanup for 2 illegal tire dumps. One is up in the Mountainair area and the other is off of 217 just as you get into the county near the

gun club. The rest of the money is for the Tire Amnesty that will take place a large part of the year.

ACTION TAKEN: Chairman Sanchez makes a motion for the Ratification of NM Environment Department Solid Waste Bureau Project #18 RAID-09 Recycling and Illegal Dumping Fund Grant Agreement. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

8.) Resolution 2017-39 FY 2017/2018 County Arterial Program State Project Revised Estimated Cost & Quantities-Trish Chavez, Administrator

Ms. Trish Chavez administrator for the Torrance County Road Department presents this item as Mr. Lujan was not able to attend the meeting today. This resolution does hereby acknowledge that the State Highway Commission may enter into the fiscal year 2017/18 Cooperative Agreement with counties for the improvement of roads. The entity share (25%) for the amount of \$52,115.00, and the state share (75%) for the amount of \$156,345.00 for a project total of \$208,460.00. The job scope on this project is for pavement rehabilitation/Improvements, blading, and shaping of various county roads.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Resolution 2017-39 FY 2017/2018 County Arterial Program State Project Revised Estimated Cost & Quantities. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

9.) Resolution 2017-40 FY 2017/2018 School Bus State Project Revised Estimated Cost & Quantities - Trish Chavez, Administrator

Ms. Trish Chavez administrator for the Torrance County Road Department presents this item as Mr. Lujan was not able to attend the meeting today. This resolution does hereby acknowledge that the State Highway Commission may enter into the fiscal year 2017/18 Cooperative Agreement for the school bus routes program. The entity share (25%) for the amount of \$27,281.00, and the state share (75%) in the amount of \$81,843.00 for a project total of \$109,124.00. The job scope is for pavement rehabilitation/improvements, blading, and shaping of various county roads.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Resolution 2017-39 FY 2017/2018 School Bus State Project Revised Estimated Cost & Quantities. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

10.) Resolution 2017-041 FY 2017/2018 Special Projects State Project Revised Estimated Cost & Quantities- Trish Chavez, Administrator

Ms. Trish Chavez administrator for the Torrance County Road Department presents this item as Mr. Lujan was not able to attend the meeting today. This resolution does hereby acknowledge that the State Highway Commission may enter into the fiscal year 2017/18 Cooperative Agreement for the Special Projects. The entity share (25%) for the amount of

\$19,881.00, and the state share (75%) for the amount of \$59,644.00 for a project total of \$79,525.00. The job scope is for pavement rehabilitation/improvements, blading, and shaping of various county roads.

ACTION TAKEN: Madam Commissioner Ducharme makes a motion to approve Resolution 2017-041 FY 2017/2018 Special Projects State Project Revised Estimated Cost & Quantities. Chairman Sanchez seconds the motion. Madam Commissioner Ducharme would like to withdraw her motion as she lives on the road pertaining to this resolution. Commissioner Frost makes a motion to approve Resolution 2017-041 FY 2017/2018 Special Projects State Project Revised Estimated Cost & Quantities. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

11.) Request Payment of Purchase(s) made-Leonard Lujan, Superintendent

Ms. Garland states that during the preparation for the repair to Lexco Road, there was some purchases made at Gustin Hardware. There was no PO in place before the purchases were made. This was a mistake on the employee's part. The parts were used when Lexco Road was repaved. Ms. Garland is requesting that payment be made to Gustin Hardware in the amount of \$93.54.

ACTION TAKEN: Madam Commissioner Ducharme makes a motion to approve to allow payment to Gustin Hardware for purchases made in the amount of \$93.54. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

***Commission Matters:**

12.) Intergovernmental Services Agreement between Mid Region Council of Government and Torrance County

Ms. Garland states that because of our audit situation we have some appropriations money that is out there for the senior centers to purchase equipment to prepare food for the senior citizens of this county. We need to have a fiscal agent overseeing these appropriation funds. This money does need to be spent by the end of this fiscal year. Ms. Garland would like to get this fiscal agency services agreement in place so that we can move forward with utilizing these appropriation fund. Ms. Garland adds that this agreement has been reviewed and approved by legal counsel.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Intergovernmental Services Agreement between Mid Region Council of Government and Torrance County. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

13.) FY18 Work/Financial Plan for Wildlife Services-Jon Grant, District Supervisor USDA/APHIS/WS

This is being presented for approval by the USDA office which is to assist property owners, businesses, private citizens, and governmental agencies in resolving wildlife damage problems and conduct control activities in accordance with applicable Federal, State, and local law

regulations. Assistance may be in the form of providing technical assistance or direct control activities. Recommendations and control activities will emphasize long term solutions and incorporate the Integrated Wildlife Damage Management approach. This will be conducted from July 1, 2017 through June 30, 2018.

ACTION TAKEN: Chairman Sanchez makes a motion to approve FY18 Work/Financial Plan for Wildlife Services. Commissioner Frost seconds the motion. Madam Commissioner Ducharme states that she needs clarification on the funds. Compared to what we had before how different is it money wise in comparison to last year. Ms. Ortiz states that this request was actually part of the budget process, they requested the additional dollars for this in the amount of \$1,000.00. This was approved in the budget, this is the actual contract for the work and financial plan. No further discussion, all Commissioners in favor. **MOTION CARRIED**

***County Manager Requests/Reports:**

14.) Update

Ms. Garland would like to apologize for not having her update typed up to be presented to the Commission. Ms. Garland states that the main thing on her update for the past 2 weeks has been working on the prison closure. Ms. Garland has gotten the fiscal agency services contract with MRCOG which was approved today by the Commission. She is currently working on the solid waste agreement with Tajique and trying to get that agreement finished so that she can bring it to the Commission for approval. Ms. Garland states that she has met with Andy Miller regarding the tipping fees. They both went over some questions and ideas regarding the tipping fees.

Ms. Garland states that she has attended 2 meetings in Santa Fe in regards to the prison closure. There is a possibility that there may be some long term solutions to all of this, but at this point in time we really aren't sure. We are not going to commit to anything since nothing has been committed to us. Be assured that the powers that be up in Santa Fe are aware of the situation and are aware of everything that is going on. Ms. Garland states that she has been actively working on this and trying to come up with solutions to this problem. Not only to help with the county, but for the people that are about to lose their jobs, and local businesses that will lose money from the prison closing.

Madam Commissioner Ducharme states that at one of the meetings she attended there was a mentioning of a job fair. Ms. Garland replies that there has been some job fairs held at the prison. There was also a rapid response team put together to meet with these people and provide to the employees of Core Civic Facility benefits that could be available to them and also try to find them other companies that may have job positions open that these people can apply for. Core Civic has also given the employees the option to relocate to one of their other facilities in order to keep their job. Workforce solutions and Core Civic are both working hard to help all these people with getting jobs.

Ms. Ortiz states that there is going to be a job fair hosted by Senator Michael Padilla, Senator Liz Stefanics, Representative Matthew McQueen, and Representative Tomas E. Salazar on Wednesday August 23, 2017 from 10:00 a.m. to 2:00 p.m. at the Estancia High School Gym at

709 Hopewell St. If there are any employers interested in being involved in that Job Fair they can contact Senator Michael Padilla.

Ms. Garland would like to make the comment that all of our elected officials are very well aware of what is going on here in this county and they are all working actively with us to try and take control of this situation and help find a solution. Ms. Garland would like to thank everyone for their help and attending meetings as well as setting up meetings. Thank you and your help is greatly appreciated.

ADJOURNMENT

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the August 9th, 2017 Regular Commission Meeting. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Meeting adjourned at 5:45 pm

Chairman Javier Sanchez

Yvonne Otero-Administrative Assistant

Date



Consent Agenda



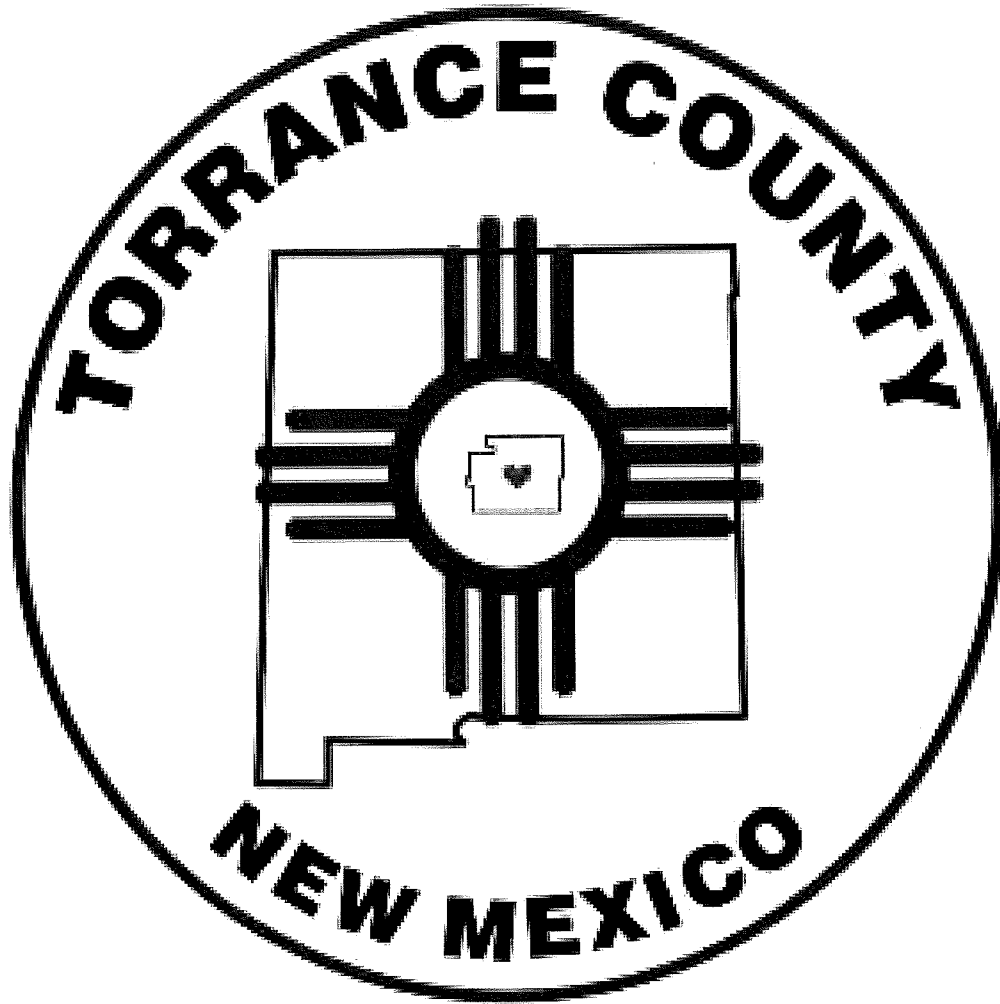
Presentation

FY16 Audit



Presentation

Workforce Solutions



Public Hearing

Consider an Appeal to a Zoning decision filed by Dennis May regarding the property located at #4 Turner Ridge Rd. on multiple lots in Tract D of the Bella Vista Subdivision.

Dennis May Appeal
P&Z Interpretation of Zoning Ordinance regarding the Status
of Dennis May's Certificate of Non-Conformance
List of Exhibits

Applicant Exhibits:

Applications from the appealing party and documentation received on July 19, 2017. Applicant and Code Enforcement were in agreement to schedule the Public Hearing on August 23, 2017 due to public notice requirements and the schedule of Magistrate Court appearance on August 9. Documentation includes:

“Section A” 1) Notification letter dated Aug. 23, 1990 & application from P&Z regarding existing businesses within the newly formed zoning districts. 2) Certificate of Non-Conformance dated Oct. 17, 1990. 3) Excerpts from previous versions of the Torrance County Zoning Code. 4) A newspaper article from 1986 regarding the applicant's business.

“Section B” 1) Excerpt of Torrance County Ordinance 89-1 regarding Solid Waste. 2) Ordinance 91-3 approval date Sept. 4, 1991. 3) Excerpt of a revision to Ordinance 94-2 (zoning ordinance). 4) Excerpts from Ordinance 2001-02. 5) Excerpts from a previous version of the Torrance County zoning ordinance.

“Section C” 1) NoV from R. Ledbetter dated 1/18/2005. 2) NoV from R. Ledbetter dated 4/28/2008, letters exchanged between Mr. May and Mr. Ledbetter between 4/28/2008 and May 27, 2008.

“Section D” 1) NoV from D. DeCosta dated 7/2/14. 2) Letters exchanged between Mr. May & Mr. DeCosta between July 19 and July 23, 2014. 3) Criminal Summons from Magistrate Court dated Sept. 10, 2014 and a Criminal Complaint filed with the Court on Sept. 10, 2014. 4) Ordinance 94-12 approved on November 20, 2002.

“Section E” 1) Letter and NoV from Mr. DeCosta to Dennis & Catherine May dated 11/8/2016. 2) NoV dated 11/9/16. 3) Criminal Summons issued by Magistrate Court and Criminal Complaint filed with Magistrate Court both dated June 12, 2017. 4) Excerpts of Titles 16 & 66 NMSA 1978.

P&Z Code Enforcement Exhibits:

Exhibit 1: Excerpts from Torrance County Zoning Ordinance & Solid Waste Ordinance.

Exhibit 2: Certificate of Non-Conformance dated 10/17/90. Business Registrations dated 12/1/93 & 8/12/16. Renewal past due 8/15/17.

Exhibit 3: Current GIS satellite image. “Google” satellite images from: 9/12, 8/11, 8/09, 3/06, 7/05, 12/03, 10/96, and 5/91.

Exhibit 4: Search Warrant & photographs from June 1, 2017

Exhibit 5: NoVs dated 7/2/14 and 11/8/16.

Exhibit 6: Convictions handed down by Court dated 5/22/16, 5/4/16, 9/27/16.

Exhibit 7: Commission Minutes dated 9/28/16.

NOTICE

During the regular meeting on August 23, 2017 at 9:00 a.m. the Torrance County Commission will hold a Public Hearing to consider an Appeal to a Zoning decision filed by Dennis May regarding the property located at #4 Turner Ridge Rd. on multiple lots in Tract D of the Bella Vista Subdivision.

Torrance County
Planning & Zoning

TORRANCE COUNTY ZONING ACTION

JUL 10 2017

Application for Zoning Appeal

PAGE 1 of 2

JTG
Received by
Time 2:00 PM

Appellant: DENNIS MAY Phone: 281-2848

Mailing Address: PO BOX 458 EDGEWOOD NM 87015

Agent (if any): _____ Phone: _____

Mailing Address: _____

Reason for Appeal (Use additional sheets if necessary):

REF: TCPZO 90-3 APR 20, 1990 VERSION, TCSWO 89-1, TCO 91-3;
CITATION/FILE # 14-051; CITATION/FILE # M-56, MR. 2017-130; FILE # 16-064
VIOLATIONS BY ZONING OFFICER DAN DE COSTA UNDER AFOREMENTIONED
ORDINANCES INCLUDE: 90-3-5-B-19 NONCONFORMITIES, 90-3-10-A
PRE PLATTED LANDS DISTRICT 90-3-17-A, B, C NONCONFORMITIES -
CERTIFICATE OF NON-CONFORMANCE, 90-3-6-C GENERAL PROVISIONS -
SOLID WASTE REF-89-1 SOLID WASTE, DISPOSAL, STORAGE, TCO 91-3 PERSONAL
PROPERTY PROTECTIONS, TCPZO 90-3-26 (2014 VERSION) APPEALS,
CERTIFICATE OF NONCONFORMANCE ISSUED OCT 17, 1990, UPHOLD IN
2008 FILE # 08-074 BY PREVIOUS ZONING OFFICER, DENIED BY DE COSTA.
FAILURE TO DISCLOSE APPEAL PROCESS, SITUATION DIRECTLY TO COURT, MISLEADING,
INCOMPLETE CHARGES, FALSE AND MISLEADING EVIDENCE, FALSE CHARGES
CURRENTLY UNDER APPEAL, NEW CHARGES FILED JUNE 12, 2017,

Signature: Dennis May Date: JULY 12, 2017

INSTRUCTIONS: Submit a copy of the appeal form and filing fee to the County Zoning Officer within 30 days after a determination is made which is the subject of appeal. Public notice must be given by legal advertisement prior to the hearing. The appeal shall be decided by the Board of County Commissioners within 30 days after the date of filing.



FOR OFFICE USE ONLY:

Application Received by: _____ Date: _____
File Number: _____ Hearing Date: _____
Action Taken: _____ Date: _____

NOTE: A copy of the notice of public hearing should be filed with each application.

TORRANCE COUNTY ZONING ACTION

Application for Zoning Appeal

CONTINUED - PAGE 2 OF 2

Appellant: DENNIS MAY Phone: 281-2848

Mailing Address: PO BOX 458 EDGWOOD NM 87015

Agent (if any): _____ Phone: _____

Mailing Address: _____

Reason for Appeal (Use additional sheets if necessary):

CONTINUED FROM PAGE 1 & CHARGES NOT ASSOCIATED WITH SEARCH
WARRANT EXECUTED ON JUNE 7, 2017. VIOLATION OF NMMVD 66-3-12,
66-3-14, 66-3-18, 66-3-104; REGISTRATION OF VEHICLES & VIOLATION OF
66-11-1 THRU 66-11-5 MOTOR VEHICLES OF HISTORIC INTEREST & TCR 20-
90-3-5-B SALVAGE YARD IS A 1994 AMENDMENT. 6 OR MORE IS A 2001
AMENDMENT WHICH ALSO VIOLATES STATE LAW 66-11-1 THRU 66-11-5, AND
CERTIFICATE OF NON-CONFORMANCE? DERELICTION OF DUTY UNDER ~~SECTION~~
90-3-17-B; "NONCONFORMITIES SHALL BE IDENTIFIED AND ISSUED
CERTIFICATES OF NON-CONFORMANCE" DETERMINED BY SECTION A, "THIS
ORDINANCE WAS PASSED OR AMENDED". REQUEST THAT COMMISSION
REVIEW CURRENT AND PAST CIVIL ACTIONS BY ZONING OFFICER AND
COUNTY ATTORNEY WALLIN TO DETERMINE IF ANY OTHER CITIZENS RIGHTS
MAY HAVE BEEN VIOLATED.

Signature: [Handwritten Signature] Date: JULY 12/2017

INSTRUCTIONS: Submit a copy of the appeal form and filing fee to the County Zoning Officer within 30 days after a determination is made which is the subject of appeal. Public notice must be given by legal advertisement prior to the hearing. The appeal shall be decided by the Board of County Commissioners within 30 days after the date of filing.

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TORRANCE COUNTY ZONING ACTION

Application for Zoning Appeal

PAGE 1 of 2

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Mailing Address: PO BOX 458 EDGEWOOD NM 87015

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VIOLATIONS BY ZONING OFFICER DAN DE COSTA UNDER A FOREMENTIONED
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PRE PLATTED LANDS DISTRICT; 90-3-17-A, B, C NONCONFORMITIES -
CERTIFICATE OF NON-CONFORMANCE; 90-3-6-C GENERAL ORDINANCES -
SOLID WASTE REF-89-1 SOLIDWASTE, DISPOSAL, STORAGE; TCO 91-3 PERSONAL
PROPERTY PROTECTIONS; TCPZO 90-3-25 (2014 VERSION) APPEALS;
CERTIFICATE OF NONCONFORMANCE ISSUED OCT 17, 1990, UPHOLD IN
2008 FILE# 08-074 BY PREVIOUS ZONING OFFICER, DENIED BY DE COSTA.
FAILURE TO DISCLOSE APPEAL PROCESS, CITATION DIRECTLY TO COURT; MISLEADING;
INCOMPLETE CHARGES, FALSE AND MISLEADING EVIDENCE; FALSE CHARGES
CURRENTLY UNDER APPEAL, NEW CHARGES FILED JUNE 12, 2017,

Signature: Dennis May Date: JULY 12, 2017

INSTRUCTIONS: Submit a copy of the appeal form and filing fee to the County Zoning Officer within 30 days after a determination is made which is the subject of appeal. Public notice must be given by legal advertisement prior to the hearing. The appeal shall be decided by the Board of County Commissioners within 30 days after the date of filing.

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File Number: _____ Hearing Date: _____

Action Taken: _____ Date: _____

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TORRANCE COUNTY ZONING ACTION

Application for Zoning Appeal

CONTINUED - PAGE 2 of 2

Appellant: DENNIS MAY Phone: 281-2848

Mailing Address: PO BOX 458 EDGWOOD NM 87015

Agent (if any): _____ Phone: _____

Mailing Address: _____

Reason for Appeal (Use additional sheets if necessary):

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66-3-14, 66-3-18, 66-3-104; REGISTRATION OF VEHICLES & VIOLATION OF
66-11-1 THRU 66-11-5 MOTOR VEHICLES OF HISTORIC INTEREST & TC 90-
90-3-5-B SALVAGE YARD IS A 1994 AMENDMENT, 6 OR MORE, IS A 2001
AMENDMENT WHICH ALSO VIOLATES STATE LAW 66-11-1 THRU 66-11-5, AND
CERTIFICATE OF NON-CONFORMANCE; DERELICTION OF DUTY UNDER ~~SECTION~~
90-3-17-B; "NONCONFORMITIES SHALL BE IDENTIFIED AND ISSUED
CERTIFICATES OF NON-CONFORMANCE" DETERMINED BY SECTION 17, "THIS
ORDINANCE WAS PASSED OR AMENDED". REQUEST THAT COMMISSION
REVIEW CURRENT AND PAST CIVIL ACTIONS BY ZONING OFFICER AND
COUNTY ATTORNEY WALLIN TO DETERMINE IF ANY OTHER CITIZENS RIGHTS
MAY HAVE BEEN VIOLATED.

Signature: [Signature] Date: JULY 12/2017

INSTRUCTIONS: Submit a copy of the appeal form and filing fee to the County Zoning Officer within 30 days after a determination is made which is the subject of appeal. Public notice must be given by legal advertisement prior to the hearing. The appeal shall be decided by the Board of County Commissioners within 30 days after the date of filing.



FOR OFFICE USE ONLY:

Application Received by: _____ Date: _____

File Number: _____ Hearing Date: _____

Action Taken: _____ Date: _____

NOTE: A copy of the notice of public hearing should be filed with each application.



BOARD OF
COUNTY COMMISSIONERS

District 1
JESSE B. TIMMS

District 2
JAMES B. SUMMERS

District 3
CHESTER RILEY, JR.

Torrance County

OFFICE OF THE COUNTY COMMISSION

P.O. BOX 48
ESTANCIA, NEW MEXICO 87016
PHONE 384-2418

August 23, 1990

D'RESE SUTHERLAND
County Manager

PAT MARCIANO
Admin. Assistant

SANDRA NESS
Road Dept. Clerk

INEZ WEIS
Personnel Clerk

JMD Enterprises

Box 458

Edgewood, NM 87015

Dear Business Owner:

As of April 20, 1990 a new Zoning Ordinance has taken effect in Torrance County. All business owners have 6 months to comply with the Zoning Ordinance free of charge. After October 20, 1990, a fee will be charged depending on what type of permit you must obtain.

Since the deadline is getting closer, I thought I'd take the opportunity to write and find out the location of your business. If you are located within a municipality, there is no need to return the questionnaire since the County Zoning Ordinance does not pertain to the cities within our county. Once I find out the location of your business, I will see what zone is designated to that area. If your business does not comply with that zone, I will send you the necessary paperwork to fill out.

Hopefully with the quick return of this information I can save us, both, some costly paperwork and perhaps save you some fees. Please fill out the attached questionnaire and return to me at the above address.

Your cooperation in this matter is greatly appreciated. If you have any questions please feel free to call me at 384-2418 ext. 30 or write me, also at the above address.

Thank you,

Liz Lujan
Zoning Clerk

encl.

SECTION A

PLEASE FILL OUT AND RETURN TO: TORRANCE COUNTY
P. O. BOX 48
ESTANCIA, NM 87016
ATTN: LIZ LUJAN
ZONING CLERK

NAME OF BUSINESS _____

TYPE OF BUSINESS _____

ARE YOU LOCATED IN A MUNICIPALITY? _____

IF SO, STOP. YOU NEED NOT GO ANY FURTHER.

IF NOT, WHERE ARE YOU LOCATED? PLEASE INCLUDE SECTION, TOWNSHIP,
AND RANGE. _____

IS YOUR BUSINESS LOCATED IN YOUR HOME? _____

COULD WE HAVE YOUR TELEPHONE NUMBER IN CASE WE NEED TO CONTACT
YOU?(A CALL IS FASTER THAN THE MAIL) _____

DO WE HAVE YOUR CORRECT ADDRESS? _____

IF NOT PLEASE MAKE ANY CORRECTIONS: _____

THANK YOU!

Yours Copy!

TORRANCE COUNTY ZONING ACTION

Certificate of Nonconformance

THIS CERTIFICATE ESTABLISHES THE IDENTITY OF A NONCONFORMING LOT, STRUCTURE, OR USE OF LAND OR STRUCTURE, PURSUANT TO SECTION 17 OF THE TORRANCE COUNTY ZONING ORDINANCE.

LAND OWNER: DENNIS J OR CATHERINE M MAY TELEPHONE: 781-2848

MAILING ADDRESS: P.O. Box 458 EDGEWOOD NM 87015

AGENT: SECURITY ESCROW TELEPHONE: 262-1566

MAILING ADDRESS: P.O. Box 25426 ALBU NM 87125

LEGAL DESCRIPTION OF PROPERTY: TWP 09N R1G 07E SEC 4
TRACT D BLK 4 lots A&N BLK 5 lots G&H
SUB. BELLA VISTA

LOCATION OF PROPERTY: Turner Ridge

ZONING OF PROPERTY: PL EFFECTIVE DATE OF ZONING: 4-20-90

PRESENT USE(S) OF PROPERTY AND REASON FOR NONCONFORMANCE: STORAGE OF SERVICES COMPANY EQUIPMENT - NO RETAIL OUTLET

DATE PRESENT USE(S) OF PROPERTY BEGAN: OCT 1989

ATTACH A DRAWING OF PROPERTY SHOWING THE FOLLOWING INFORMATION:

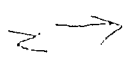
1. Lot or tract dimensions (to scale) and total land area,
2. Location and size of any easements and dedicated right-of-way within or abutting property,
3. Location and outline with dimensions of all structures within the property in relation to property lines, and
4. For non-structural uses of land, identify nature, location, and extent of operations.

DATE OF NOTIFICATION: 10-10-90 ~~8-20-90~~ TIME LIMIT: 10-20-90

THE USE OF THE PROPERTY IN THE MANNER DESCRIBED ABOVE IS HEREBY AUTHORIZED UNDER THE PROVISIONS OF SECTION 17 OF THE TORRANCE COUNTY ZONING ORDINANCE.

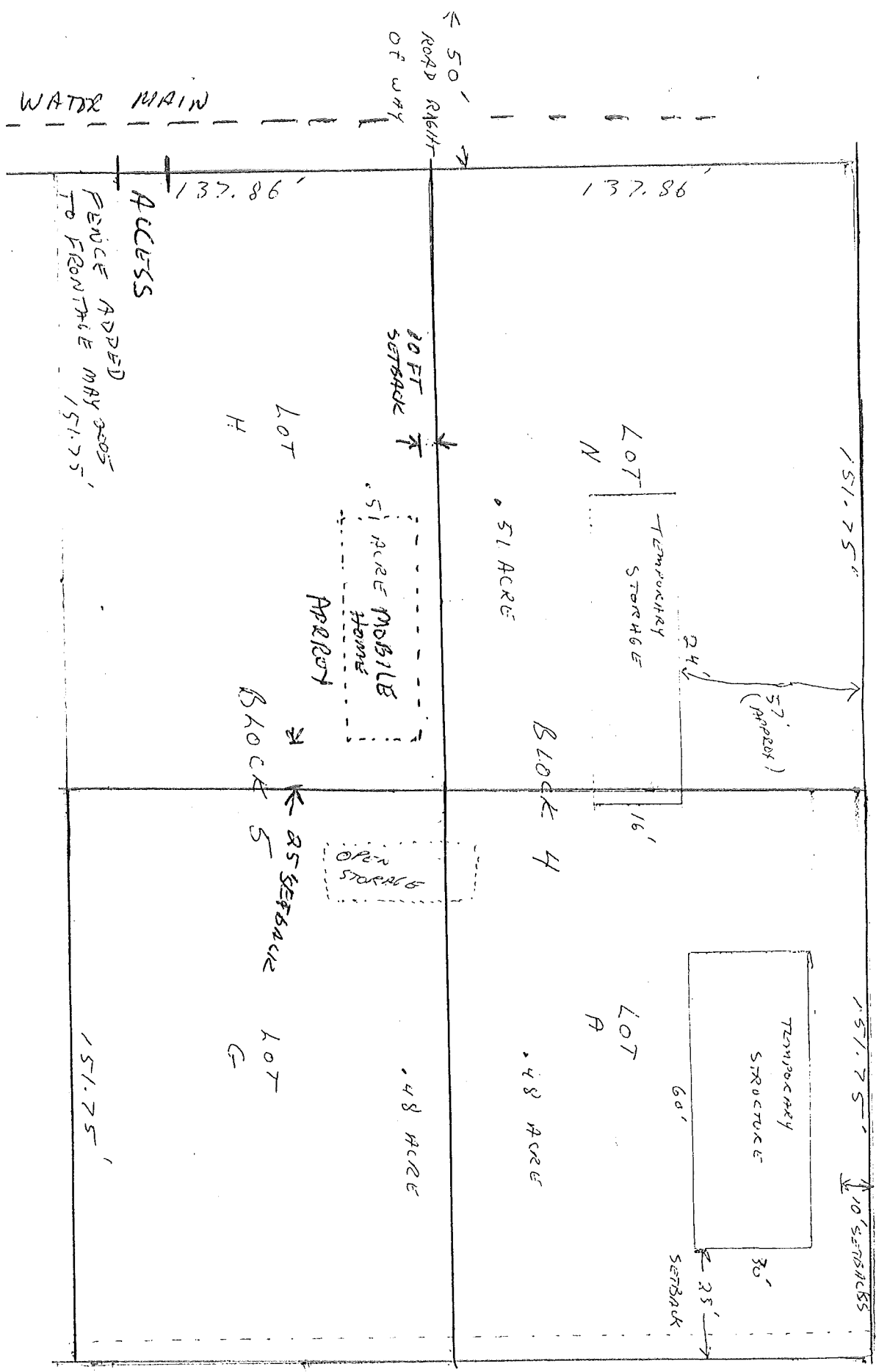
DATE: 10-17-90

SIGNED: [Signature]
COUNTY ZONING OFFICER



TRACT D
 BELLA VISTA
 "TURNER RIDGE"

10 FT
 UTILITY
 EASEMENT



LOT N
 1987

LOT H
 1987

SECTION 5. DEFINITIONS.

A. Word Forms. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The singular number includes the plural number, and the plural number includes the singular number. The Words "shall" and "must" are mandatory, and the word "may" is permissive.

B. Definitions. The following definitions apply to this Ordinance:

1. "Accessory Uses and Structures" are customarily accessory but clearly incidental and subordinate to principal uses and structures on a premises. This definition includes detached living quarters within an accessory structure, and not rented or otherwise used as a separate dwelling unit.
2. "Boarding, Rooming, or Lodging House" means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation. This definition includes a "Bed and Breakfast" enterprise.
3. "Conditional Use" means a use which may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Zoning Commission.
4. "County" means Torrance County, New Mexico.
5. "County Board" means the Board of County Commissioners of Torrance County, New Mexico.
6. "Dwelling Unit" means a structure or part of a structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes.
7. "Dwelling Unit, Singular" means a dwelling unit which is not physically connected to any other dwelling unit.
8. "Dwelling Unit, Multiple" means a structure containing two or more dwelling units.
9. "Family" means one or more persons living together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no

the Environmental Improvement Board of New Mexico and administered by the Environmental Improvement Division of the New Mexico Health and Environment Department.

- 16. "Lot" means a parcel or tract of land, described by metes and bounds and platted and placed on the County Clerk's record in accordance with appropriate laws, and with access to public right-of-way.
- 17. "Mobile Home" (also known as Manufactured Housing) means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities.
- 18. "Mobile Home Park" means an area of land platted under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.
- 19. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.
- 20. "Permissive Use" means a use which is allowed in a particular zone district.
- 21. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.
- 22. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.
- 23. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.

24. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.
25. "Shopping Center" means an integrated retail commercial development occupying a site of 3 or more acres under a single ownership, control or interest, and containing 5 or more connected stores or a total gross floor area in a single structure which is greater than 25,000 square feet.
26. "Solid Waste Management Regulations" means the Solid Waste Management Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the Environmental Improvement Division of the New Mexico Health and Environment Department.
27. "Structure" means anything constructed or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term structure does not include a vehicle, vegetation and public utility poles.
28. "Travel Trailer or Recreational Vehicle Park" means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing.
29. "Variance" means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results or actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, height, dimension, distance, setback, walls, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the only determining factor in deciding a variance.
30. "Wall" means a solid wall or fence which is visually solid, or a suitable screen of landscaping intended to provide a visual barrier.
31. "Zone District" means a section of the County, designated in the text of this Ordinance

and delineated on the Torrance County Zoning Map, in which requirements for the use of land and building and development standards are prescribed. Boundaries of zone districts shall follow existing property lines unless clearly otherwise shown on the Zoning Map, in which case, such boundary shall be defined by dimension and distance from existing property lines.

- 32. "Zoning Commission" means the Torrance County Planning and Zoning Commission.
- 33. "Zoning Officer" means the official person designated as the principal administrator and enforcement officer of this Ordinance.

SECTION 6. GENERAL PROVISIONS.

- A. Access to Structures. All structures shall be located such that safe and convenient access is provided for use of the structure, fire protection, and any required off-street parking or loading.
- B. Mobile Home Installation. No mobile home shall be occupied unless it is connected to adequate utilities, provided with skirting of a durable material if not installed at ground level, and stabilized and anchored, all in accordance with the regulations promulgated by the Manufactured Housing Act of New Mexico [60-14-1 et seq., NMSA 1978].
- C. Refuse Disposal. All persons owning or occupying lands within the County shall be responsible for the sanitary conditions of their premises. No person shall permit or cause the accumulation of solid or liquid waste which may become hazardous to public health or safety, or which obstructs traffic, drainage, or access to structures. Following the effective date of this Ordinance, the siting and installation of any new landfill operation or land application process for purposes of disposing any solid or liquid waste shall be reviewed by the County Board for conformance to this Ordinance, the County Solid Waste Ordinance No. 89-1, and any other relevant ordinance of the County. Furthermore, all solid waste shall be properly disposed in accordance with the New Mexico Solid Waste Management Regulations.
- D. Water and Wastewater Requirements. All lots and all structures located thereon shall be in compliance with applicable regulations established by the New Mexico Environmental Improvement Division and the New Mexico State Engineer's Office concerning water and wastewater facilities.

1. Home occupations;
2. Farm equipment stores, animal feed stores, tack shops, and other agricultural support services;
3. Large-scale commercial processing of agricultural products;
4. Business, service, and commercial establishments;
5. Kennels and veterinary hospitals; and
6. Essential public utility distribution structures.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be ten acres where identified as AP-10 on the Zoning Map, or five acres where identified as AP-5 on the Zoning Map; and
2. All structures shall be located with a front setback of no less than 25 feet.

SECTION 10. PREPLATTED LANDS DISTRICT (PL).

A. Intent. This zone district provides for the appropriate development of preplatted subdivisions which are not considered adequate by current planning or environmental standards. This zone district is comprised of certain subdivisions platted and placed on record with the County Clerk prior to 1973, often held in multiple ownership, and substantially or totally undeveloped. This zone district is established to encourage and promote private land re-adjustment through techniques such as subdivision replatting, land pooling, and lot consolidation, followed by a change to a more appropriate zone district, if necessary.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. One singular dwelling unit per lot;
2. Accessory uses and structures;
3. Cultivation and harvesting of croplands;
4. The raising of animals for personal use; and

5. No temporary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises; and
 6. Temporary signs shall be non-illuminated and shall not exceed 32 square feet of sign face.
- G. Prohibited Signs. The following signs are prohibited within the County:
[REV: Ord. No. 96-4, 4/27/96]
1. Signs located within dedicated public right-of-way or an easement for a roadway;
 2. Signs applied to trees, rocks, or other natural objects;
 3. Signs which are or may become a public safety hazard.
- H. Nonconforming Signs. Any sign that does not comply with a regulation concerning sign dimensions, number, and location as stated herein, but which existed prior to the effective date of such sign regulation, shall be considered a nonconforming sign and shall be subject to the following requirements:
[REV: Ord. No. 96-4, 4/27/96]
1. The nonconforming sign shall not be expanded or extended; and
 2. Routine maintenance of a nonconforming sign is allowed.

SECTION 19. ADMINISTRATION.

- A. Administrative Official. A Zoning Officer shall be appointed by the County Board to administer the provisions of this Ordinance. The Zoning Officer may also serve in some other capacity as an employee or appointed official of the County.
- B. Inspection. The Zoning Officer has the authority to conduct inspection of buildings, structures, and the use of land to determine compliance with this Ordinance. The Zoning Officer shall carry an identification card provided by the County during all inspections. This provision does not grant right of entry without due process of law if necessary. The Zoning Officer shall provide for on-site inspections and other relevant information which may be requested by the County Board or the Zoning Commission as necessary to carry out the purpose of this Ordinance.
- C. Information and Records. The Zoning Officer shall maintain an office to supply the public with information concerning this Ordinance, and shall maintain copies of this Ordinance and the County Zoning Map in an updated form. A "Zoning Action File" shall be maintained and shall contain records of the following:

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- KEEP FILES
1. Conditional Use Approvals;
 2. Variances Allowed Under this Ordinance;
 3. Applications for Amendments to this Ordinance;
 4. Certificates of Nonconformance;
 5. Zoning Appeals; and
 6. Zoning Violations and Complaints.

D. Development Review Process. The Zoning Officer shall review all State Building Permit applications and State Manufactured Housing Installation Permits received through the County Assessors Office. Such review shall be for the purpose of determining compliance with this Ordinance.

E. Violations: Complaints and Notification. The Zoning Officer may institute any appropriate actions or proceedings whenever there is probable cause to believe there is a violation of this Ordinance. Any person aggrieved by an apparent violation of this Ordinance shall file a written complaint with the Zoning Officer who shall immediately investigate such complaint to determine if a violation of this Ordinance is found to exist. Whenever the Zoning Officer finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a complaint, the Zoning Officer shall notify the person responsible for the alleged violation in writing. Such notification shall order the necessary correction to be made within 60 days following the date of notification. Any person who fails to comply with the notification order shall be subject to penalties as stated in this Ordinance.

SECTION 17. NONCONFORMITIES.

A. Definition. Within the zone districts established by this Ordinance, there exist: lots, structures, or uses of land or structures which were lawful before this Ordinance was passed or amended, but would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.

RECEIVED BY THE CLERK

B. Certificate of Nonconformance. Nonconformities shall be identified and issued Certificates of Nonconformance as determined by the Zoning Officer. Upon receipt of a written notification from the Zone Officer, it shall be the responsibility of owners of nonconforming property to obtain a Certificate of Nonconformance from the Zoning Officer within 60 days after the date of notification.

*C. Nonconformities Allowed. A nonconforming use existing at the time this resolution takes effect may be continued under the Certificate of Nonconformance. The authority to continue a nonconforming use is transferable to the successors and assigns of the owner. The transfer of authority shall be evidenced by transfer of the Certificate of Nonconformance to the successor or assignee. A continuing nonconforming use may also be referred to as a "grandfathered use".

D. Expansion. A nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building shall not be deemed an extension of such nonconforming building.

E. Restoration. If a nonconforming use or structure is damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, then restoration must be for a permitted use. Singular dwelling units, however, may be exempt from this restoration requirement if approved by the Zoning Commission and the New Mexico Environmental Improvement Division in order to comply with Liquid Waste Disposal Regulations.

F. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this Ordinance. Any nonconforming dryland or irrigated farmland shall be exempt from this abandonment requirement.

G. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed, redeveloped, or improved provided that any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Zoning Commission, a Certificate of Nonconformance will not be required for nonconforming lots.

SECTION 18. CONDITIONAL USE PERMITS.

A. Approval and Permit Required. Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Commission, which shall be

(TIE)
N 0° 09' W
600.00

Copy of original

Plot

NEW COMMUNITY ROAD

BUS ROUTE
CR A 102



4)

(TRACT D)

UNIMPROVED (DIRT)

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S 89° 23' W

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Nature Notes
by Susan Dale Rose



Helping hummers thrive

by Wendy Aeschliman and Penny Elliston
Wildlife Rescue Inc. of NM

Our group of wildlife rehabilitators has done some research into some of the issues of concern which we would like to share.

First off, it is best NOT to think of your feeder as anything but a device to ATTRACT the hummers, nor its contents as anything but SUPPLEMENT to natural food. In no way should we attempt to substitute a "diet!"

Hummingbirds feed on plant nectar and a wide variety of tiny insects for protein, and come to our feeders, as do the house finches, simply because the LIKE it, and sugar is a quick source of energy when they need it. They appreciate the feeders especially at dawn and in the evenings, and at those times when the natural food is harder to obtain (rainy periods, for instance).

It appears that sugar water in a concentration of one part sugar to four parts water does no harm to the hummers, and perhaps enables local populations to be higher than otherwise. Food coloring is unnecessary and undesirable; the birds are attracted by the red of the feeders.

Commercial products sold as "nectar" are designed to attract PEOPLE (and their pocketbooks), and in fact, being invert sugars, chemically created, are less like flower nectar than table sugar. Honey, since it carries disease-producing organisms, should never be used.

We can best treat the hummers by interfering as little as possible in their lifestyles; and

by Susan Dale Rose
Staff Writer

"Long ago and far away," says Dennis May, "a high school buddy and I used to draw cartoons. And we had names for our cartoon 'companies,' and mine was JMD Enterprises. So when I started this, I got to use the name."

"This" is May's new dual purpose business at Edgewood Center West. In his section of the recently built mall, May has installed D.J.'s Arcade and, in a crowded back room, the long-recumbent JMD Enterprises. Both businesses revolve around the rapidly changing electronic game industry, and both reflect an interest which is part passion, part wizardry.

"I repair arcade games from all over the state," May says. "Demand for service in this industry is probably the highest there is. The old electromechanical games could be cleaned by the arcade owners; but these all-electronic games -- a lot of arcade operators just can't handle the maintenance and repair."

That is in part because of the tremendous rate of change in the game industry, May explains. "Every new game represents a technological advance. And this year the industry has made big strides. These new games have better graphics, better sound, built-in features like a challenge enhancer to keep up with the player's improving abilities."

Twelve years in the Air Force gave May his training, and also brought him to New Mexico. Transferred here five years ago to work on the Airborne Laser Lab, May and his family moved to Edgewood, and for four years he commuted to Albuquerque and around the

state repairing and refurbishing arcade games for other companies.

"But," he says, "I'm raising my family here in Edgewood. So I looked around and saw that the nearest arcade was in Moriarty. Kids here told me that they drive to Moriarty to play, so I thought maybe I can offer them the same service closer to home."

With three young children (Dawn is four, Ryan two, and Jeffrey just 12 months old), working close to home is important to May, and to his wife Cathy. "I used to leave early and come home late when I was commuting," he says. "It makes a difference to be more involved with my kids."

"And I'm doing something I really like to do."

His affection for the machines is evident. Included in the broad selection of video games in the arcade are some old favorites many parents will recognize. "These go way back," he says, patting one called Junkyard. "Some of these are '74, '75 vintage." At home, he says, he has some even older -- pinball games that date to the '50's and '60's. "I collect the oldies. A lot of them are getting trashed by their owners to make way for the newer equipment. So I'm collecting them for posterity, I guess -- and for fun."

Perhaps the oldest "arcade game" of all sits solidly in the center of the room. "I put in a pool table because there aren't that many around here, and they're all in bars."

The enduring popularity of the arcade game encourages has

encouraged May in his endeavor. "In '82, it looked like the bottom was dropping out of the market," he says. "It was as if someone told kids all over the country, 'don't play!' But it's coming back now, and this year looks really good."

May flips a switch and Junkyard grumbles to life. Steering the "crane arm" from outside (good practise for kids interested in robotics), he snares several toy cars in the mechanical jaws and steers the contraption toward the "hopper." "C'mon, c'mon," he mutters encouragingly, and drops the load, which "weighs" ten tons. "Just ten tons after all that," he says. "Hmmm."

May looks challenged. "I really do like this work," he says. "I think the kids will feel that when they come here."

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AN ORDINANCE 89-1

RELATING TO THE ENVIRONMENT; ENACTING THE SOLID WASTE ORDINANCE; IMPOSING FEES; PROVIDING PENALTIES.

BE IT ENACTED BY THE COUNTY COMMISSION OF TORRANCE COUNTY, STATE OF NEW MEXICO:

1. SHORT TITLE.--This ordinance may be cited as the "Solid Waste Ordinance".

2. PURPOSES.--The purpose of the Solid Waste Ordinance is to help ensure that the county maintain its environment to provide for the health, safety, comfort and social well being of its inhabitants and to ensure the proper utilization of its lands.

3. DEFINITIONS.--

A. disposal- means the deposit of any solid waste or constituent thereof so that the solid waste or constituent thereof may enter the environment or be emitted into the air or discharged into any water, including ground water;

B. operate- means all necessary activities, including replacement of equipment or appurtenances, to assure the dependable and economic function of a solid waste facility in accordance with its intended purpose;

C. person- means any individual, trust, firm, joint stock company, federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state or any interstate body;

D. release- means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of solid waste from a solid waste facility;

E. responsible party- means an owner, operator or lessee of a solid waste facility.

F. solid waste- means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and mining operations and from community activities, but the term does not include:

1. solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923);

2. those wastes, the disposal of which or the discharges from which are in accordance with the following federal or state laws and regulations adopted under those laws:

a. the state Water Quality Act;

b. the state Air Quality Control Act, except for Asbestos;

Asbestos shall be considered a solid waste as defined in this ordinance;

c. the state Hazardous Waste Act;

d. the state Radiation Protection Act;

SECTION B

e. the state Oil and Gas Act;
 f. the federal Surface Mining Control and Reclamation Act; or

h. the federal Clean Water Act;
 3. agricultural waste, including manures and crop residues, returned to the soil as fertilizer or soil conditioner; or
 4. overburden and tailings resulting from mining and milling operations;

G. Solid Waste Facility- means any public or private system, facility, land, improvements on the land, structures or other appurtenances or methods used for processing, recycling or disposing of solid waste including landfills, transfer stations, resource recovery facilities, incinerators and other similar facilities not specified, but shall not include equipment approved by the Environmental Improvement Board for use by a provider of medical services to render medical waste non-infectious;

H. Storage- means the containment, or attempted containment, of solid waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such solid waste;

I. Transporter- means a person engaged in the movement, not including movement at the site of generation, disposal, treatment or storage, of solid waste;

4. FEES--ASSESSMENTS--IMPOSITION.--

A. There is created the "solid waste assessment fee", and it shall be levied and imposed upon disposal of solid waste at any solid waste facility in Torrance County.

B. The fee shall be charged and collected at each solid waste facility as follows:

1. .25¢ per cubic yard of solid waste which is generated within the county in which the solid waste facility is located; and
2. \$2.00 per cubic yard of solid waste which is generated outside the county in which the solid waste facility is located.

C. The fees imposed by this section shall be paid by the person disposing of the solid waste at a solid waste facility and shall be collected by the operator of the solid waste facility and remitted to the Treasurer of Torrance County. The fees accrue at the time the solid waste is disposed of in this county. The fees imposed by this section shall be due and payable to the Treasurer of Torrance County by the operator of the solid waste facility on or before the fifteenth day of the month after the month in which the fees accrued together with a return on such form or forms as prescribed by the Treasurer. Each person disposing of solid waste at a solid waste facility and each person required to collect the fees imposed by this section shall keep complete and accurate records in a form prescribed by the Treasurer.

D. The fees collected pursuant to this section shall be deposited in the general fund of Torrance County.

E. No fee shall be charged for disposal of solid waste at solid waste facilities entirely under the control of an incorporated municipality if that municipality charges fees for the disposal of waste at that facility.

5. ENTRY--AVAILABILITY OF RECORDS.--

For purposes of conducting any study, taking any corrective action or enforcing the provisions of the Solid Waste Ordinance, upon request

#92340

P 2521-
2523

O R D I N A N C E # 91-3

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ORDINANCE OF THE TORRANCE COUNTY COMMISSION, State of New Mexico, (1) adopting an Ordinance to protect the public peace, general welfare, health and safety of the citizens of Torrance County from violations of the Constitutional rights of the citizens, (2) reaffirming the protections for private property as provided in the Fifth and Fourteenth Amendments to the U.S. Constitution and the Civil Rights Act, (3) re-establishing the definition of private property protected by the Constitution and the Civil Rights Act as defined in current federal case law and regulation, (4) requesting that the Legislature of the State of New Mexico enact similar legislation to codify within state law such statutes and regulations as enacted by this county Ordinance.

THE COMMISSION FINDS:

1. That the Fifth and Fourteenth Amendments to the United States Constitution provides that private property shall not be taken for a public use without payment of just compensation and without due process.
2. That the Supreme Court of the United States has also examined those constitutional protections and affirmed that such taking shall not occur. (See First Evangelical Lutheran Church of Glendale v. County of Los Angeles, 107 S.Ct. 2378 (1987) (Reaffirming the Constitutional right granting compensation to a private property owner for a governmental regulation that deprived that owner of the reasonable economic use of his property, even though the deprivation or taking was only temporary) and Nollan v. California Coastal Commission, 107 S.Ct. 3141 (1987) (Requiring that governmental land use decisions or regulations be narrowly focused on the public benefit as compared to the necessity of taking private property).
3. That on March 18, 1988, Presidential Executive Order 12630 was enacted and requires all federal agencies to analyze the economic effects or takings implications of their proposed policies, decisions, rules and regulations on the private property, private property rights and investment backed expectations of individual citizens.
4. That pursuant to this Executive Order and Supreme Court cases, the Attorney general for the United States has promulgated guidelines

that define private property and property rights and establish a procedure for federal agencies and departments to utilize in analyzing the effects of their proposed rules, action and decisions on private property.

5. That the Commissioners of Torrance County endorse the private property protections guaranteed by the U.S. Constitution and desire to ensure that those protections and rights are afforded to the citizens of Torrance County.

BE IT DECREED BY THE TORRANCE COUNTY COMMISSION,
STATE OF NEW MEXICO

THE COMMISSION DECLARES:

- 1. That to provide for the general welfare, public peace, health and safety of the citizens of Torrance County, passage of this Ordinance is required to protect the citizens of Torrance County from current or potential violations of their Constitutionally protected property rights.
- 2. That the following definition of private property as taken from the Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings, dated June 30, 1988 (Guidelines adopted pursuant to Executive Order 12630) shall be adopted within Torrance County.
 - a. Private property includes all property protected by the Fifth and Fourteenth Amendments to the United States Constitution, including but not limited to, real and personal property and tangible and intangible property.
 - b. Private property protections shall also include protection for "investment backed expectations."
- 3. That all private property and private property rights within Torrance County as herein defined shall be fully protected under the Fifth and Fourteenth Amendments of the U.S. Constitution and under the Civil Rights Act.
- 4. That violations of this Ordinance by the state and federal agencies shall be deemed to be a violation of Torrance County Ordinance # 91-3. Liability under this Ordinance shall be placed upon the federal official

or officials responsible for making and implementing any decision which fails to comply with this Ordinance.

5. That if any provision of this Ordinance or the application thereof is held invalid, such invalidity does not affect any other provision of this Ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of this Ordinance are severable.

THE COMMISSION DIRECTS that a copy of this Ordinance be forwarded to the Legislature for the State of New Mexico and respectfully requests that similar legislation be passed by the state.

PASSED, ADOPTED AND SIGNED by the Torrance County Board of Commissioners as Torrance County Ordinance # 91-3 and recorded with the Torrance County Clerk this 4th day of September 1991.

TORRANCE COUNTY COMMISSION

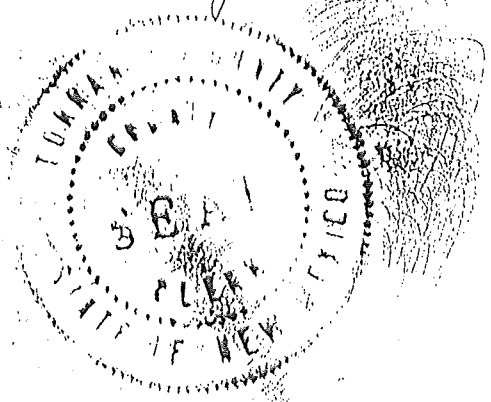
Adrian Brown
Chairman

Alfred Llanuaga
Member

Robert R. [unclear]
Member

ATTEST:

Carla Clayton
Clerk of the Board



STATE OF NEW MEXICO
County of Torrance

I hereby certify that this instrument was filed for record on the 5 day of Sept A.D., 19 91 at 1:52 o'clock P M. and duly recorded in book 263 at page 2521-2523

Witness my hand and Seal of office
Carla Clayton
County Clerk, Torrance Co., N.M.
Carla Clayton Deputy

#3459

ORDINANCE NO. 94-2

270
P. 1156 -
1162

AMENDING THE TORRANCE COUNTY ZONING ORDINANCE AS PERTAINING TO INTERPRETATION, HOME OCCUPATIONS, HEIGHT OF STRUCTURES, MUNICIPAL COMMENTS, FLEA MARKETS, WALL CONSTRUCTION, KENNELS, SALVAGE YARDS, SOLID WASTE TRANSFER STATIONS, LANDFILL OPERATION, POWER GENERATION FACILITIES, SETBACKS, FILING FEES, AND RENEWABLE CONDITIONAL USE PERMITS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY:

SECTION 4.

At the end of the first sentence, insert the words, "and amendments hereto."

SECTION 5.B.

Following the definition of "Feedlot", insert a definition for "Flea Market" and renumber succeeding paragraphs accordingly:

"Flea Market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. A flea market shall not include temporary residential garage sales lasting no more than three days per six-month period, and seasonal agricultural produce stands.

SECTION 5.B

Preceding the definition of "Home Occupation", insert a definition for "height" and renumber succeeding paragraphs accordingly:

"Height" means the vertical distance measured from the lowest ground elevation to the highest point on a structure.

SECTION 5.B.14.

Delete and replace the definition of "Home Occupation" to read as follows:

"Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Home occupations require a renewable conditional use permit subject to special requirements provided by this Ordinance.

ATTEST
CERTIFIED AS A TRUE
AND CORRECT COPY
ON FILE IN THIS OFFICE
Linda Gamble
COUNTY CLERK
BY [Signature]
DEPUTY CLERK
DATE 4/7/15

"A Certified copy:
pg 1 of 1
Torrance County, NM
by [Signature]"

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P. 1157

SECTION 5.B.

Following the definition of "Home Occupation", insert a definition for "Kennel" and renumber succeeding paragraphs accordingly:

"Kennel" means any building or buildings or land designed or arranged for housing dogs, cats, and other household pets, and where grooming, breeding, boarding, training, or selling animals is conducted. For purposes of this Ordinance, the housing or boarding of more than five (5) dogs or cats in any combination thereof over the age of three (3) months shall constitute a kennel. Kennels require a renewable conditional use permit subject to special requirements provided by this Ordinance.

SECTION 5.B.

Following the definition for "Roadway", insert a definition for "Salvage Yard" and renumber succeeding paragraphs accordingly:

"Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.

SECTION 5.B.13.

Delete B.13, and insert the following definitions regarding setbacks in alphabetical order and numbered appropriately:

"Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or accessing the property upon which such building or structure is located.

"Setback, Front" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, bordering on a roadway. No more than one front setback shall be designated on corner lots or double frontage lots. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement.

"Setback, Rear" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which is

ORDINANCE NO. 2001-02

MAKING COMPREHENSIVE AMENDMENTS TO THE TORRANCE COUNTY ZONING MAP AND ORDINANCE, INCLUDING: MODIFICATIONS TO DEFINITIONS, TO ALLOWABLE PERMISSIVE AND CONDITIONAL USES AND TO ZONING DISTRICT STANDARDS, INCLUDING PARCEL MINIMUM SIZES FOR FAMILY TRANSFERS; RE-ZONING PART OF THE D-2 ZONE DISTRICT AS A NEW D-3 ZONE DISTRICT AND MAKING ADULT LAND USES ELIGIBLE THEREIN AS CONDITIONAL USES; DIVIDING AND RE-ZONING THE CP ZONE DISTRICT TO CREATE A NEW VILLAGE COMMUNITY PRESERVATION DISTRICT THAT ALLOWS FOR REDUCED PARCEL SIZE MINIMUM IN TRADITIONAL COMMUNITIES AND TO CREATE A RURAL COMMUNITY DISTRICT FOR THE REMAINDER OF THE CP ZONE DISTRICT; SETTING ZONE FILING FEES; REVISING REQUIREMENTS FOR ISSUANCE OF DEVELOPMENT REVIEW PERMITS; REVISING PARKING REQUIREMENTS; AND REQUIRING SITE DEVELOPMENT PLANS FOR ZONE MAP AMENDMENTS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY that the Torrance County Zoning Ordinance is amended as follows:

1. Table of Contents, delete "(AP)" and replace with "(AP-5, AP-10 & AP-40)"
2. Table of Contents, insert new section "14.1 MAJOR DEVELOPMENT DISTRICT, ADULT LAND USES (D-3)"
3. Table of Contents, delete "14 COMMUNITY PRESERVATION DISTRICT (CP)" and replace with "14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP)" and "14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP)"
4. Section 5.B.19, repeal all of the language and replace with the following:

"Lot" means a parcel of real property described by deed, or a tract of land described by metes and bounds and platted and recorded in the County Clerk's records in accordance with appropriate laws, and with access to public right-of-way.

2927

5. Section 5.B.28, insert the following language after the word "glass," in the second sentence: "6 or more motor vehicles"
6. Section 5.B.35, insert the following new definition:

"Supplemental Residential Dwelling Unit" means a secondary or auxiliary structure used for residential purposes on land not within a previously approved subdivision for use by family members or guests and which may not be leased or rented.
7. Section 6.F., add new subsection by inserting the following language:

Setbacks. Unless otherwise specifically provided herein, all structures shall be located with a front, rear and side setback of at least 25 feet from the lot or property line.

22. "Mobile Home Park" means an un-platted tract of land under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.
[REV: Ord. No. 95-5, 6/10/95]
23. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.
24. "Permissive Use" means a use which is allowed in a particular zone district.
25. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.
26. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.
27. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.
28. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.
29. "Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, 6 or more motor vehicles, and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.
[REV: Ord. No. 94-2; 2/9/94; Ord. No. 2001-2, 3/14/01]
30. "Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or

4. A proposed land use must comply with Section 23, pertaining to water usage.

SECTION 15. SOLID WASTE MANAGEMENT DISTRICT (SW)

- A. Intent. This zone district provides for the siting, development, and operation of solid waste facilities in Torrance County. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures and siting criteria provided in this Ordinance. Disposal of solid waste within Torrance County shall be regulated in accordance with all relevant laws including this Ordinance, the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12), and all other applicable municipal, county, state, and federal laws pertaining to solid waste. Furthermore, no solid waste facility shall be established or operated without first obtaining a Solid Waste Facility Permit from the County Board in accordance with the procedures set forth in this Ordinance.
[REV: Ord. No. 95-4, 6/10/95]
- B. Solid Waste Definition. The specific terms, "solid waste" and "solid waste facility" as defined by the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12) are hereby adopted and incorporated herein by reference and made a part of this Ordinance.
[REV: Ord. No. 95-4, 6/10/95]
- C. Application for Zoning Amendment. Each application for a zone change to establish a Solid Waste Management District must be accompanied by a facility development report and site plan of sufficient size and scale in order to show:
[REV: Ord. No. 95-4, 6/10/95]
 1. Boundaries of the proposed district and existing land uses and structures within the proposed district and within 500 feet of the proposed district boundaries;
 2. Routes and design specifications of all proposed access roadways and/or railways within the proposed district and within one mile of the proposed district boundaries;
 3. Existing topography, and re-grading plans if applicable, within the proposed district at a contour interval of two feet, based on mean sea level datum. All natural watercourses and floodplains shall be identified in accordance with the siting criteria established for this zone district;
 4. Hydro-geologic data sufficient to define the groundwater level or water table underlying the proposed district. Such data shall be confirmed by the N.M. State Engineer Office in writing;

proper legal description for the subject property and confirms there is a sufficient amount of water to provide service for this dwelling.

- e. Submit a copy of the Registration/Title or Manufacture Certificate of Origin for a mobile or modular home.
- f. Submit a statement from the Solid Waste Authority that you will be receiving their services.
- g. Submit a statement from the Torrance County Treasurer showing taxes are paid to date.
- h. Submit the applicable permit fee of \$100 to the Planning and Zoning officer.

Upon the review and approval of the Planning and Zoning Officer, a Development Review Permit will be issued, a property address can be assigned and a site inspection will be performed.

E. Violations and Enforcement. Whenever a violation of this Ordinance is discovered or is alleged to have occurred, the Zoning Officer shall investigate and inspect the site of the violation or alleged violation and take action as follows:

- 1. Any person aggrieved by an apparent violation of this Ordinance may file a written complaint with the Zoning Officer. Such complaint shall describe the location and circumstances of the apparent violation with specific references to the provisions of this Ordinance which are alleged to have been violated.
- 2. Whenever the Zoning Officer finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a written complaint, the Zoning Officer shall notify the person responsible for the alleged violation. Such notification shall be made in writing to the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct the violation. Corrective action may require discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance. Absence of personal service of the notice of violation shall not constitute a defense when the Zoning Officer has made a diligent effort to locate the owner or tenants.
- 3. Action to correct a violation of this Ordinance shall be completed within 60 days following the date of notification by the Zoning Officer. If a violator

Officer, no less than 15 days prior to the date of the Zoning Commission meeting at which the amendment application will be considered. Such posted sign shall provide details of the application and the public hearing at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made by the County Board on the application for amendment. Failure to properly post signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Officer, to remove any such sign during the period it is required to be maintained under this paragraph.

[REV: Ord. No. 97-6, 6/27/97]

- E. Notification by Mail. Whenever a property owner initiates a zone change for an area of one block or less (or 5 acres or less), notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. Whenever a property owner initiates a zone change for an area of more than one block (or more than 5 acres), notice of the public hearing shall be mailed by first class mail to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. If any notice by first class mail is returned undeliverable, the County shall attempt to discover the owners most recent address and shall remit the notice by certified mail, return receipt requested, to that address. Notification by mail is not required for County-wide changes, initiated by the County, for purposes of revising or adopting a new zoning category; however such changes are subject to the public notice requirements provided herein for the public hearing to consider an amendment to this Ordinance.

[REV: Ord. No. 97-2, 3/26/97]

SECTION 25. APPEALS.

- A. Right of Appeal. Anyone aggrieved by a decision of the Zoning Officer or the Zoning Commission in carrying out the provisions of this Ordinance may appeal such decision to the County Board. Such appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.
- B. Application. Any appeal following a decision of the Zoning Officer or the Zoning Commission shall be made in writing to the County Board on prescribed forms obtainable from the Zoning Officer upon payment of the applicable filing fee. Any appeal not submitted within 30 days after the decision which is the subject of the appeal shall not be considered by the County Board.
- C. Public Hearing. The decision on an appeal shall be made by the County Board following a public hearing. Notification of the time and place of the public hearing

shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

- D. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Zoning Officer or Zoning Commission certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of district court.
- E. Decision. An appeal shall be decided within 30 days of the date of application of the appeal. A majority vote of the members of the County Board is required to reverse, change, or affirm a decision made by the Zoning Officer or the Zoning Commission.

SECTION 26. FILING FEES.

- A. Applications. Any applications required by this Ordinance shall be filed on prescribed forms obtainable from the Zoning Officer upon payment of filing fee. Such fees shall not be required where the County or any official thereof is the moving party. The purpose of the filing fee is to cover administrative and processing costs and shall not be refundable.
[REV: Ord. No. 94-2, 2/9/94]
- B. Fees. The filing fees under this Ordinance are as follows:
[REV: Ord. No. 2001-2, 3/14/01]
 - 1. Conditional Use Permit: \$100
 - 2. Conditional Use Permit renewal: \$50
 - 3. Variance: \$100
 - 4. Zone Change Permit: \$150
 - 5. Special Use Permit: \$150
 - 6. Amendment to this Ordinance: \$150
 - 7. Appeal: \$100
 - 8. Development Review Permit: \$100
 - 9. Initial Solid Waste Facility Permit: \$2,500
 - 10. Solid Waste Facility Permit Renewal: \$1,000

SECTION 27. PENALTIES.

Anyone violating any of the provisions of this Ordinance shall upon conviction be subject to a fine not exceeding \$300 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any violation continued for a period of 30 days after conviction shall be prosecuted and treated as a separate offense.

SECTION 28. SEVERABILITY.

The provisions of this Ordinance shall be deemed to be severe, and should any sentence, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 29. EFFECTIVE DATE.

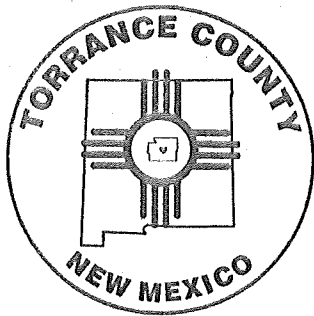
This ordinance shall become effective on the 20th day of April, 1990, following publication by title and general summary.

PASSED APPROVED AND SIGNED this 21st day of March, 1990, by the Board of County Commissioners of Torrance County, New Mexico.

 /s/ James Summers
Chairman

 /s/ Chester Riley
Member

ATTEST:
/s/ Linda Riley Warren
County Clerk



Torrance County

PO Box 48
205 9th Street
Estancia, NM 87016
(505) 384-2418 Main Line (505) 384-5294 Fax
www.torrancecountynm.org
Email: torrance@torrancecountynm.org

County Commission

Jim Frost
Chairman
District 1
Paul M. (Tito) Chavez
Commissioner
District 2
LeRoy M. Candelaria
Commissioner
District 3

P. O. Box 458
Edgewood, NM 87015

Handwritten notes: CALLED 28 FEB, X'DONED END OF MAY

Date: 01-18-2005
Case# CE-01-05-04
1st Notice

Dear Mr./Ms. Dennis J & Catherine May

Location: Lot A-N, Tract D, Block 4, Lot N, Tract D, Block 3, Lot G, Tract D, Block 5, Lot H, Tract D, Block 6 in the Bella Vista area in Torrance County.

County Manager's Office

Bob Ayre
County Manager
Annette Ortiz
Office Manager
Crystal Bostwick
Clerical Assistant

An inspection of the above property reveals an apparent violation of the Torrance County Zoning Ordinance/Subdivision Ordinance.

Table with 3 columns: Ordinance# or NMSA#, Section#, and Public Nuisance. Rows include 30-8 (Section 1, Public Nuisance), 94-12 (Section 5, Solid Waste), and 90-3 (Section 10, Conditional Uses).

Finance Department

Tracy Sedillo
Comptroller
Liz Lujan
Financial Analyst

Type of Violation/s: Junk out cars, junk out mobile homes and trash.

Corrective Action Required: Need to remove the junk cars from the property or place behind a fence, remove or bored up the junk mobile homes and remove all trash.

Emergency Services

Shirley Whatley
Emergency Services
Director

Please take the necessary corrective action on this matter by 03/01/2005. If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon receipt of this letter.

Emergency Manager

Gary Kayser

If you believe you have received this Notice in error or would like to discuss your options, you may contact me at the following telephone number (505) 384-1248 or by fax (505) 384-5294. You may also visit me at the Torrance County Offices in Estancia. Within ten days of receiving this letter before any court actions.

Planning & Zoning

Doug Johnston
Planning & Zoning
Director
Sgt. Richard Ledbetter
Code Enforcement

Sincerely,
[Signature]
Sgt. R. A. Ledbetter
Code Enforcement

Information Technology

Steffen Daugherty
Network Administrator
Nick E. Sedillo
Network Administrator

1 Failure to take the required action may subject you to criminal or civil proceedings and penalties. The Zoning Ordinance provides for fines up to \$300 and/or imprisonment up to 90 days per violation. See 27. A first offence under the Subdivision Ordinance is a misdemeanor, carrying a fine of not more than \$10,000 and/or imprisonment for not more than 1 year. See Art. 11 and 47-6-27, NMSA 1978. Injunctive remedies are also available for both Zoning and Subdivision violations. See specifically 47-6-26, NMSA 1978.

SECTION C

TORRANCE COUNTY
CODE/ENVIRONMENTAL ENFORCEMENT
NOTICE OF VIOLATION

P.O. Box 458
Edgewood, NM 87015-0458

Date: 4/28/2008
Case# 08-074

To Mr./Ms. May:

Location: Lot's A & N in Block 4 & lot's G & H in Block 5 in the Bella Vista area off Turner Ridge Rd in Torrance County.

An inspection of the above property reveals an apparent violation of the Torrance County Ordinance's, the county Zoning Ordinance/Subdivision Ordinance & the county Solid Waste Ordinance.

Ordinance# or NMSA# 94-12 Section# 5 **Solid Waste**

Type of Violation/s: An inspection of the property found a larger piles of solid waste (trash, junk materials, tires, wood) a number of junk vehicles and badly damaged mobile homes on the property.


Corrective Action Required: 1: Need to remove all the piles of solid waste (trash, junk materials, tires, wood) All the junk vehicles and badly damaged mobile homes form the property.

This will be your ONLY NOTICE on this matter.

Please take the necessary corrective action on this matter by **May 30,2008**. If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon receipt of this letter.

If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within five days of receipt of this letter to avoid any court actions. I can be reached at (505) 246-4760, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Sincerely,


Sgt. R. A. Ledbetter
Code/Environmental Enforcement
E- Mail rledbetter@torrancecountynm.org

1 Failure to take the required action may subject you to criminal or civil proceedings and penalties. The Zoning Ordinance provides for fines up to \$1000 and/or imprisonment up to 364 days per violation. Sec 27. A first offense under the Subdivision Ordinance is a misdemeanor, carrying a fine of not more than \$1,000 and/or imprisonment for not more than 1 year. See Art. 11 and 47-6-27, NMSA 1978. Injunctive remedies are also available for both Zoning and Subdivision violations. See specifically 47-6-26, NMSA 1978.

Certified Mail 7006-2760-0004-9301-1752

4/28/08
CASE#08-074

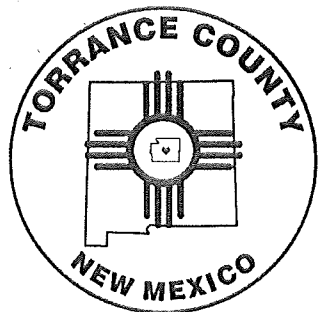
TO R.A. LEDBETTER,

With reference to the above case number, I had a similar citation several years ago. When I contacted the inspector and explained how my business works and the reasons for the citation, we agreed that the best solution with the least impact on my business was to erect a privacy fence across the exposed road area. The fence was installed, inspected, and the citation removed. Although the fence has sustained some damage due to the high winds the past few months, it is still in place and functional and will be repaired as soon as practical. Please update your records to avoid any future problems.

Additionally, the notice states, "an inspection of the above property". I am requesting that you send me copies of the date, time, any field notes and the signed paperwork authorizing access to the property. All correspondence concerning this matter will be by certified or registered mail to prevent possible lost, stolen, or misplaced mail.

Thank you for your cooperation in this matter.

Dennis May



Torrance County

PO Box 48
205 9th Street

Estancia, NM 87016

(505) 246-4752 Main Line (505) 384-5294 Fax

www.torrancecountynm.org

Email: torrance@torrancecountynm.org

County Commission

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Chairman
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County Attorney

Dennis Wallin

County Manager's Office

Joy Ansley
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Annette Ortiz
Deputy County Manager

Finance Department

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Comptroller

Liz Lujan
Financial Analyst

Fire Marshal
Jason Trumbull

911 Communications

Dorothy Gibson
Director

Emergency Manager

John Cordova

Planning & Zoning

Arthur A. Foust
Planning & Zoning Director

Sgt. Richard Ledbetter
Code/Environmental Enforcement

Risk Management

Nick E. Sedillo
Loss Prevention Specialist

Information Technology

Steffen Daugherty
Network Administrator

County Historian

Morrow Hall

Poet Laureate

Sonja Britton

May 14, 2008

To: Mr. Dennis J May
P.O. Box 458
Edgewood, NM 87015-0458

From: Sgt. R. A. Ledbetter
Code/Environmental Enforcement


Reference: Case #08-074

Dear: Mr. May

I have check fined that you were asked to places a fence around your property on Turner Ridge Road to give you time to remove all the solid waste, junk vehicles, damaged mobile home for the property. I would need the name of your business so I may check the county records to see if you were ever given a conditional use from Planning & Zoning to run a business in a Preplatted Lands District. Also check if you have ever obtained a county business registration from the county clerk. As for you request for the information as to the date & time it was on April 25, 2008 on/or about 11:30 hrs. No notes were taken at that time. As for authorize was not need at the time seeing that the inspection was made from pubic areas.

Thank you for your help & corrective action required in this matter.

Respectfully,


Sgt. R. A. Ledbetter
Code/Environmental Enforcement
Office (505) 246-4760
Cell (505) 705-5135
E- Mail: rledbetter@torrancecountynm.org

Certified Mail 7006-2760-0004-9301-1936

TO: Sgt. R.A. Ledbetter
Code/ environmental Enforcement

FROM: Dennis May
Case #: 08-074

Dear Sgt. Ledbetter,

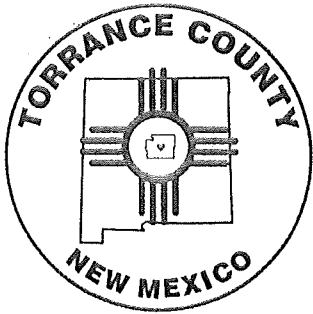
I purchased this property in 1981, part of the old Bella Vista Estates from the 1960's, and have been self-employed most of the time doing odd jobs and getting started in the video game business.

Enclosed is a copy of my current business license, the first one being issued in 1989. Also enclosed is a copy of the cover letter and the Certificate of Non-Conformance, issued 10/17/90 by the county. At that time, as now, my primary business was video game service and general handyman services. I was able to acquire several abandoned mobiles from private and real estate offices and converted them into mobile storage units by removing some interior walls, plumbing, and electrical. There are no utilities to any of the units. They house games, parts and supplies for all aspects of my business. Due to the nature of the business, there will always be a flow of material in and out of the property, and stockpiling of useable materials, particularly firewood, does occur. Anything which becomes unusable, as is the case with the partial mobile and old games, gets dismantled and recycled, but it does take time. That is why I agreed to erect a fence along the road. To my knowledge, there was no time limit or conditions attached to the resolution of the first citation, raising the fence was sufficient.

Removing the mobiles/ storage units at this time is not an option, as it would severely impact my ability to operate my business. Should the Certificate of Non-^{CONFIRMANCE}Compliance not be enough to cover my business, please let me know what else needs to be done. I plan on retiring in about ten years, so there is light at the end of the tunnel.

Thank you for your consideration in this matter.

Dennis May



Torrance County

PO Box 48

205 9th Street

Estancia, NM 87016

(505) 246-4752 Main Line (505) 384-5294 Fax

www.torrancecountynm.org

Email: torrance@torrancecountynm.org

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Code/Environmental Enforcement

Risk Management

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Loss Prevention Specialist

Information Technology

Steffen Daugherty
Network Administrator

County Historian

Morrow Hall

Poet Laureate

Sonja Britton

May 27, 2008

Mr. Dennis May
P.O. Box 458
Edgewood, NM 87015-0458

Ref: Case # 08-074

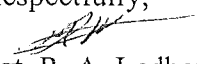
Dear Mr. May:

On behalf of the citizens and the County Commissioners of Torrance County, I wish to thank you for your cooperation on this matter. I am truly sorry for the miss understanding. But do the turn over of the Director's in the past few years the Planning & Zoning Office has about 6 Director's. This has made it hard to fine some information and also the Non-Conformance was filed by business name not owners. I have asked the new Director to try to back over them and put the owners name on the file next to the business name. This matter has been closed as of this date of May 27, 2008.

I just ask that you keep up the good work. If you should any help at any time do call me and I will see what I can do for you.

Again, I thank you for your help in this matter.
If you have any questions call me at 246-4760.

Respectfully,


Sgt. R. A. Ledbetter
Code/Environmental Enforcement
E-Mail: rledbetter@torrancecountynm.org

Torrance County
Code Enforcement
Notice of Violation

Date: 7/2/14

Case #: 14-051

To: Dennis & Catherine May
PO 458
Edgewood, NM 87015
Location: 7 Turner Ridge
and lots A,G,,H,N,N,H

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-8-1; violations of 90-3-10-B,C

Type of violations: solid waste violations , public nuisance, violations of PL zoning by having a salvage yard.


Corrective Action Required: remove all junk, debris, dilapidated mobile homes. Apply for a special use district for a salvage yard OR remove unregistered and junk vehicles. Up to 5 unregistered vehicles behind a solid fence on all sides

This will be your ONLY NOTICE on this matter. Please take the necessary corrective action on this matter by 8/2/14 solid waste . If this compliance date doesn't allow you sufficient time to correct the problem, violations 9/2/14 zoning violations

please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 246-4760, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of The Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail, additionally , state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance , depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to 1000\$. For public nuisances, state law provides a fine up to \$500 and / or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1) Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and /or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27) , a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to 10,000 and /or up to 1 year in prison

Sincerely,



Daniel De Costa
Code Enforcement Officer
P: (505) 246-4760
E-mail: ddecosta@torrancecountynm.org

Certified
mail#: 70112000000261914183

SECTION D

To: Daniel De Costa
Code Enforcement Officer
Torrance County Code Enforcement
July 19, 2014
Case # 14-051

Dear Mr. De Costa,

Please reference Case # 08-074, Sgt. Ledbetter, for the information you need, as it appears that the County did not update its records, or you failed to check before issuing your citation. This property is under a Certificate of Non-Compliance and my business license is still in effect.

Please send confirmation, by certified mail, that you have revoked these violations, within 10(ten) business days of receipt of this letter. For future reference, Turner Ridge Road is NOT a county road but a private road owned by the residents.

Respectfully,

Dennis May



CALLER 11:35 AM

31 JUL 14 **Torrance County**

PO Box 48
205 9th Street

Estancia, NM 87016

(505) 246-4759 Main Line (505) 384-5294 Fax

www.torrancecountynm.org

County Commission

Lonnie Freyburger
Commissioner
District 1

Leanne Tapia
Commissioner
District 2

Leroy Candelaria
Chairman
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Dennis Wallin
Brandon Huss
Adolfo Mendez II

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Joy Ansley
County Manager

Annette Ortiz
Deputy County Manager

Planning & Zoning

Steven Guetschow
Planning & Zoning Coordinator

Leslie Olivas
Planning & Zoning Clerk

Daniel DeCosta
Code Enforcement Officer

Planning & Zoning Board

Jim Frost
Chairman

Robert Maxwell
Vice-Chairman

Ron Graham
Member of the Board

William Larson
Member of the Board

Jose Torres
Member of the Board

Max Cabber
Alternate

7/23/14

registered mail # 70112000000261914091

Dennis May
PO Box 458
Edgewood, NM 87015

Mr. May,

In regards to your registered letter dated 7/19/14:

Enclosed are copies of your applications for business registrations for JMD Enterprises (service and video amusements), documents showing you have not paid your business registration fees since 2010 for these businesses, copies of your plat (an actual copy of portion of original and an overall copy of a reference plat) showing that Turner Ridge Rd is a county road and not private.

Your business registrations and Non-Conforming Use certificate indicates that your property is only to be used to keep either service equipment without a retail outlet or to run your Video Amusements business. Neither document allows for a salvage yard or solid waste violations.

The plats indicate that County and or other private vehicles can drive down Turner Ridge Rd and not trespass.

Also included is another Notice of Violation for not having a business registration since yours has not been paid and is invalid.

Please be advised that NOV # 14-051 is valid and that if you refuse to act on this notice the County will have no choice but to prosecute you in Magistrate Court. This being said, I do understand that it took some time to collect the unregistered and junk cars, and solid waste, if you are making progress cleaning property and are in contact with my office we can extend you time to complete the clean up process.

Dan DeCosta
Code Enforcement Officer
Torrance County
505-246-4760
ddecosta@tcnm.us

STATE OF NEW MEXICO
TORRANCE COUNTY MAGISTRATE COURT IN MORIARTY

FILED IN
TORRANCE COUNTY
September 10, 2014
MAGISTRATE COURT
IN MORIARTY

State of New Mexico
v
Dennis J May, Defendant

No. M-56-MR-2014-00183

CRIMINAL SUMMONS

TO: Dennis J May, Defendant
P.O. Box 458
Edgewood, NM 87015

You are notified that a Complaint, a copy of which is attached hereto, has been filed in this court charging that you committed the offense(s) of **Accumulation of Solid Waste Within 200 Feet of Premises; Illegal Dumping of Solid Waste; Accumulation of Solid Waste, Litter and/or Debris; Solid Waste, Letter and/or Debris Blowing in County; Solid Waste, Litter and/or Debris Public Nuisance; Rural Residential District Permissive Uses; Rural Residential District Conditional Uses**

YOU ARE ORDERED to appear on **Monday, September 29, 2014, at 1:00 PM**, at:

Moriarty Magistrate Court
1100 Route 66, PO Box 2027
Moriarty NM 87035,

State of New Mexico, to plead to the above charge(s).

If you fail to appear at the time and place specified, a warrant will be issued for your arrest.

K. Elkins, Clerk

Law Enforcement Officer
Dan De Costa, Ofc
Address
Torrance County Planning and Zoning
P.O. Box 48
Estancia, NM 87016

CERTIFICATE OF MAILING

I certify that I mailed a copy of the Summons and a copy of the Complaint in the above-styled cause to the defendant at the above address on Wednesday, September 10, 2014.

K. Elkins, Clerk

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT
TORRANCE COUNTY

STATE OF NEW MEXICO
VS.

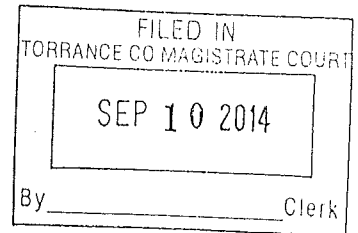
mtl mrd01400183
NO. TCPZ 14-051

Date Filed 9/9/14

Dennis May Defendants(s)

PO 458
Address: Edgewood, NM 87015

DOB: 4/15/53 OLN# 12767641



CRIMINAL COMPLAINT

(common name of offense or offenses)

- 4 count 94-12-5-A (accumulation of solid waste within 200 feet of an occupied premise) up to \$300/90 days
- 4 count 94-12-5-B (illegal dumping) up to \$1000
- 4 count 94-12-5-C (accumulation of solid waste) up to \$ 300/90 days
- 4 count 94-12-5-D (blowing debris/trash) up to \$1000
- 4 count 94-12-5-E (public nuisance) up to \$300/90 days
- 4 count violations of 90-3-11-B (salvage yard not allowed by permissive use in RR Zoning) up to \$300/90 days
- 4 count violations of 90-3-11-C (salvage yard not allowed by conditional use in RR Zoning) up to \$300/90 days

(here state the essential facts)

The undersigned , under penalty of perjury complains or states that on or about: 7/2/14 I Daniel DeCosta went to tract D, Lots A&N block 5 lots G&H Bella Vista subdivision better known as #4 Turner Ridge Rd and found large amounts of solid waste, trash, junk, junk, dilapidated mobile homes and debris and inoperable vehicles.

The conditions have made unsafe, unhealthy conditions as well as a fire hazard to the area. It has also become an endangerment to the wildlife in the area and any/all persons that may live in the area contrary to Sections(s):

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE

TORRANCE COUNTY ORDINANCE NO. 94-12

AN ORDINANCE PROVIDING FOR THE EFFICIENT AND SANITARY DISPOSAL AND COLLECTION OF SOLID WASTE IN TORRANCE COUNTY; REGULATING SOLID WASTE, LITTER AND C&D DEBRIS; ESTABLISHING A SOLID WASTE DISPOSAL FEE AND PROVIDING A PENALTY, SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the Torrance County Board of Commissioners finds that it is necessary to provide for the efficient and sanitary collection, recycling, transportation and disposal of solid waste and construction and demolition debris and control of litter in Torrance County, and to protect the health, welfare and safety of the citizens of Torrance County; and

WHEREAS, the Torrance County Board of Commissioners has participated in establishing the Torrance County Solid Waste Authority for the purpose of providing a coordinated countywide program for the collection of solid waste in cooperation with the incorporated municipalities of Moriarty, Estancia, Mountainair, Encino; and Willard, and

WHEREAS, the Torrance County Board of Commissioners has determined that it is necessary to adopt the powers enumerated in Section 11-1-1 et seq. NMSA 1978 (Repl Pamp. 1983) for the storage, recycling, collection and disposal of solid waste, and

WHEREAS, the Torrance County Board of Commissioners finds that it is necessary to provide a coordinated countywide program of management of solid waste and construction and demolition debris in cooperation with Federal and State Agencies, and that it is necessary that a solid waste management program be implemented in order to protect the environment and the health, welfare and safety of the citizens of Torrance County and promote the order, comfort, and convenience of the citizens of the County; and

WHEREAS, the Torrance County Board of Commissioners finds that a system of solid waste collection is necessary in order to protect the environs of Torrance County from illegal dumping occasioned by the lack of a countywide system of refuse collection containers, and to protect the environment and promote the preservation of the natural beauty of Torrance County lands; and

WHEREAS, the Torrance County Board of Commissioners finds it necessary to assess a fee to pay for the solid waste collection and disposal system described herein,

NOW, THEREFORE BE IT ORDAINED by the Torrance County Board of Commissioners as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the "SOLID WASTE MANAGEMENT ORDINANCE," and shall be referred to herein as "this Ordinance."

SECTION 2: AUTHORITY

This ordinance is enacted pursuant to the authority granted to counties to provide for the safety and preserve the health of the residents of the county as set forth in Section 4-37-1 NMSA 1978; the authority provided in Sections 4-56-1 through 4-56-3 NMSA 1978 which authorizes the county to establish and

maintain, manage and supervise a system of storage, collection and disposal of all refuse; and the authority provided in Sections 3-36-1 through 3-36-7 NMSA 1978 which enables the county to attach liens.

SECTION 3: INTERPRETATION AND CONFLICT

The regulations provided herein are held to include the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, abrogate or annul any other valid ordinances. Where the provisions of this Ordinance conflict with other rules, regulations, agreements or other County ordinances or resolutions, the provisions of this Ordinance shall be controlling. Where this Ordinance imposes greater restrictions than those imposed by other rules, regulations, agreements or other County ordinances or resolutions, the provisions of this Ordinance shall be controlling.

SECTION 4: DEFINITIONS:

- A. Word Construction – Words used in the present tense include the future; words in the masculine include the feminine; and words in the singular include the plural.
- B. Definitions – the following definitions apply to this Ordinance
1. "Clean Fill is broken concrete, brick, rock, stone, glass, reclaimed asphalt pavement, or uncontaminated soil generated from construction and demolition activities. Reinforcement materials which are an integral part, such as rebar, are included. Clean fill must be free of other solid waste or hazardous waste.
 2. "Code Enforcement Officer" is the person appointed by the County Commission upon recommendation of the Sheriff's office to enforce portions of this Ordinance.
 3. "Composting" is the process by which biological decomposition of organic solid waste is carried out under controlled conditions. The process stabilizes the organic fraction into a material which can be easily and safely stored, handled and used in an environmentally acceptable manner.
 4. "Construction and Demolition (C&D) Debris" is material generally considered to be water insoluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing materials, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure project and includes rocks, soil, tree remains, trees and other vegetative matter that normally results from land clearing. If construction and demolition debris is mixed with any other types of solid waste, it loses its classification as construction and demolition debris. Construction and demolition debris does not include asbestos or liquids including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.
 5. "County Commission" is the Torrance County Board of Commissioners, the duly constituted governing body of Torrance County.
 6. "County Manager" is the chief administrative assistant to the Torrance County Board of Commissioners.
 7. "Hauler" is any person transporting solid waste by whatever means for the purpose of disposing of the solid waste in a solid waste facility, except that the term does not include an individual transporting solid waste generated on or from his residential premises for the purpose of disposing of it in a solid waste facility;

"NO
FIREWOOD"

8. "Litter" is solid waste or debris found in public areas or generated while traveling in a motor vehicle.
9. "Owner" is the property owner, whether residing on said property or not, the property being located within Torrance County and outside the corporate boundaries of the municipalities of Moriarty, Estancia, Mountainair, Encino and Willard.
10. "Person" is any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, institution, county, city, town, village, or municipality or other legal entity, however organized.
11. "Premises" is defined as a structure, whether designed for residential or commercial use, located on any property within Torrance County and outside the corporate limits of the municipalities of Moriarty, Estancia, Mountainair, Encino and Willard.
12. "Residence" is any habitable dwelling or each single unit of multi-unit habitable dwellings.
13. "Responsible party" is defined as the owner of any premises.
14. "Solid Waste" is any garbage, refuse, septage, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. "Solid Waste" does not include:
 - a) waste from the extraction, beneficiation and processing of ores and waste materials, including phosphate rock and overburden from the mining of uranium ore, coal, copper, molybdenum and other ores and minerals;
 - b) agricultural waste, including, but not limited to, manures and other crop residues returned to the soil as fertilizer or soil conditioner;
 - c) sand and gravel;
 - d) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1342 or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. Section 2011 et seq.;
 - e) any material regulated by Subtitle C of the federal Resource Conservation and Recovery Act, or substances regulated by the federal Toxic Substance Control Act.
15. "Solid Waste Facility" means any public or private system, facility, location, improvements on the land, structures or other appurtenances or methods used for processing, transformation, recycling, or disposal of solid waste, including landfill disposal facilities, transfer stations, convenience centers, resource recovery facilities, and incinerators, or any facility that processes, recycles, transforms, transfers, or otherwise handles low level or high level radioactive waste or transuranic wastes, and other facilities not specified. A "Solid Waste Facility" does not include a residential "backyard" composting pile that composts organic solid waste generated on-site or any facility or person accepting, stockpiling, or using clean fill material as long as:

- a) the clean fill material does not create a public nuisance or adversely affect the environment;
- b) the material is not placed in a watercourse or in any other manner inconsistent with the Water Quality Control Commission regulation 2-201 "Disposal of Refuse."

SECTION 5: ACCUMULATION OF SOLID WASTE, LITTER, AND C&D DEBRIS; REMOVAL; PENALTY

- A. No person shall permit to accumulate any solid waste on property owned, leased or occupied by that person within two hundred (200) feet of another occupied premises, except in covered water-tight containers made of metal or plastic.
- B. No person shall throw, place, dump, or dispose of any solid waste, litter, or C&D debris on any road, street, gutter, sidewalk or alley, or on any public property or another's private property.
- C. No person (whether owner, tenant, lessee, manager or other person) shall permit any solid waste, litter, or C&D debris or any composition or residue thereof which is in an unsanitary condition or hazardous to public health to remain upon the property.
- D. No person shall cast, place, sweep or deposit any solid waste, litter, or C&D debris in such a manner that it may be carried or deposited by the elements upon any road, street, sidewalk, alley, sewer, parkway or other public place or private property within the County.
- E. Any accumulation of solid waste, litter, or C&D debris in violation of the terms of this Ordinance is hereby declared to be a nuisance and is unlawful.
- F. Subject to any limitations or otherwise provided by law, the Sheriff or his designated Code Enforcement Officer is authorized, upon issuance of a warrant, to inspect and enter any property where he has reasonable cause to suspect that unlawful accumulations of solid waste, refuse, litter, or C&D debris may exist.
 - 1) If, upon the basis of such inspection, the Sheriff finds that a violation of Subsections A-E of this Section exists, he shall notify in writing the person in control of the property (whether owner, tenant, lessee, manager or other person) to correct such violation within a designated period of time, from ten (10) days up to thirty (30) days.
 - 2) Upon the failure, neglect or refusal of any person, owner, tenant, lessee, manager or occupant to properly correct any such violations within the time prescribed (or within five [5] days of the return of such prescribed notice as undeliverable if the notice is served by mail), the County Commission may contract for the correction of the unlawful accumulation, or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager or occupant in charge of the property.
- G. If the Sheriff finds that the unlawful accumulation of solid waste, litter, or C&D debris presents a clear and present danger to the public health, safety and welfare, and immediate measures are required to alleviate this clear and present danger, the County Manager may waive the ten (10) day notification period.
- H. Costs for correction of an unlawful accumulation of solid waste, litter, or C&D debris shall be determined on the basis of man-hours worked, equipment utilized in the clean-up at a customary rental rate per day, plus any direct costs paid by the County to correct the violation. The cost of correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus other costs and attorney fees.

- I. The County Manager shall maintain files of the inspections, notices and actions taken pursuant to this Section. Costs incurred by the County in undertaking corrective actions shall be documented. The files shall be open for public review during normal business hours.

SECTION 6: SOLID WASTE, LITTER AND C&D DEBRIS PRE-COLLECTION PRACTICES

- A. Solid waste and recyclables are to be properly stored on the premises where they are generated, shall be placed and maintained in County containers, at a Torrance County Convenience Station, or other refuse and solid waste disposal facility (ies) franchised, licensed and/or permitted in conformance with applicable state law, state regulations, and this Ordinance.
- B. All persons shall dismantle and/or flatten all boxes or packing crates regardless of construction and to bundle all such materials before placing the same in County solid waste containers.
- C. Solid waste deposited in County solid waste containers shall first be sealed in bagged or closed containers.
- D. Toxic and hazardous waste, liquid petroleum, distillates and similar liquid materials shall not be disposed of in County solid waste containers. Disposal of such waste shall be in accordance with Section 9 of this Ordinance.
- E. Wood ash which has not cooled or which may otherwise be capable of rekindling or igniting a fire if brought in contact with combustible materials shall not be deposited in County solid waste containers.
- F. No garbage, solid waste, or debris shall be burned within the county. Fire permits may be obtained from the county fire marshal's office for certain types of yard refuse.

SECTION 7: SOLID WASTE CONTAINERS

- A. Haulers are expressly prohibited from using County solid waste containers for the disposal of solid waste and C&D debris.
- B. The owner of every mobile home park shall provide for the collection of not less than .5 cubic yards of solid waste weekly per mobile home space. If the County Manager determines that additional containers are necessary, he may order such additional containers as may be required to prevent the accumulation of solid waste or litter.
- C. The owner of every multi-family residential development consisting of five (5) or more units shall provide for the collection of not less than .5 cubic yards of solid waste weekly per residential unit. If the County Manager determines that additional containers are necessary, he may order such additional containers as may be required to prevent accumulation of solid waste or litter.
- D. Any person using a County solid waste container shall comply with the rules and regulations established from time to time by the County Commission for the use, care and location of such containers and shall keep the lids and covers furnished for such containers closed at all times except when they are being filled or emptied.
- E. Any solid waste, litter or C&D debris deposited in the County solid waste containers shall be reduced in size to no more than four (4') feet in length.
- F. In the event that the County solid waste container is full, solid waste shall not be placed on the ground or in proximity to the containers so as to constitute a litter or health hazard or become blown and scattered.

- G. No person shall impede access to a County solid waste container other than when necessary to remove and deposit solid waste.

SECTION 8: DAMAGE TO SOLID WASTE CONTAINERS

- A. No person, including children, shall be on or in the County solid waste containers.
- B. No person shall intentionally damage any County solid waste container.
- C. Any person who damages a County solid waste container shall be liable to the County for the cost, repair, or replacement of such container, in addition to the penalties provided in Section 16 of this Ordinance.

SECTION 9: TOXIC, CORROSIVE, IGNITABLE, FLAMMABLE, EXPLOSIVE OR OTHER PROHIBITED SOLID WASTE

- A. No poisons, acids, caustics, chemicals, waste contaminated by infectious diseases, radioactive waste, dead animals, live pests, rocks, sand, dirt, C&D debris, toxic, highly flammable or explosive materials shall be placed in County solid waste containers. Such waste shall be disposed of in accordance with any applicable county, state and federal laws or regulations, at the expense of the person accumulating such waste.
- B. No yard waste, including grass and tree clippings, pine needles, leaves and cut weeds shall be placed in County solid waste containers. Such waste shall be disposed on the site on which it is generated or in an approved solid waste facility, or in accordance with any applicable county, state and federal laws or regulations, at the expense of the person accumulating such waste.

SECTION 10: CONSTRUCTION SITES AND TRANSPORTATION OF MATERIALS

- A. Any person who has secured a state building permit shall, prior to commencement of any construction activity in the County, furnish or place on that property a container or fenced area of suitable size and design to contain all solid waste, litter, or C&D debris which may be disturbed or removed from the premises or property by the wind or elements.
- B. No person generating solid waste or C&D debris shall allow solid waste or litter of any kind to be blown or be carried by the elements from the premises or property for which the building permit was secured.
- C. Any person engaged in construction or demolition shall remove the solid waste, litter, and C&D debris, including structural parts, from the construction site and contain their elements from scattering in the same manner as set out above. C&D debris or solid waste shall be removed and disposed on within five (5) days of completion to an approved solid waste or C&D debris facility.

SECTION 11: SCAVENGING PROHIBITED

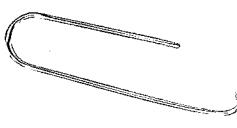
- A. No person shall remove, collect, or disturb solid waste or C&D debris stored in or disposed in a solid waste facility or solid waste container unless authorized by the County.
- B. No person shall remove any solid waste or C&D debris from a solid waste container and scatter the same upon any public or private property.

held to be unconstitutional, invalid or void, the remaining portions shall not be affected since it is the express intention of the Torrance County Board of Commissioners to pass such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

SECTION 18: EFFECTIVE DATE

This Ordinance shall be recorded and authenticated by the County Clerk following adoption by the Board of County Commissioners. The effective date of this Ordinance shall be thirty days after the Ordinance has been recorded.

PASSED, APPROVED AND ADOPTED this 20th day of November, 2002, by the Board of County Commissioners of Torrance County, New Mexico.



Bill R. Williams

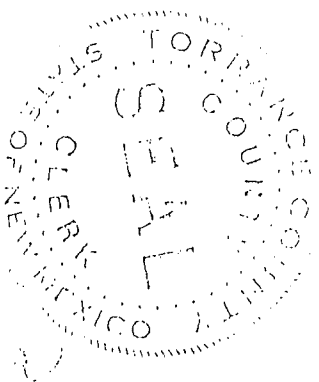
Bill R. Williams
Chairman

Chester Riley

Chester Riley
Member

Doug Johnston

Doug Johnston
Member



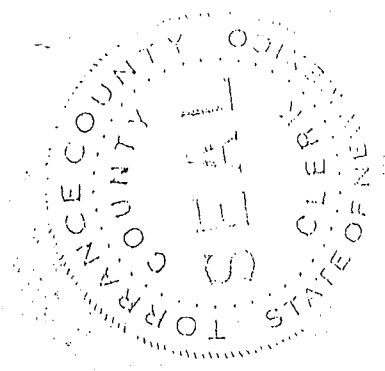
ATTEST:

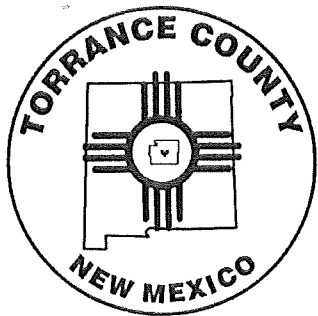
Linda Jaramillo
Linda Jaramillo
County Clerk

State of New Mexico
County of Torrance

I, hereby certify that this instrument was filed for record on the 2 day of December A.D., 2002 at 2:23 o'clock P M and duly recorded in book 296 at page 1595-1603.

Witness my hand and Seal of Office
Linda Jaramillo
County Clerk, Torrance Co., N.M.
Jelicia Frame Deputy





Torrance County

PO Box 48
205 9th Street
Estancia, NM 87016
(505) 544-4390 Main Line (505) 384-5294 Fax
www.torrancecountynm.org

Dennis & Catherine May
PO 458
Edgewood, NM 87015

11/8/16

Mr. & Mrs. May,

Please be advised that every day that your property is in non-compliance 30 days after a conviction, that each day is considered a separate offence under the Torrance County Zoning Ord 90-3-27 and also under the Solid waste ordinance 94-12-16-C. You were found guilty on 5/28/15 in Magistrate Court Moriarty and that sentence less 1 charge was upheld on 5/4/16 in District Court Estancia .

Dan DeCosta
Code Enforcement Officer
505-544-4392

A handwritten signature in black ink, appearing to read "Dan DeCosta", is written over a horizontal line.

CC:
Wallin Huss & Associates

SECTION E

Torrance County
Code Enforcement
Notice of Violation

Date: 11/8/16

Case #: 16-064

To: Dennis & Catherine May
PO 458
Edgewood, NM 87015
Location: 7 Turner Ridge
and lots A,G,,H,N,N,H

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-8-1; violations of 90-3-10-B (see 90-3-11-B)

Type of violations: solid waste violations , public nuisance, violations of PL zoning by having a salvage yard.

Corrective Action Required: remove all junk, debris, dilapidated mobile homes. Apply for a special use district for a salvage yard OR remove unregistered and junk vehicles. Up to 5 unregistered vehicles behind a solid fence on all sides

This will be your ONLY NOTICE on this matter. Please take the necessary corrective action on this matter by See section 90-3-27 every day violation continued after 30 of conviction a new and separate offence

please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 246-4760, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of The Zoning Ordinance, each violation is punishable by a **fine up to \$300 and/or up to 90 days in jail**, additionally , state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance , depending on the type of violation, each separate offence is punishable by a **fine up to \$300/90 days in jail or a fine up to 1000\$**. For public nuisances, state law provides a **fine up to \$500 and / or up to 6 months in jail** (NMSA 1978, 30-8-1 and 31-19-1) Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a **fine up to \$300 and /or up to 90 days in jail**. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27) , a first offence for violating the New Mexico Subdivision Act is punishable by a **fine up to 10,000 and /or up to 1 year in prison**

Sincerely,



Daniel De Costa
Code Enforcement Officer
P: (505) 246-4760

Certified
mail#:70150920000018362783

Torrance County
Code Enforcement
Notice of Violation

Date: 11/9/16

Case #: 16-064

To: Dennis & Catherine May
PO 458
Edgewood, NM 87015
Location: 7 Turner Ridge
and lots A,G,,H,N,N,H

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 90-3-19-D

Type of violations: 4 mobile homes used for storage not permitted

Corrective Action Required: these mobile homes cannot be permitted, they must be removed

This will be your **ONLY NOTICE** on this matter. Please take the necessary corrective action on this matter by . If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 246-4760, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of The Zoning Ordinance, each violation is punishable by a **fine up to \$300 and/or up to 90 days in jail**, additionally, state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance, depending on the type of violation, each separate offence is punishable by a **fine up to \$300/90 days in jail or a fine up to 1000\$**. For public nuisances, state law provides a **fine up to \$500 and / or up to 6 months in jail** (NMSA 1978, 30-8-1 and 31-19-1) Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a **fine up to \$300 and /or up to 90 days in jail**. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27), a first offence for violating the New Mexico Subdivision Act is punishable by a **fine up to 10,000 and /or up to 1 year in prison**

Sincerely



Daniel De Costa
Code Enforcement Officer
P: (505) 246-4760
E-mail: ddecosta@torrancecountynm.org

Certified
mail#:70150920000018364367

STATE OF NEW MEXICO
TORRANCE COUNTY MAGISTRATE COURT IN MORIARTY

FILED IN
TORRANCE COUNTY
June 12, 2017
MAGISTRATE COURT
IN MORIARTY

State of New Mexico
v
Dennis J May, Defendant

No. M-56-MR-2017-00130

CRIMINAL SUMMONS

TO: Dennis J May, Defendant
P.O. Box 458
Edgewood, NM 87015

You are notified that a Complaint, a copy of which is attached hereto, has been filed in this court charging that you committed the offense(s) of Accumulation of Solid Waste Within 200 Feet of Premises (16 Counts); Accumulation of Solid Waste, Litter and/or Debris (16 Counts); Accumulation of Solid Waste, Litter and/or Debris (16 Counts); Solid Waste, Letter and/or Debris Blowing in County (16 Counts); Solid Waste, Litter and/or Debris Public Nuisance (16 Counts); Development Review Permit (4 Counts); Rural Residential District Permissive Uses (17 Counts); Preplatted Lands District Conditional Uses (17 Counts); Preplatted Lands District Conditional Uses (17 Counts);

YOU ARE ORDERED to appear on Tuesday, June 27, 2017, at 9:00 AM, at:
Moriarty Magistrate Court
1100 Route 66, PO Box 2027
Moriarty NM 87035,

State of New Mexico, to plead to the above charge(s).

If you fail to appear at the time and place specified, a warrant will be issued for your arrest.

Susan Rossignol, Clerk

Law Enforcement Officer
DAN DECOSTA
Address
Torrance County Planning & Zoning
PO Box 48
Estancia, NM 87016

CERTIFICATE OF MAILING

I certify that I mailed a copy of the Summons and a copy of the Complaint in the above-styled cause to the defendant at the above address on Monday, June 12, 2017.

Susan Rossignol, Clerk

Distribution 1 copy - Court 1 copy - Service 1 copy - Return of Service [Approved, April 24, 1989; as amended, effective January 1, 1990.] Criminal Form 9-208

Court Information:

Torrance County Magistrate Court in Moriarty 1100 Route 66, PO Box 2027
Moriarty NM 87035 phone 505-832-4476 (fax) 505-832-1563 web site: www.nmcourts.gov

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT
TORRANCE COUNTY

M-56-MR-2017-130

STATE OF NEW MEXICO
VS.

NO. M-56-SW-2017-01

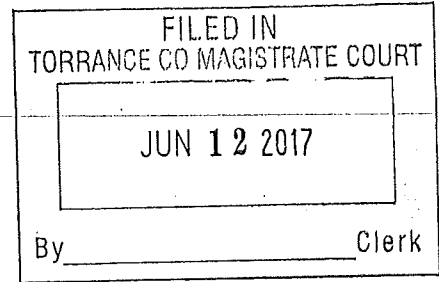
Date Filed 6/9/17

Dennis May Defendants(s)

Address: PO 458
Edgewood, NM 87015

DOB: 4/15/53 OLN# 12767641

CRIMINAL COMPLAINT



(common name of offense or offenses)

- 16 counts 94-12-5-A (accumulation of solid waste within 200 feet of an occupied premise) up to \$300/90 days
- 16 counts 94-12-5-C (accumulation of solid waste) up to \$ 300/90 days
- 16 counts 94-12-5-D (blowing debris/trash) up to \$1000
- 16 counts 94-12-5-E (public nuisance) up to \$300/90 days
- 4 counts 90-3-19-F sec 1(mobile home development permit needed) up to \$300/90 days
- 17 counts violations of 90-3-10-B (see 90-3-11-B salvage yard not allowed by permissive use in PL Zoning) up to \$300/90 days
- 17 counts violations of 90-3-10-C (see 90-3-11-B salvage yard not allowed by conditional use in PL Zoning) up to \$300/90 days

(here state the essential facts)

The undersigned , under penalty of perjury complains or states that on or about: 6/16/16, 6/21/16, 8/2/16, 9/26/16,10/4/16, 10/6/16, 10/11/16, 10/25/16, 10/27/16, 11/1/16, 11/17/16, 12/5/16, 1/18/17, 2/2/17, 4/3/17, 5/1/17 , and 6/7/17 I Daniel DeCosta went to lot H block 6, lot N block 3 Bella Vista Estates; Tract D Bella Vista Estates; lots H&G, block 5 , tract D, Bella Vista Estates; Lots A&N, block 4 Bella Vista Estates; Tract D, a subdivision in sec 4, T9N R7E better known as #4 or #7 Turner Ridge Rd and found large amounts of solid waste, trash, junk, salvage material, debris and junk, dilapidated and unpermitted mobile homes, and unregistered and inoperable motor vehicles.

The conditions have made unsafe, unhealthy conditions as well as a fire hazard to the area. It has also become an endangerment to the wildlife in the area and any/all persons that may live in the area contrary to Sections(s):

66-3-11
Renewed

REGISTRATION LAWS

or interest and warranty by the owner, and space for notation of liens and encumbrances upon the vehicle at the time of transfer.

E. The certificate of title shall be delivered to the owner in the event no lien or encumbrances appear thereon, otherwise the certificate of title shall be delivered to the person named to receive it in the application for certificate.

F. Whenever the owner of a vehicle subject to registration transfers his title or interest in the vehicle to a nonresident who desires to title the vehicle in the state of his residence, the division upon receiving application and the payment of the proper fee shall issue a certificate of title only and record on the certificate all liens and encumbrances.

History: 1953 Comp., § 64-3-10, enacted by Laws 1978, ch. 35, § 30; 1981, ch. 361, § 5; 1989, ch. 318, § 5.

66-3-10.1. Salvage vehicles; certificate of title.

Unless the certificate of title conveying ownership indicates the vehicle as "salvage", it shall be unlawful for any person to sell or otherwise convey ownership of any vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle for safe operation on the highway exceeds its fair market value or that has been declared a total loss by an insurance company. This section shall not apply to any person who sells or otherwise conveys ownership if the damage did not occur when that person was the registered owner of the vehicle, the certificate of title did not indicate "salvage" when it was transferred to that person and that person has no knowledge that the cost of repair exceeded the fair market value or that the vehicle had been declared a total loss.

History: 1978 Comp., § 66-3-10.1, enacted by Laws 1990, ch. 120, § 24.

66-3-11. Director may authorize issuance of nonnegotiable certificates of title.

Any owner of a vehicle required to be registered under the provisions of Section 66-3-1 NMSA 1978, who is unable to comply with the registration requirements of Section 66-3-4 NMSA 1978 for the reason that the vehicle is registered and titled in another state, territory or possession of the United States, subject to a lien, and the original title thereof cannot be obtained from the lien holder, shall make application to the division for the registration and issuance of a nonnegotiable certificate of title. Application for a nonnegotiable certificate of title shall be made upon written forms prescribed by the director and upon the approval of the director a nonnegotiable certificate of title shall be issued by the division with the words "NONNEGOTIABLE AND NON-TRANSFERABLE" clearly marked in bold letters on its face.

History: 1953 Comp., § 64-3-11, enacted by Laws 1978, ch. 35, § 31.

66-3-12. Evidential value of certificate.

A certificate of title issued by the division shall be received in evidence as prima facie evidence of the ownership of the vehicle named in the certificate and as prima facie evidence of all liens and encumbrances against said vehicle appearing on the certificate.

History: 1953 Comp., § 64-3-12, enacted by Laws 1978, ch. 35, § 32.

66-3-13. Evidence of registration to be signed and exhibited on demand.

Every owner, upon receipt of registration evidence, shall write his signature thereon in a space provided. Every such registration evidence or duplicates thereof validated by the division shall be exhibited upon demand of any police officer.

History: 1953 Comp., § 64-3-13, enacted by Laws 1978, ch. 35, § 33.

66-3-14. Registration plates or validating stickers to be furnished by department; reflective material.

A. The department upon registering a vehicle shall issue a registration plate or a validating sticker to the owner of the vehicle. The validating sticker may be designed and required to be placed on the registration plate or elsewhere on the vehicle as prescribed by the department.

B. Each registration plate shall have a background of reflective material such that the registration number assigned to the vehicle is plainly legible from a distance of one hundred feet at night. The colors shall include those of the state flag, except prestige and special plates.

C. Each registration plate shall have displayed upon it:

- (1) the registration number assigned to the person to whom it was issued; and
- (2) the name of this state.

D. The department shall issue no registration plates for privately owned vehicles that contain the words "staff officer" or any other title except as otherwise provided by law.

E. All registration plates for private vehicles shall be alike in form except for the owner's registration number. The department shall adopt registration number systems for registration plates.

F. In lieu of or in addition to a registration plate or sticker for commercial motor vehicles, the department may issue an electronic identifying device.

History: 1953 Comp., § 64-3-14, enacted by Laws 1978, ch. 35, § 34; 1981, ch. 361, § 6; 1990, ch. 107, § 1; 1995, ch. 135, § 11.

66-3-15. Special registration plates; procedures; fee.

A. The division shall establish and issue special registration plates, including motorcycle prestige

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66-3-18. Display of registration plates and temporary registration permits; displays prohibited and allowed.

A. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front of a road tractor or truck tractor. The plate shall be securely fastened at all times in a fixed horizontal position at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as to be clearly visible, and it shall be maintained free from foreign material and in a condition to be clearly legible.

B. A demonstration or temporary registration permit shall be firmly affixed to the inside left rear window of the vehicle to which it is issued, unless such display presents a safety hazard or the demonstration or temporary registration permit is not visible or readable from that position, in which case, the demonstration or temporary registration permit shall be displayed in such a manner that it is clearly visible from the rear or left side of the vehicle.

C. No vehicle while being operated on the highways of this state shall have displayed either on the front or the rear of the vehicle any registration plate, including validating sticker, other than one issued or validated for the current registration period by the department or any other licensing authority having jurisdiction over the vehicle. No expired registration plate or validating sticker shall be displayed on the vehicle other than an expired special registration plate, which may be exhibited on the front of the vehicle.

D. Nothing contained in this section shall be construed as prohibiting the use of a promotional or advertising plate on the front of the vehicle.

History: 1953 Comp., § 64-3-18, enacted by Laws 1978, ch. 35, § 38; 1985, ch. 51, § 1; 1998, ch. 48, § 4; 2005, ch. 16, § 1; 2007, ch. 319, § 20.










66-3-104. Use of plate and registration number on another vehicle; transfer of registration.

A. When the owner of a registered vehicle assigns title or interest to the vehicle, the registration of that vehicle expires, unless the vehicle is registered for an extended registration period and the owner applies to have the registration number assigned to another vehicle as provided in Subsection B of this section.

B. When the owner of a registered vehicle assigns title or interest to the vehicle, he shall remove and retain the registration plate from the vehicle and, within thirty days of the transfer, either make application to have the registration number assigned to another vehicle of the same class or forward the plate to the department or its authorized agent to be destroyed. The transfer of the registration plate shall be permitted only if the application for transfer is made in the name of the original registered owner unless the owner's name has been changed by marriage, divorce or court order.

C. The registration plate shall not be displayed upon the newly acquired vehicle until the registration of the vehicle has been completed and a new registration certificate issued. However, the temporary retail-sale permit issued for the vehicle by the dealer pursuant to the provisions of Section 66-3-6 NMSA 1978 may be securely attached to the plate to be transferred and displayed in accordance with Subsection A of Section 66-3-18 NMSA 1978.

History: 1953 Comp., § 64-3-104, enacted by Laws 1978, ch. 35, § 51; 1981, ch. 361, § 10; 1995, ch. 44, § 5; 1998, ch. 48, § 5; 2001, ch. 141, § 3.










        

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66-11-1. Purpose.

Recognizing the importance of constructive leisure pursuits by New Mexico citizens, this act [66-11-1 to 66-11-5 NMSA 1978] is intended to encourage responsible participation in the hobby of collecting, preserving, restoring and maintaining motor vehicles of historic and special interest. Further, New Mexico, recognizing that the current pattern of resource recycling leads to an ever-shortening period of existence for vehicles of historic or special interest establishes this act to ensure the preservation of our American heritage as it relates to the motor vehicle manufacturing industry. Further, this act recognizes that a vehicle representative of this heritage, being held by a hobbyist, finds significance as an historic or special interest vehicle through a personal relevance to the life of the collector holding it and through a general relevance as an example-artifact of the transportation history of New Mexico.

History: 1953 Comp., § 64-41-1, enacted by Laws 1975, ch. 35, § 1.

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66-11-2. Definitions.










For the purposes of this act [66-11-1 to 66-11-5 NMSA 1978]:

A. "collector" means the owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades or disposes of these vehicles or parts thereof for his own use in order to preserve, restore and maintain a vehicle for hobby purposes;

B. "parts car" means a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts that are usually nonobtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of historic or special interest; and

C. "historic or special interest vehicle" means a vehicle of any age which, because of its significance, is being collected, preserved, restored or maintained by a hobbyist as a leisure pursuit.

History: 1953 Comp., § 64-41-2, enacted by Laws 1975, ch. 35, § 2.










        

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66-11-3. Storage provisions.

A collector may store motor vehicles or parts thereof on his private property provided such vehicles and parts cars, and the outdoor storage areas, are maintained in such a manner that they do not constitute a health, safety or fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash and other objectional [objectionable] items.

History: 1953 Comp., § 64-41-3, enacted by Laws 1975, ch. 35, § 3.

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66-11-4. Special equipment.

A. Unless the presence of equipment named by the Motor Vehicle Code [66-1-1 NMSA 1978] was a prior condition for legal sale within New Mexico at the time the historic or special interest vehicle was manufactured for first use, the presence of such equipment shall not be required as a condition for current legal use.

B. Any motor vehicle of historic or special interest, manufactured prior to the date when any emission controls were standard equipment on that particular make or model of vehicle is exempted from the laws requiring any inspection and use of such controls.

C. Any safety equipment that was manufactured as a part of the vehicle's original equipment must be in proper operating condition when the vehicle is operated for highway purposes.

History: 1953 Comp., § 64-41-4, enacted by Laws 1975, ch. 35, § 4.

SPR-223

TORRANCE COUNTY ZONING ORDINANCE



Adopted by
The Board of County Commissioners of
Torrance County
on March 21, 1990
[including revisions to: May 11, 2016]

9. "Dwelling Unit" means a structure or part of a structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes.
10. "Dwelling Unit, Singular" means a dwelling unit which is not physically connected to any other dwelling unit.
11. "Dwelling Unit, Multiple" means a structure containing two or more dwelling units.
12. "Dwelling Unit, Cluster" means a development pattern consisting of a grouping of dwelling units on a portion of available land, reserving not less than 40 percent of the development site as protected and permanent open space.
[REV: Ord. 2008-003, 4/23/08]
13. "Family" means one or more persons living together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no such family shall include or contain more than 5 unrelated persons.
14. "Feedlot" means a place for cattle, sheep, swine, or other such animals, which are restricted and confined to pens or corrals where feeding is other than grazing and which is operated as a year-round enterprise. For purposes of this Ordinance, a Small Feedlot shall contain from 20 to 200 head of animals, and a Large Feedlot shall contain more than 200 head of animals. A Small Feed lot shall be centered on at least 100 acres. A Large Feedlot shall not be allowed, except in a special use zone.
[REV: Ord. No. 2008-003, 4/23/08]
15. "Flea Market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. A flea market shall not include temporary residential garage sales lasting no more than three days per six-month period, and seasonal agricultural produce stands.
[REV: Ord. No. 94-2, 2/9/94]
16. "Floor Area" means the total area of all floors of a building.
17. "Floor Area Ratio" means the relationship of the floor area to the lot area, computed by dividing the floor area by the lot area.
18. "Height" means the vertical distance measured from the lowest ground elevation of a structure to the highest point of a structure.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

19. "Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Whenever a dwelling unit and/or its premises are used for a home occupation and there is no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district, subject to the requirements of this Ordinance and business registration requirements. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands shall require a Conditional Use Permit subject to special requirements provided by this Ordinance.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]
20. "Horticultural Operations" means the cultivation and harvesting of plants.
[REV: Ord. No. 2008-003, 4/23/08]
21. "Immediate Family Member" means family relations up to and including the Grandparent, Parent, Brother, Sister, and Child, whether by blood, marriage, adoption, or legal assignment. Relationships of half-blood shall be recognized as natural relationships so long as the step relationship is legally extant at the time of a family transfer of land. Land divisions for the purpose of achieving a family transfer shall be subject to the exemption procedures of the Torrance County Subdivision Regulations.
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08; Ord. No. 2008-003, 4/23/08]
22. "Kennel" means any building or buildings or land designed or arranged for housing dogs, cats, and other household pets, and where grooming, breeding, boarding, training, or selling animals is conducted. For purposes of this Ordinance, the housing or boarding of more than five (5) dogs or cats in any combination thereof over the age of three (3) months shall constitute a kennel. In addition to complying with the requirements of this Ordinance, Kennels must comply with the requirements of the Torrance County Animal Control Ordinance.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]
23. "Liquid Waste Disposal Regulations" means the Liquid Waste Disposal Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the New Mexico Environment Department.

24. "Livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, ostriches, emus, rheas, camelids and farmed cervidae (deer). For purposes of determining the number of livestock on a lot, one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.
[REV: Ord. No. 2008-003, 4/23/08]
25. "Lot" means a parcel of real property described by deed, or a tract of land described by metes and bounds on a plat and recorded in the County Clerk's records in accordance with appropriate laws, and with access to public right-of-way.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
26. "Mobile Home" (also known as Manufactured Housing) means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities.
27. "Mobile Home Park" means an un-platted tract of land under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.
[REV: Ord. No. 95-5, 6/10/95]
28. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.
29. "Permissive Use" means a use which is allowed in a particular zone district.
30. "Poultry" means domestic fowl, such as chickens, turkeys, ducks, and geese, but does not include any animal defined as livestock.
[REV: Ord. No. 2008-003, 4/23/08]
31. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.
32. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.

33. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.
34. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.
35. "Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, 3 or more unregistered motor vehicles (excluding agricultural equipment), and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
36. "Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or accessing the property upon which such building or structure is located.
[REV: Ord. No. 94-2, 2/9/94]
37. "Setback, Front" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, bordering on a roadway. No more than one front setback shall be designated on corner lots or double frontage lots. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement.
[REV: Ord. No. 94-2, 2/9/94]
38. "Setback, Rear" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which is opposite and most distance from a roadway and does not intersect with a roadway. On double frontage lots, the rear setback shall be designated on the opposite side of the lot from the designated front setback.
[REV: Ord. No. 94-2, 2/9/94]
39. "Setback, Side" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which intersects a roadway. On corner lots, a side setback shall be designated along the lot line bordering a roadway that is not designated as the front setback.

[REV: Ord. No. 94-2, 2/9/94]

40. "Shopping Center" means an integrated retail commercial development occupying a site of 3 or more acres under a single ownership, control or interest, and containing 5 or more connected stores or a total gross floor area in a single structure which is greater than 25,000 square feet.
41. "Structure" means anything constructed, placed, or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term "structure" does not include vehicles, vegetation, or public utility poles.
42. "Supplemental Residential Dwelling Unit" means a secondary or auxiliary structure used for residential purposes on land not within a previously approved subdivision for use by family members or guests and which may not be leased or rented.

[REV: Ord. No. 2001-2, 3/14/01]

43. "Travel Trailer or Recreational Vehicle Park" means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing.
44. "Variance" means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results or actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, height, dimension, distance, setback, walls, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the only determining factor in deciding a variance.
45. "Wall" means a solid wall or fence which is visually solid, or a suitable screen of landscaping intended to provide a visual barrier. Materials used in the construction of a wall or fence shall not pose health or safety hazards to the community and shall not be disruptive to the character of surrounding properties.

[REV: Ord. No. 94-2, 2/9/94]

46. "Zone District" means a section of the County, designated in the text of this Ordinance and delineated on the Torrance County Zoning Map, in which requirements for the use of land and building and development standards are prescribed. Boundaries of zone districts shall follow existing property lines unless clearly otherwise shown on the Zoning Map,

in which case, such boundary shall be defined by dimension and distance from existing property lines.

47. "Zoning Board" means the Torrance County Planning and Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]
48. "Zoning Enforcement Officer" means the official person designated by the Zoning Director as the enforcement officer of this Ordinance.
[REV: Ord. No. 2008-003, 4/23/08]
49. "Zoning Director" means the official person designated as the principal administrator and enforcement officer of this Ordinance.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 5. INTERPRETATION.

- A. Interpretation of Ordinance. No structure shall be constructed, placed or maintained, and no land use commenced or continued within the jurisdiction of this Ordinance except as authorized by this Ordinance and amendments thereto. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern. However, the County shall not enforce private covenants, unless such private covenants are incorporated into an approval of a subdivision by the County Commission.
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]
- B. Interpretation of Zoning Map. Where, due to illegibility of the Zoning Map or other irregularity, there is any uncertainty as to the intended location of any zone district boundaries, interpretation concerning the exact location of such boundaries shall be determined by the Zoning Board.
[REV: Ord. No. 2008-003, 4/23/08]
- C. Interpretation of Land Uses. The County Commission shall render interpretations of land uses in any zone district not expressly enumerated in the Torrance County Zoning Table of Land Uses, subject to the following standards and procedures:
 1. Request for Interpretation. Any request for an interpretation of a use of land not specifically listed in the Torrance County Zoning Table of Land Uses shall be submitted to the Zoning Board through the Zoning Director. The Zoning Director may create forms for such an application.
 2. Following the receipt of a request for interpretation of land use, the Zoning Board shall recommend an interpretation of land use for the applicant at their next scheduled meeting. The Zoning Board recommendation shall be transmitted to the County Commission for consideration at the next

4. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97]

SECTION 11. RURAL RESIDENTIAL DISTRICT (RR).

A. Intent. This zone district accommodates rural residential development and certain agricultural uses such as irrigated croplands and limited livestock management. Large-lot residential land subdivision is characteristic of this district.

B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 2008-003, 4/23/08]

C. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be two and one-half acres for dwelling units served by individual private wells, and one acre for dwelling units with connections to a centralized water system. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system."
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
2. A proposed land use must comply with Section 23, pertaining to water usage.
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]
3. Inoperable vehicles or vehicles which have no current registration or licensing stored on a parcel of land are limited to two (2) on a 1/2 acre lot. Additional inoperable or un-registered vehicles may be allowed at one (1) per additional acre of land but in no case shall exceed five (5) regardless of parcel acreage. Inoperable vehicles stored on a property shall be kept from view behind a wall and have body parts and glazing intact.
[REV: Ord. No. 2008-003, 4/23/08]
4. Raising, breeding, management, and sales of livestock, subject to the following requirements:

- a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation;
 - b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;
 - c. The number of livestock on the parcel shall not exceed an average density of one head per two acres;
[REV: Ord. No. 2001-2, 3/14/01]
 - d. The above described restriction does not apply to animals for non-commercial use as follows:
 - 1) A lot ranging between 1/2 acre and 1 acre in area, may support no more than two (2) horses or two (2) cows or an equivalent number of sheep or goats. Additional non-commercial livestock units are allowed based upon one (1) horse or cow unit or equivalent per each additional acre of land.
 - 2) Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.
[REV: Ord. No. 2008-003, 4/23/08]
5. Commercial agricultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 12. MINOR DEVELOPMENT DISTRICT (D-1).

- A. Intent. This zone district provides for commercial and business uses intended to serve the surrounding neighborhoods on a day-to-day basis including retailing and personal services. Development in this zone district shall be characterized as low intensity or small-scale, and shall not be detrimental to nearby residential uses.
[REV: Ord. No. 95-9, 10/13/95]
- B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a Conditional Use Permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.

1. Conditional Use Permits;
2. Variances Allowed Under this Ordinance;
3. Zone District Changes;
4. Special Use Permits;
5. Requests for Use Interpretation;
6. Applications for Amendments to this Ordinance;
7. Certificates of Nonconformance;
8. Zoning Appeals;
9. Zoning Violations and Complaints;
10. Development Review Permits; and
11. Building Permit Applications.
[REV: Ord. No. 97-5, 6/27/97; Ord. No. 2008-003, 4/23/08]

F. Development Review Permit. For purposes of this Ordinance, with respect to any premises within the jurisdiction of Torrance County:
[REV: Ord. No. 2001-2, 3/14/01]

1. No accessory structure or building meeting current New Mexico Regulation & Licensing Construction Industries Division size requirement for a building permit (200 sq. ft. at the time of this printing), nor mobile home shall be placed, constructed, or installed, nor;
[REV: Ord. No. 2008-003, 4/23/08]
 - a. Shall electric service be connected to any accessory structure, building or mobile home if such building or mobile home has not already had electric service previously connected or has not already been issued a Development Review Permit in connection with such electric service, nor;
 - b. Shall any building or mobile home be used as a residence if the building has not previously been used as a residence or has not previously been issued a Development Review Permit in connection with such use as a residence, without first being reviewed by the Planning and Zoning Director, and issued a Development Review Permit. In addition to these requirements, an applicant for a Development Review Permit shall:
[REV: Ord. No. 2008-003, 4/23/08]

- 1) Submit a recorded deed or real estate contract that the applicant is the owner in fee simple or equitable title owner of the property or, proof that owner has authorized the application, through lease or other written authority.
- 2) Submit a suitable Building Permit or appropriate documentation establishing the applicant's right to construct a building or residence.
- 3) Submit the appropriate septic permit by the State Environment Department.
- 4) Submit the appropriate well permit issued by the State Engineer's Office or letter of intent from a centralized water system which states the proper legal description for the subject property and confirms there is a sufficient amount of water to provide for potable, sanitary, and fire suppression service to the dwelling or accessory structure. Applications which rely upon water harvesting or hauling water from a source off-premise must have on-premise storage capacity sufficient to provide the services listed above designed by a New Mexico licensed engineer or architect.
- 5) Submit a copy of the (1) New Mexico Registration and Title, or (2) Manufacture Certificate of Origin for a mobile or modular home.
- 6) Submit a statement from the Solid Waste Authority that you will be receiving their services for developments of human occupation.
- 7) Submit a statement from the Torrance County Treasurer showing taxes are paid to date.
- 8) Submit the applicable permit fee to the Planning and Zoning Director.
- 9) Where the property to be developed lies within a special flood hazard area, submit additional information and documentation as provided in the Flood Damage Prevention Ordinance, 92-4, or the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.
[REV: Ord. No. 2008-003, 4/23/08]

Upon the review and approval of the Planning and Zoning Director, a Development Review Permit will be issued, a property address can be assigned, and a site inspection will be performed.

[REV: Ord. No. 2008-003, 4/23/08]

G. Violations and Enforcement. Whenever a violation of this Ordinance is discovered or is alleged to have occurred, the Zoning Director shall investigate and inspect the site of the violation or alleged violation and take action as follows:
[REV: Ord. No. 2008-003, 4/23/08]

1. Any person aggrieved by an apparent violation of this Ordinance may file a written complaint with the Zoning Director. Such complaint shall describe the location and circumstances of the apparent violation with specific references to the provisions of this Ordinance which are alleged to have been violated.
[REV: Ord. No. 2008-003, 4/23/08]
2. Whenever the Zoning Director finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a written complaint, the Zoning Director shall notify the person responsible for the alleged violation. Such notification shall be made in writing to the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct the violation. Corrective action may require discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance. Absence of personal service of the notice of violation shall not constitute a defense when the Zoning Director has made a diligent effort to locate the owner or tenants.
[REV: Ord. No. 2008-003, 4/23/08]
3. Action to correct a violation of this Ordinance shall be completed within 60 days following the date of notification by the Zoning Director. If a violator fails to take corrective action within 60 days, the County shall seek imposition of the penalties set forth in this Ordinance.
[REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

SECTION 20. NONCONFORMITIES.

- A. Definition. Within the zone districts established by this Ordinance, there exist: lots, structures, or uses of land or structures which were lawful before this Ordinance was passed or amended, but would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.
- B. Certificate of Nonconformance. Nonconformities shall be identified and issued Certificates of Nonconformance as determined by the Zoning Director. Upon

receipt of a written notification from the Zoning Director, it shall be the responsibility of owners of nonconforming property to obtain a Certificate of Nonconformance from the Zoning Director within 60 days after the date of notification.

[REV: Ord. No. 2008-003, 4/23/08]

- C. Nonconformities Allowed. A nonconformity existing at the time this Ordinance takes effect may be continued under the Certificate of Nonconformance. The authority to continue a nonconforming use is transferable to the successors and assigns of the owner. The transfer of authority shall be evidenced by transfer of the Certificate of Nonconformance to the successor or assignee. A continuing nonconforming use may also be referred to as a "grandfathered use".
- D. Expansion. A nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building shall not be deemed an extension of such nonconforming building.
- E. Restoration. If a nonconforming use or structure is damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, then restoration must be for a permitted use. Singular dwelling units, however, may be exempt from this restoration requirement if approved by the Zoning Board and the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations.
[REV: Ord. No. 2008-003, 4/23/08]
- F. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this Ordinance. Any nonconforming dry land or irrigated farmland shall be exempt from this abandonment requirement.
- G. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed, redeveloped, or improved provided that any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Zoning Board, a Certificate of Nonconformance will not be required for nonconforming lots.
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 21. CONDITIONAL USE PERMITS.

- A. Approval and Permit Required. Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Board, which shall be guided in making a decision by the criteria set forth in this section. Anyone seeking a Conditional Use Permit shall provide to the Zoning Director such information as may be reasonably required to determine whether the

17. "Solid Waste Facility means any public or private system, facility, location, improvements on the land, structures or other appurtenances or methods used for processing, transformation, recycling, or disposal of solid waste, including landfill disposal facilities, transfer stations, convenience centers, resource recovery facilities, and incinerators, or any facility that processes, recycles, transforms, transfers, or otherwise handles low level or high level radioactive waste or transuranic wastes, and other facilities not specified. A "Solid Waste Facility" does not include a residential "backyard" composting pile that composts organic solid waste generated on-site or any facility or person accepting, stockpiling, or using clean fill material as long as:

- a) the clean fill material does not create a public nuisance or adversely affect the environment;
- b) the material is not placed in a watercourse or in any other manner inconsistent with the Water Quality Control Commission regulation 2-201 "Disposal of Refuse."

SECTION 5: ACCUMULATION OF SOLID WASTE, LITTER, AND C&D DEBRIS; REMOVAL; PENALTY

- A. No person shall permit to accumulate any solid waste on property owned, leased or occupied by that person within two hundred (200) feet of another occupied premises, except in covered water-tight containers made of metal or plastic.
- B. No person shall throw, place, dump, or dispose of any solid waste, litter, or C&D debris on any road, street, gutter, sidewalk or alley, or on any public property or another's private property.
- C. No person (whether owner, tenant, lessee, manager or other person) shall permit any solid waste, litter, or C&D debris or any composition or residue thereof which is in an unsanitary condition or hazardous to public health to remain upon the property.
- D. No person shall cast, place, sweep or deposit any solid waste, litter, or C&D debris in such a manner that it may be carried or deposited by the elements upon any road, street, sidewalk, alley, sewer, parkway or other public place or private property within the County.
- E. Any accumulation of solid waste, litter, or C&D debris in violation of the terms of this Ordinance is hereby declared to be a nuisance and is unlawful.
- F. Subject to any limitations or otherwise provided by law, the Sheriff or his designated Code Enforcement Officer is authorized, upon issuance of a warrant, to inspect and enter any property where he has reasonable cause to suspect that unlawful accumulations of solid waste, refuse, litter, or C&D debris may exist.
 - 1) If, upon the basis of such inspection, the Sheriff finds that a violation of Subsections A-E of this Section exists, he shall notify in writing the owner or any other person with an interest in or control of the property (whether, tenant, lessee, manager or other person) to correct such violation within a designated period of time, from ten (10) days up to thirty (30) days.
 - 2) Upon the failure, neglect or refusal of any person, owner, tenant, lessee, manager or occupant to properly correct any such violations within the time prescribed (or within five [5] days of the return of such prescribed notice as undeliverable if the notice is served by mail), the County Commission may contract for the correction of the unlawful accumulation, or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager or occupant in charge of the property.

TORRANCE COUNTY ZONING ACTION

Certificate of Nonconformance

THIS CERTIFICATE ESTABLISHES THE IDENTITY OF A NONCONFORMING LOT, STRUCTURE, OR USE OF LAND OR STRUCTURE, PURSUANT TO SECTION 17 OF THE TORRANCE COUNTY ZONING ORDINANCE.

LAND OWNER: DENNIS J OR CATHERINE M MARY TELEPHONE: 281-2848

MAILING ADDRESS: P.O. Box 458 EDGEWOOD NM 87015

AGENT: SECURITY ESCROW TELEPHONE: 262-1566

MAILING ADDRESS: P.O. Box 25426 ALBU NM 87125

LEGAL DESCRIPTION OF PROPERTY: TWP 09N R1G 07E SEC 4

TRACT D BLK 4 lots A&N BLK 5 lots G&H

SUB. BELLA VISTA

LOCATION OF PROPERTY: Turner Ridge

ZONING OF PROPERTY: PL EFFECTIVE DATE OF ZONING: 4-20-90

PRESENT USE(S) OF PROPERTY AND REASON FOR NONCONFORMANCE: _____

STORAGE OF SERVICES COMPANY EQUIPMENT - NO RETAIL OUTLET

DATE PRESENT USE(S) OF PROPERTY BEGAN: OCT 1989

ATTACH A DRAWING OF PROPERTY SHOWING THE FOLLOWING INFORMATION:

1. Lot or tract dimensions (to scale) and total land area,
2. Location and size of any easements and dedicated right-of-way within or abutting property,
3. Location and outline with dimensions of all structures within the property in relation to property lines, and
4. For non-structural uses of land, identify nature, location, and extent of operations.

DATE OF NOTIFICATION: 10-10-90 ~~XXXXXX~~ TIME LIMIT: 10-20-90

THE USE OF THE PROPERTY IN THE MANNER DESCRIBED ABOVE IS HEREBY AUTHORIZED UNDER THE PROVISIONS OF SECTION 17 OF THE TORRANCE COUNTY ZONING ORDINANCE.

Evidence Exhibit #

4B

DATE: 10-17-90

SIGNED: [Signature]
COUNTY ZONING OFFICER



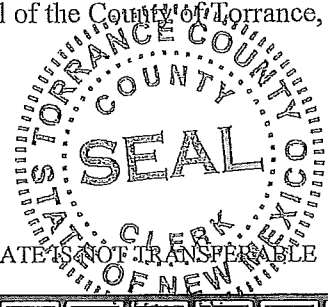
County of Torrance, New Mexico Official Document
Please Post
BUSINESS REGISTRATION

WHEREAS, DENNIS J. MAY of the county Torrance, New Mexico,
Has made application and paid the Registration Fee, this Registration Certificate is now GRANTED to the
above named to carry on the business of JMD ENTERPRISES in the
County of Torrance for the period ending JULY 1, 2017 under the provisions of the law and ordinances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Torrance, at
my office in said County this 01 day of AUGUST, 2016

[Handwritten Signature]
County Employee Signature

[Handwritten Signature]
County Clerk



THIS CERTIFICATE IS NOT TRANSFERABLE

COUNTY OF TORRANCE
PO BOX 767
ESTANCIA, NM 87016

Receipt # 00137277
Date Issued 08012016
License #
Year 2016

Business Name JMD ENTERPRISES
Received By SYLVIA
Total Paid 35.00

COUNTY OF TORRANCE
PO BOX 767
ESTANCIA, NM 87016

Receipt # 00137277
Date Issued 08012016
License #
Year 2016

Business Name JMD ENTERPRISES
Received By SYLVIA
Total Paid 35.00



JMD ENTERPRISES
BOX 458
EDGEWOOD NM 87015
02-133571 12-23-93

TORRANCE COUNTY

BUSINESS REGISTRATION APPLICATION

Date 12/1/93 Initial Application Renewal

JMD ENTERPRISES 281-2848
Name of business Phone #

PO BOX 458 EDGEWOOD NM 87015
Mailing address of business

Bella Vista Estates Block 4 LOTS A+N TRACK D
Physical address of business

DENNIS J. and CATHERINE M. MAY
Name and address of owner(s) PO BOX 458 EDGEWOOD NM 87015

If corporation, registered agent

VIDEO AMUSEMENTS
Nature of business

02133571000
Current N.M. Tax I.D. number

*

Zoning district

Signature, Zoning Officer

Dennis May
Signature of Applicant

Date paid _____ Receipt Number 4641

*Can be filled out after issuance of registration.

Business registration fee of \$25.00 per year is due on July 1 and expires on June 30 of each year. Please make checks payable to:
Torrance County Clerk
Box 48
Estancia, New Mexico 87016

Evidence Exhibit #

4 A

Triadic Enterprises Inc Business Licensing

9/15/17 07:41:14 CLRK09A

Business History () Liquor License # Status Active

Balance \$37.00 License date

License # () Month August Day 1 Year 2016

Account # Zoned Business code

NM Rev. Id# 02-139571000 Fed Tax Id

Type () SERV Fee \$35.00 \$.00

SERVICE

Bus Name JND ENTERPRISES

Owner DENNIS J. MAY

Address PO BOX 458

City () EDGE EDGEWOOD NM 87015 + 4 Zip

Phone () 505 281 2848 DENNIS J. MAY

Location ()

0001?? < > ?

Past Due on Business Reg.

Shawes
T.C.C.D.

MONICA LN

R001035501

R001035401

TURNER RIDGE RD

106°11'59.28"W, 35°1'55.64"N

R000797601

R001035901

R001040801

R001047701

R001047601

R001047501

R001342801

R001036501

R001040901

R001048201

R001048101

R002419201

R001409201

R001161801

R002957201

R001037301

R001037201

R001037101

R001298001

R001099801

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R000948201

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R001171801

R001038401

Sept (2012)



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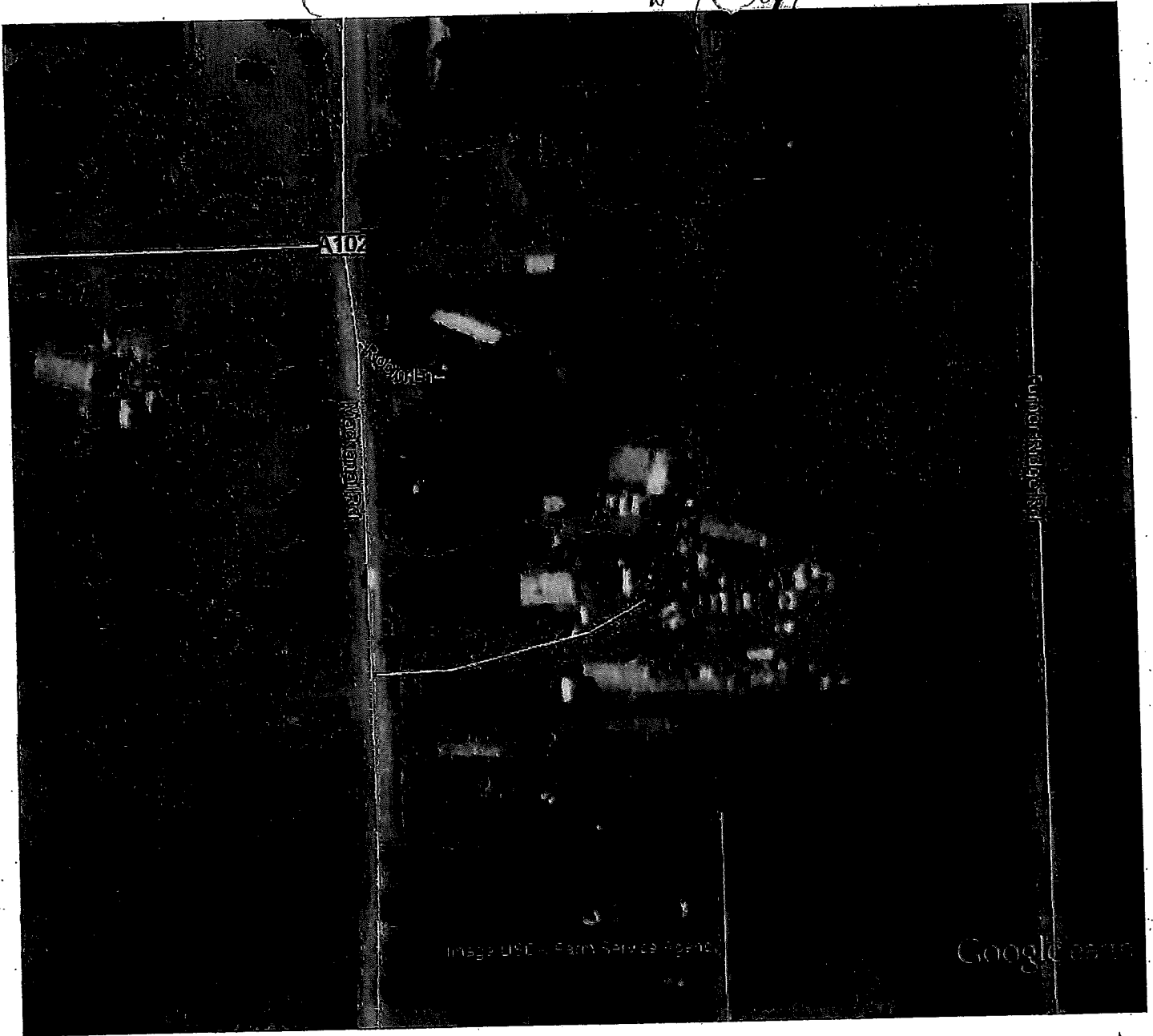
Google earth



Evidence Exhibit #

4K

Aug 2001



Google earth

feet
meters



Evidence Exhibit #

4 J

Aug 20 2004



Google earth

feet
meters



Evidence Exhibit #

4 I

March 2006



Google earth



Evidence Exhibit #

4 H

July 2005



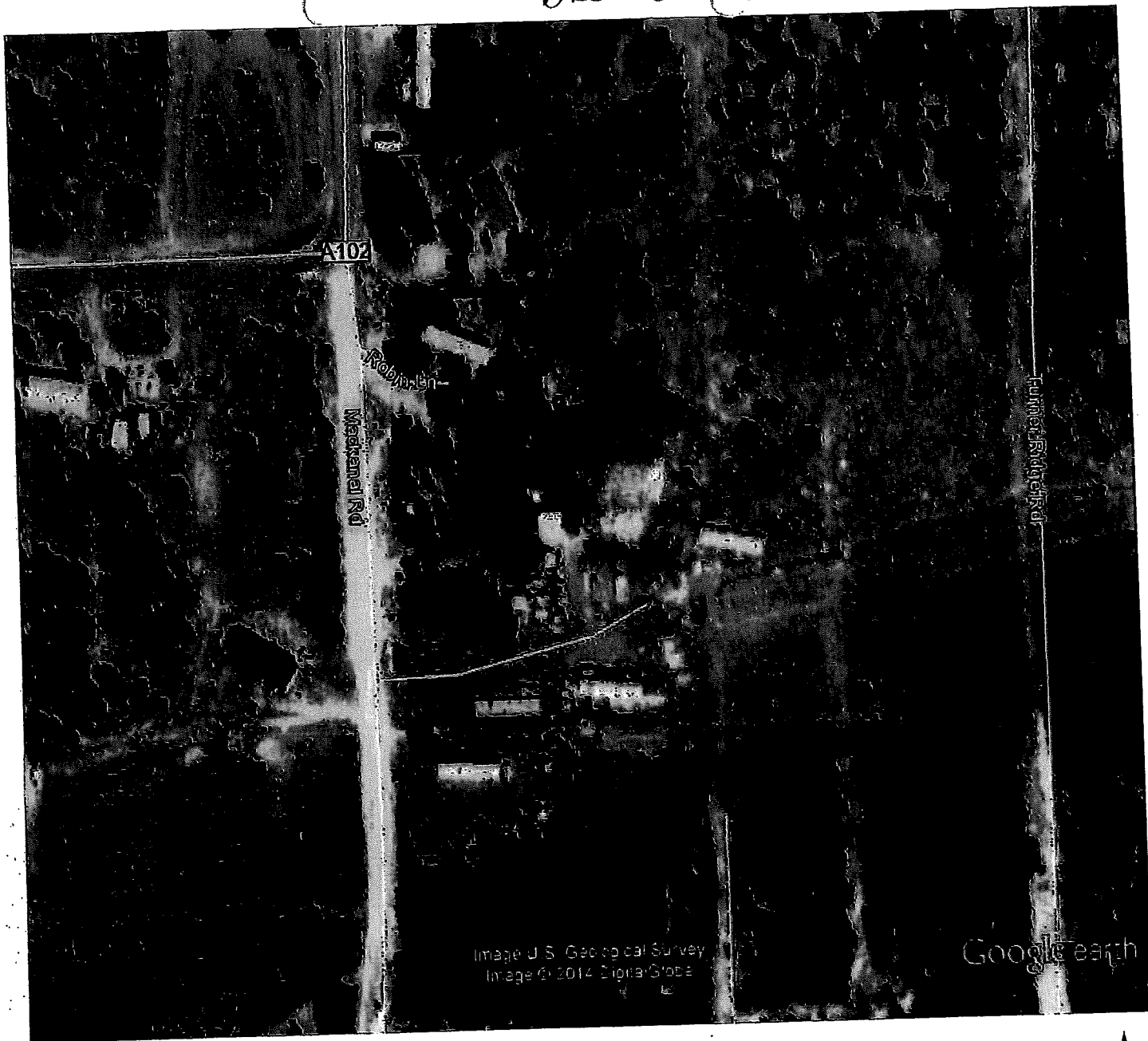
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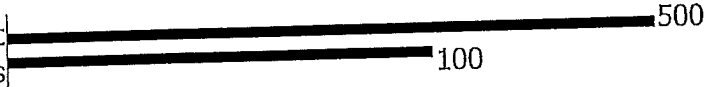
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Dec 2003



Google earth

feet
meters



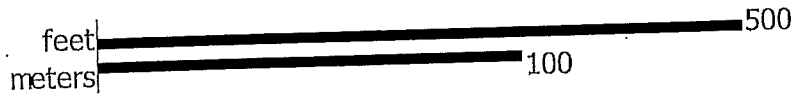
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OCT 996



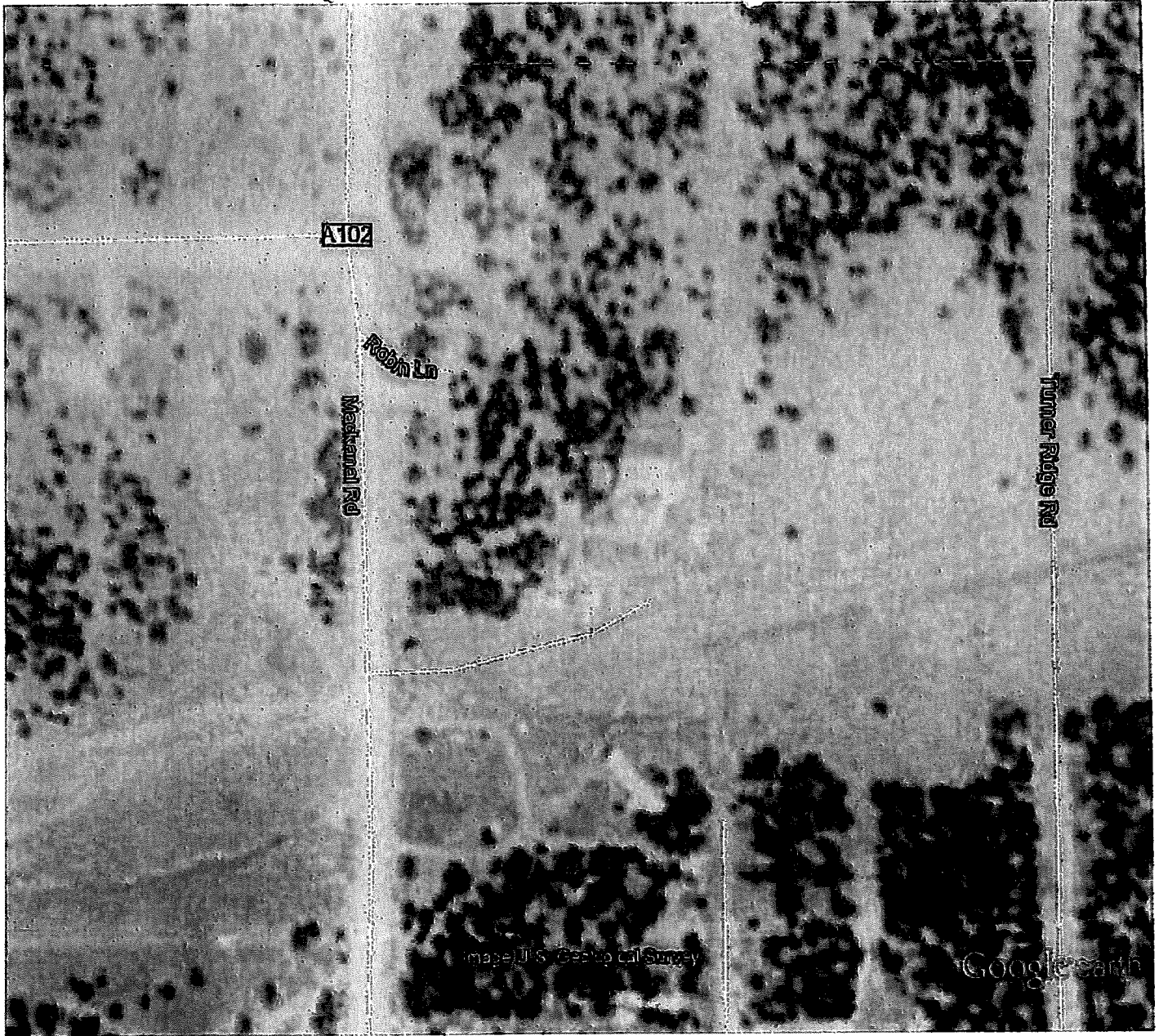
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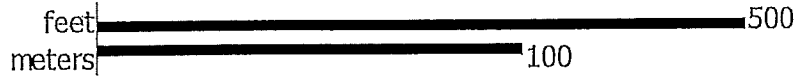
Evidence Exhibit #

HE

MAY 1991



Google earth



Evidence Exhibit #

40

STATE OF NEW MEXICO
COUNTY OF TORRANCE
MAGISTRATE COURT

M-56-SW-2017-1

STATE OF NEW MEXICO

-VS-

Dennis May
PO 458
Edgewood, NM 87015

DOB: [REDACTED]

or any other resident(s) or occupants(s) of Lot H Block 6, and lot N Block 3 Bella Vista Estates, Tract D of Bella Vista Estates; lots lettered H&G, Block 5, in tract D of Bella Vista Estates; Lots A&N, Block 4, Bella Vista Estates, Tract D, a subdivision in section 4, T9N R7E.

SEARCH WARRANT

THE STATE OF NEW MEXICO, TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT: Proof by Affidavit for Search Warrant having been submitted to me, I am satisfied that the person named/described and/or property described in the Affidavit are located where alleged in the Affidavit, and I find that grounds exist for the issuance of the Search Warrant. A copy of the Affidavit is attached and made a part of this Search Warrant.

YOU ARE HEREBY COMMANDED to search forthwith the person and/or place described in the Affidavit, commencing between the hours of 6:00 a.m. and 10:00 p.m. [unless I have specifically authorized a nighttime search as stated below], and continuing thereafter until completed, for the person and/or property described in the Affidavit, serving this Warrant together with a copy of the Affidavit, and making the search and if the person and/or property be found here, to seize the person and/or property and hold for safekeeping until further Order of the Court.

EXECUTING OFFICER (S) are directed to prepare a written inventory of any person or property seized. You are further directed to file the return and written inventory with the Court promptly after execution of this Search Warrant.

DATED THIS 1st DAY OF June, 2017 AT 13:16 HOURS.



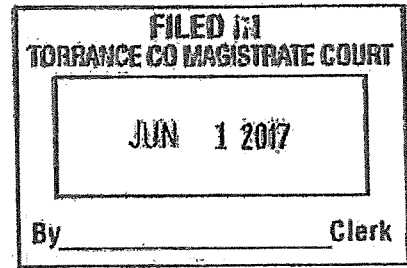
JUDGE
Torrance County Magistrate

AUTHORIZATION FOR NIGHTTIME SEARCH

I further find that reasonable cause has been shown for nighttime execution of this Warrant. I authorize execution of this Search Warrant at any time of the day or night for the following reasons:



STATE OF NEW MEXICO
IN MAGISTRATE COURT
COUNTY OF TORRANCE



STATE OF NEW MEXICO
-VS-

Dennis May
PO 458
Edgewood, NM 87015

AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn, upon his oath, states that I have reason to believe that on the following described premises or person of (here name person and/or describe premises):

The real property is located in the northwest corner of Torrance County ,
Legal description: Lot H Block 6, and lot N Block 3 Bella Vista Estates, Tract D of Bella Vista Estates is owned by Dennis J May And Catherine M May, his wife ; lots lettered H&G, Block 5, in tract D of Bella Vista Estates is owned by Dennis J May; Lots A&N, Block 4, Bella Vista Estates , Tract D, a subdivision in section 4, T9N R7E is owned by Dennis J May and Catherine M May , his wife .

The real property is accessed by proceeding traveling west on route old 66 now known as route 333 to Edgewood Rt 7 in Santa Fe County take a left headed south, drive to Windmill Rd entering Torrance County and take a left headed East, Windmill turns into Martinez Road headed south, while on Martinez drive approximately .375 miles south and take a right headed west on Community Rd, drive approximately .50 miles west on Community Rd and take a left headed south on Turner Ridge Rd, drive approximately .18 miles on Turner Ridge Rd till you come to a post with a number 7 on it (see picture dated 5/1/17), this is one of the drive ways that enters defendant's property. County records do not show this as a valid address for defendant's property.

in the city or county designated above there is now being concealed (set forth name of person or describe property as particularly as possible): The residence is

and that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: (include facts in support of the credibility of any hearsay relied upon; if necessary, continue on reverse side of this form or a separate page or pages):

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: (include facts in support of the credibility of any hearsay relied upon; if necessary, continue on reverse side of this form or on a separate page or pages).

The Affiant is a full-time salaried, commissioned Code Enforcement Officer for Torrance County, New Mexico.

The Affiant has reason to believe that the defendant, Dennis May who was found guilty and convicted of solid waste violations, violations of the County Zoning Ordinance in case M-56-MR-2014-00183 (currently under appeal to the New Mexico Court of Appeals) and still is in violation of the Torrance County Solid Waste Ordinance; is still operating an illegal salvage yard containing more than 5 unregistered vehicles, large amounts of debris and salvage materials and mobile homes which violate the Torrance County Zoning Ordinance. Defendant is also believed to have has at least 4 un-permitted and salvaged mobile homes based on statements made by the defendant in court case number M-56-MR-2014-00183 concerning solid waste violations and

salvage yard violations, he also testified he had brought salvaged mobile homes unto the property to disassemble and scrap but then decided to use for storage instead, affiant was present for this testimony by defendant.

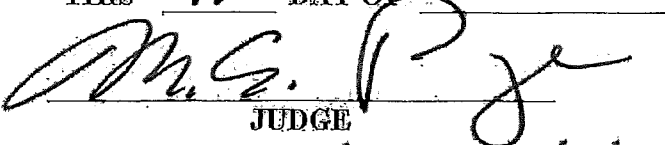
On 6/16/16 I went to the property to do an inspection for the above mentioned case and with the permission of the property owner to determine compliance from court order to clean property, remove vehicles, and remove salvaged mobile homes. I found that most if not all the salvage vehicles were still on the property, along with other salvage materials, salvaged mobile homes and solid waste. See attached pictures dated 6/16/16. Also see attached pictures dated 5/1/17 taken from a county road adjacent to property showing the same vehicles and conditions.

Request to search for:

- VIN's and license plates on all vehicles on the 6 lots named above.
- VIN's and license plates for all salvaged mobile homes on property used as storage.
- Search salvaged mobile homes used as storage to determine if contents are salvage materials in violation of Torrance County Ordinance.
- Document all solid waste on property


SUBSCRIBED AND SWORN TO BEFORE ME IN THE ABOVE NAMED COUNTY OF THE STATE OF NEW MEXICO,

THIS 1st DAY OF June, 2017.



 JUDGE
 Torrance County Magistrate

 TITLE

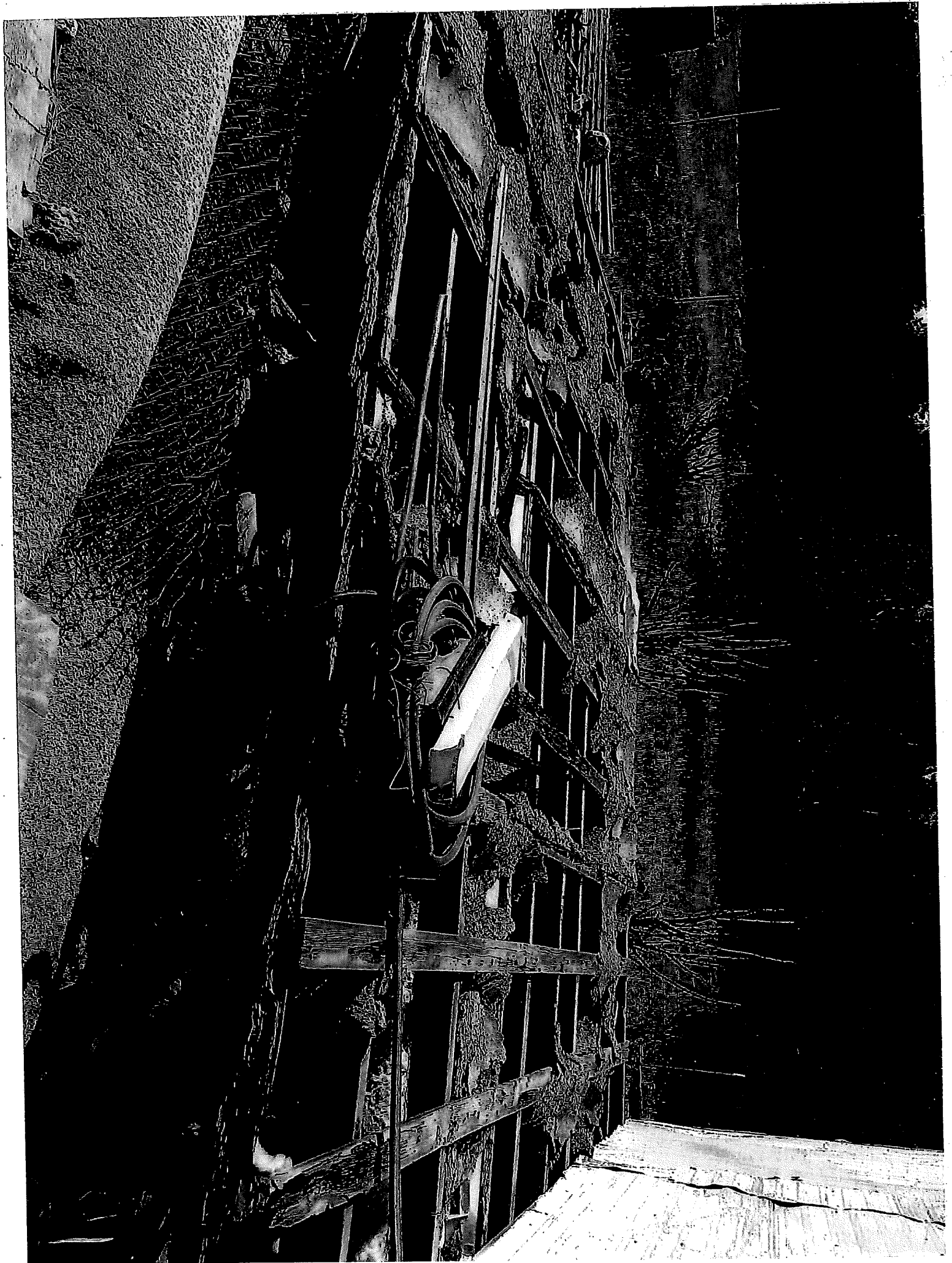


 AFFIANT
 Code Enforcement Officer

 TITLE

6/1/2017 ON _____

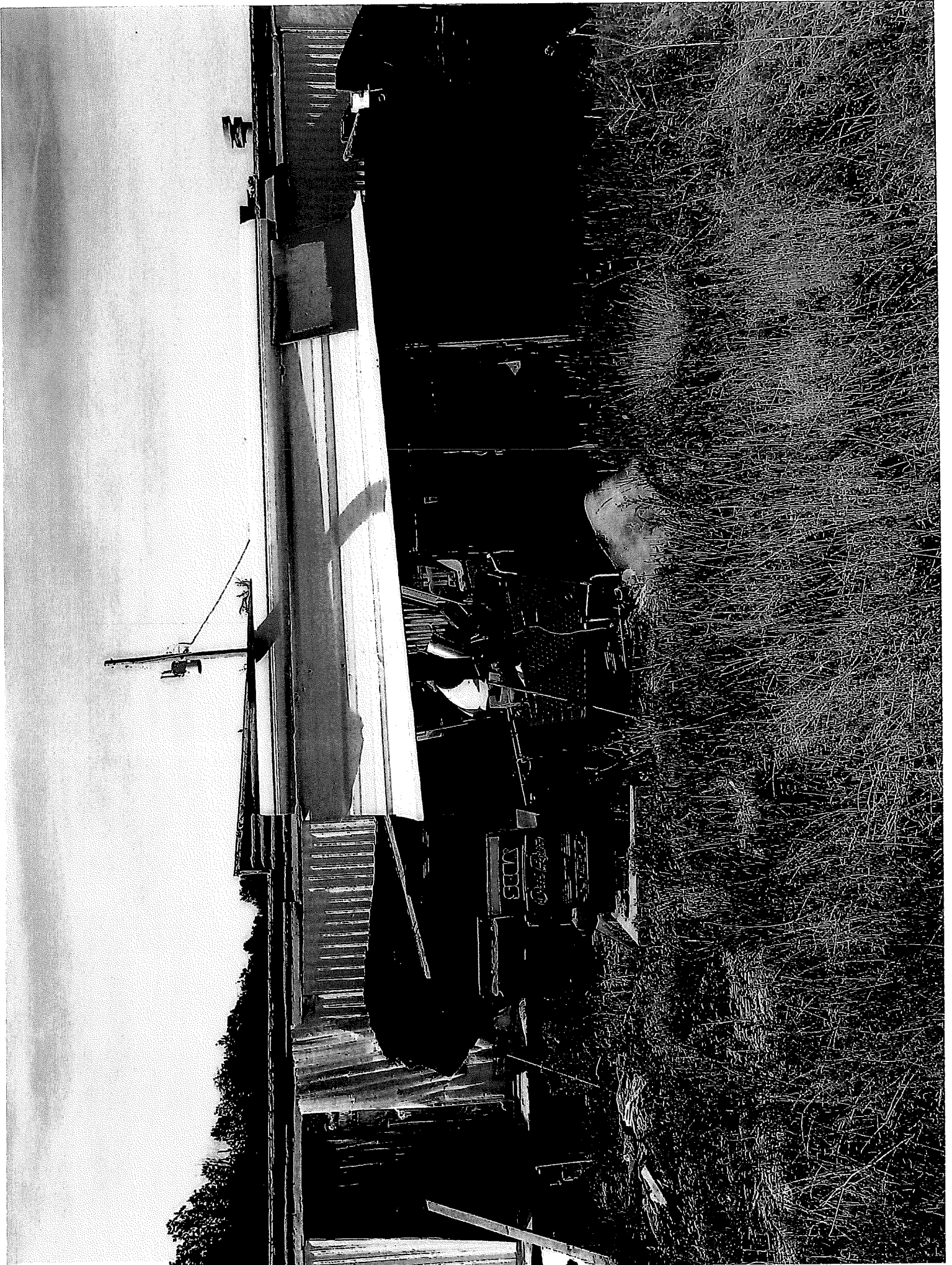








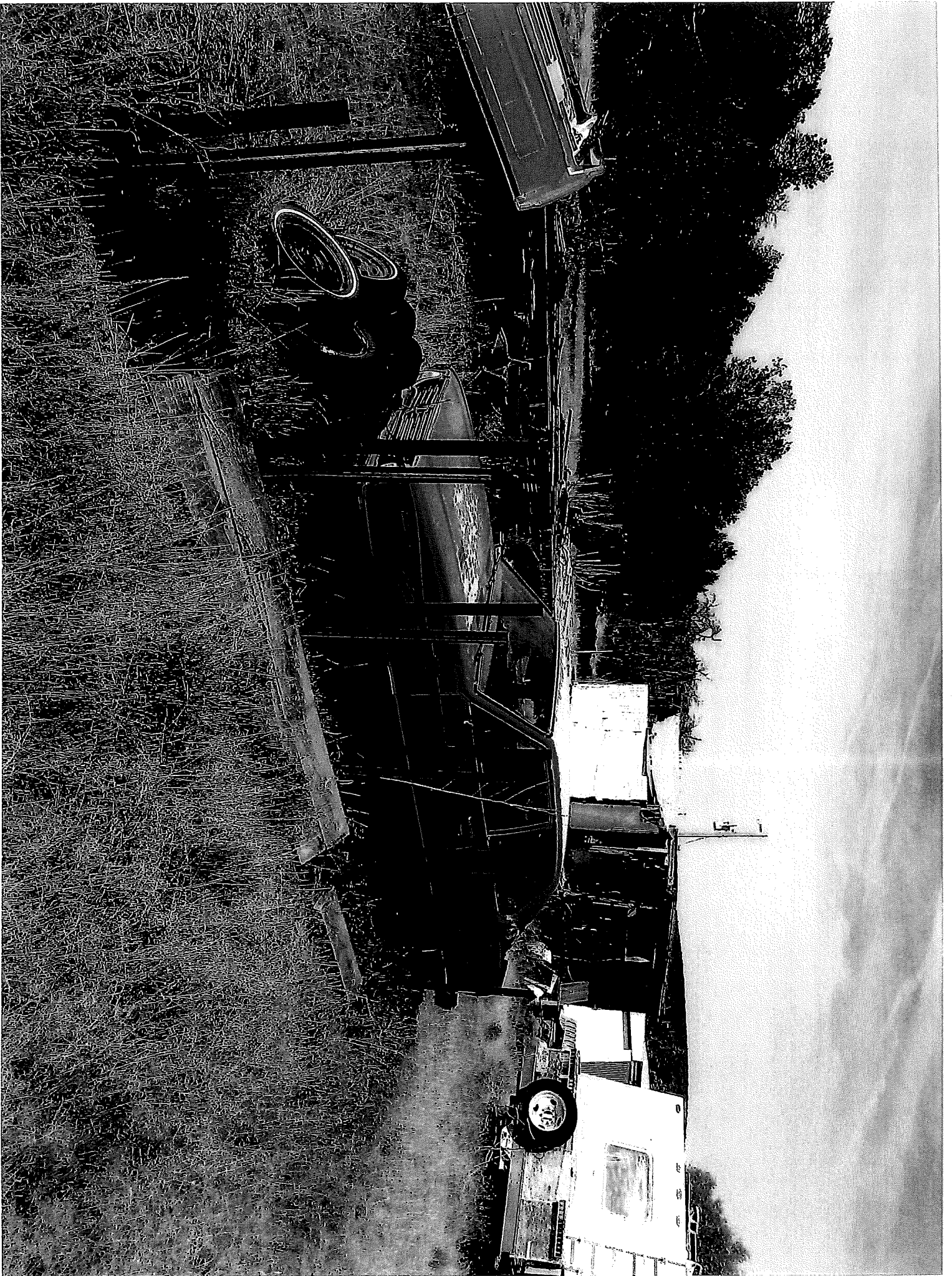


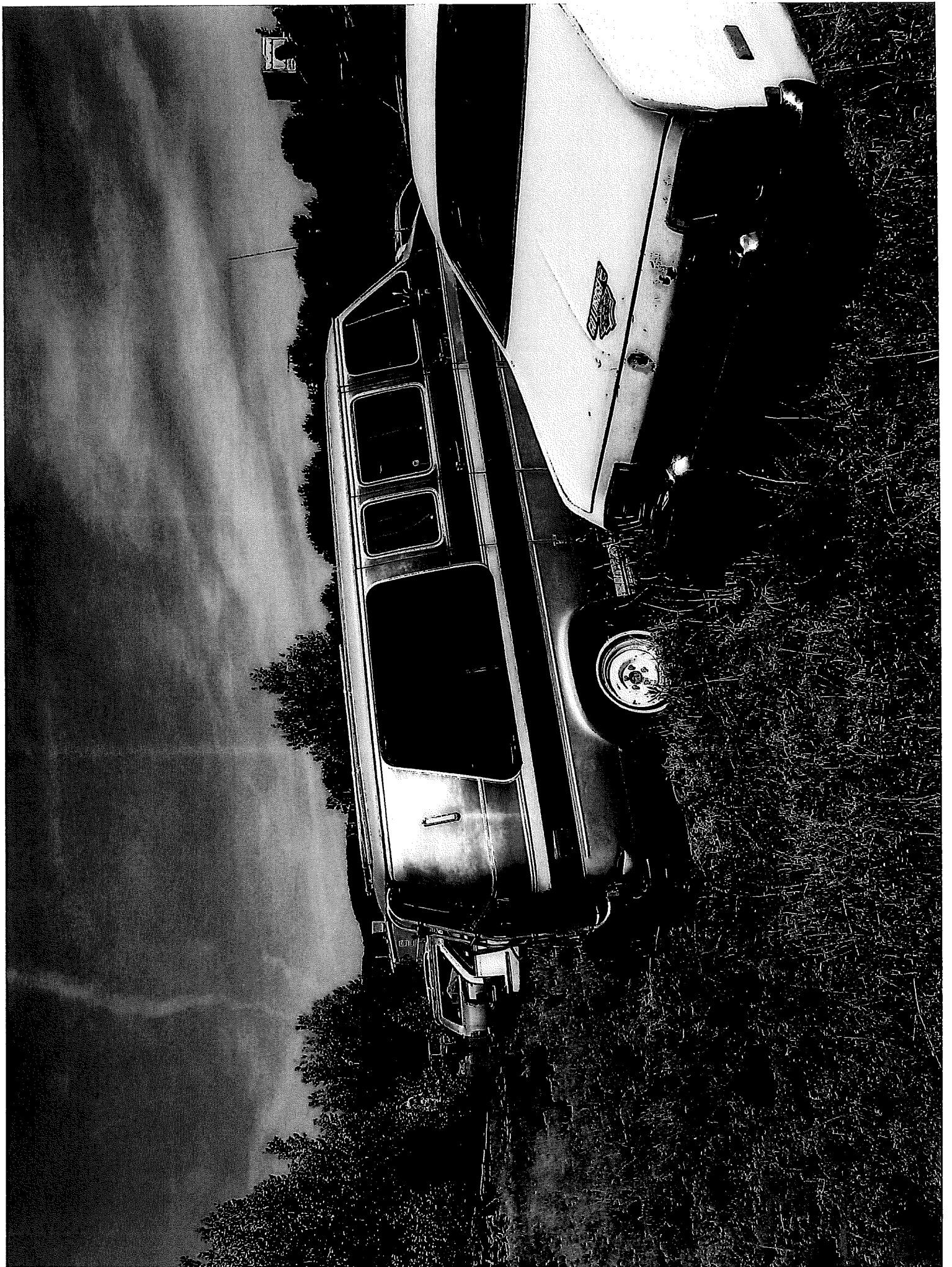




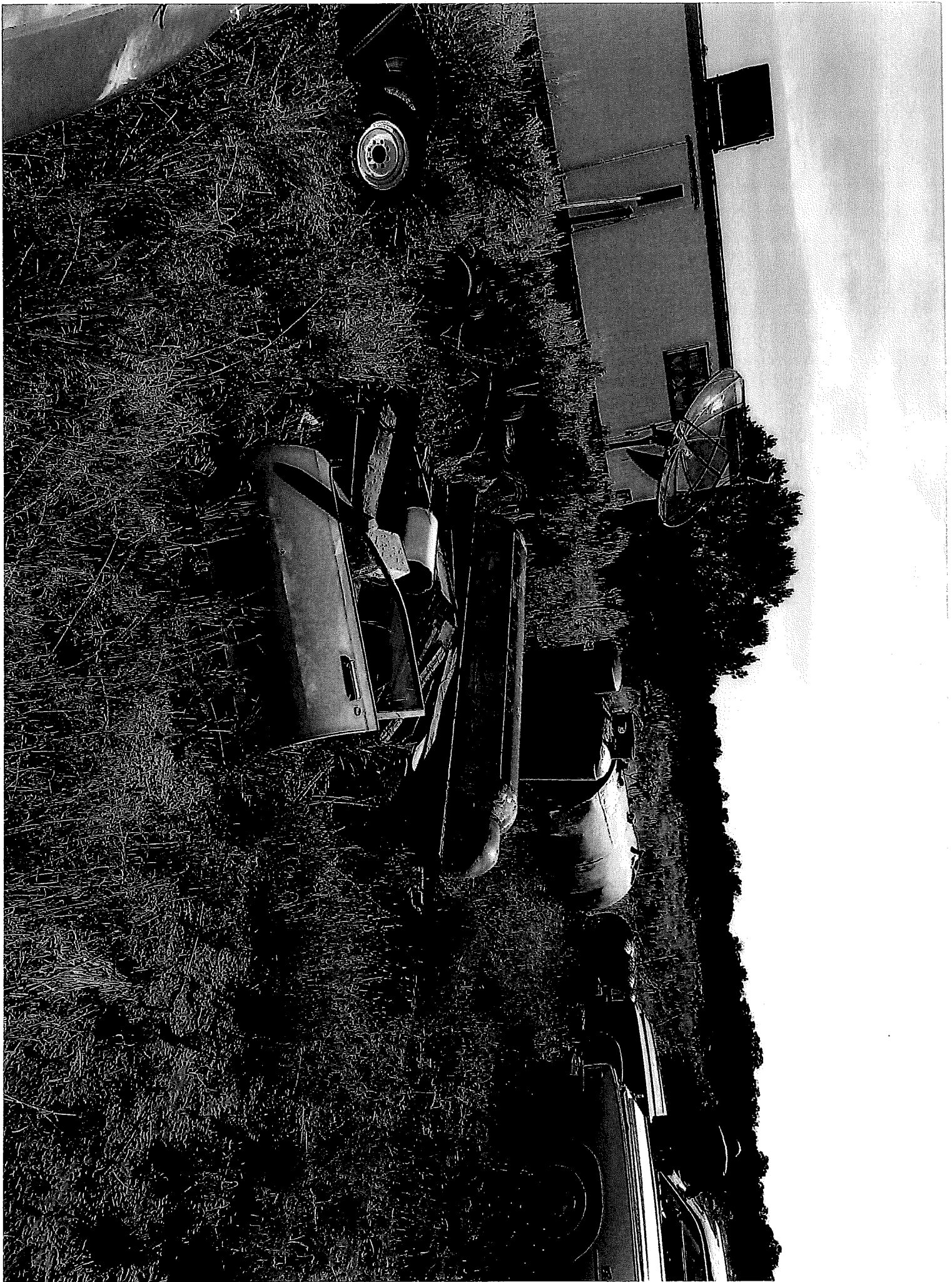












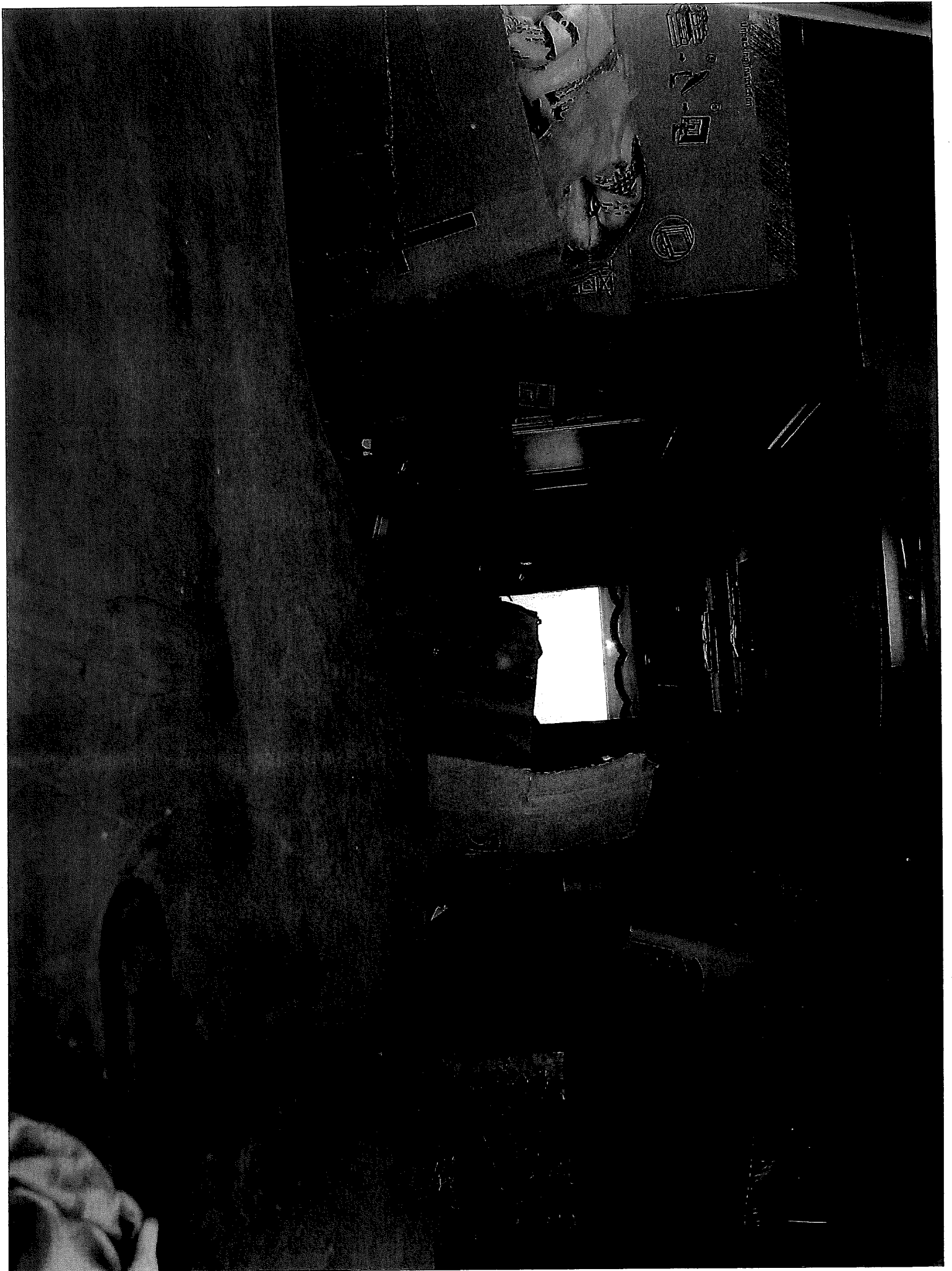


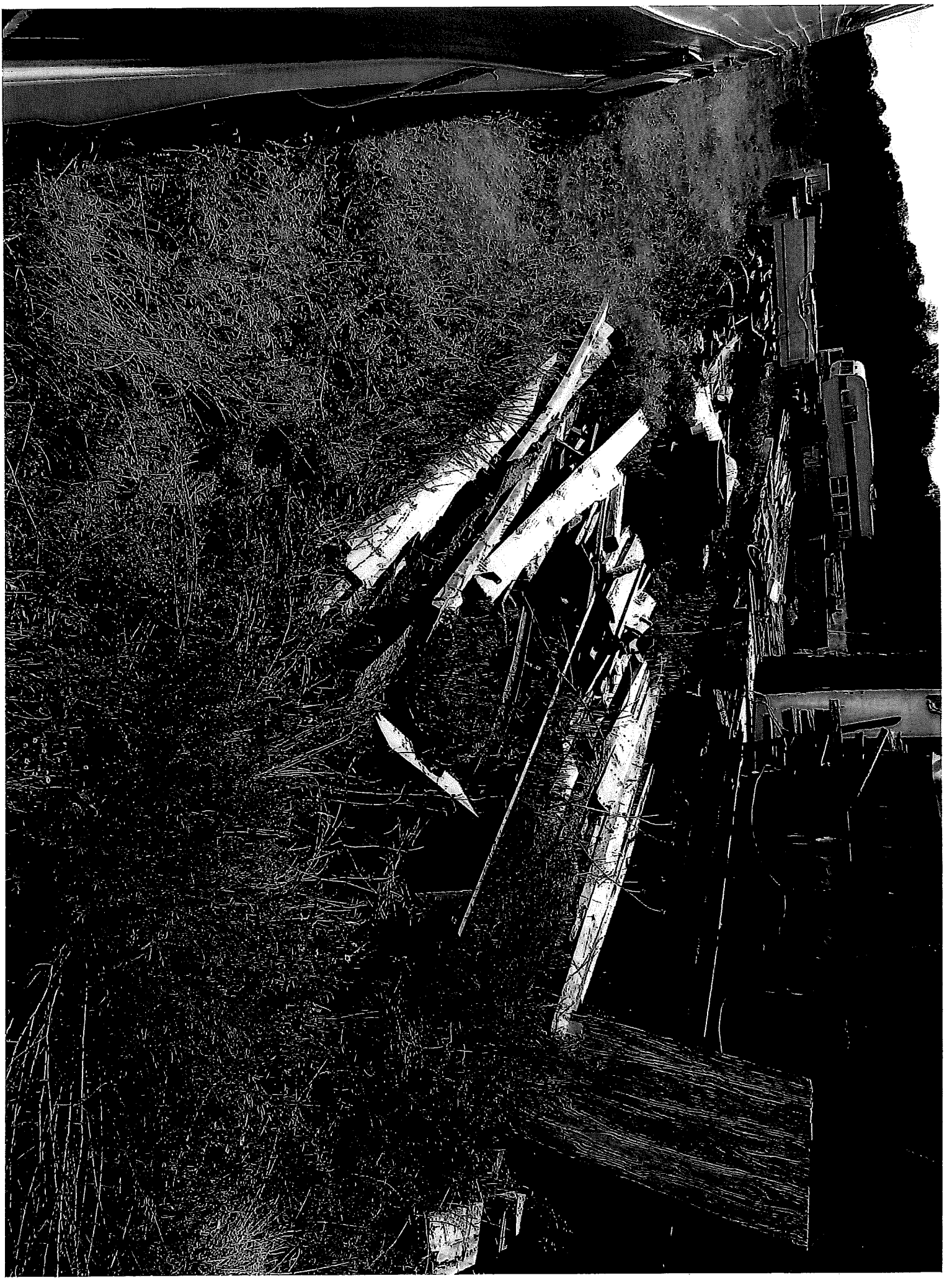
Helping Create
a Better Community
Admille

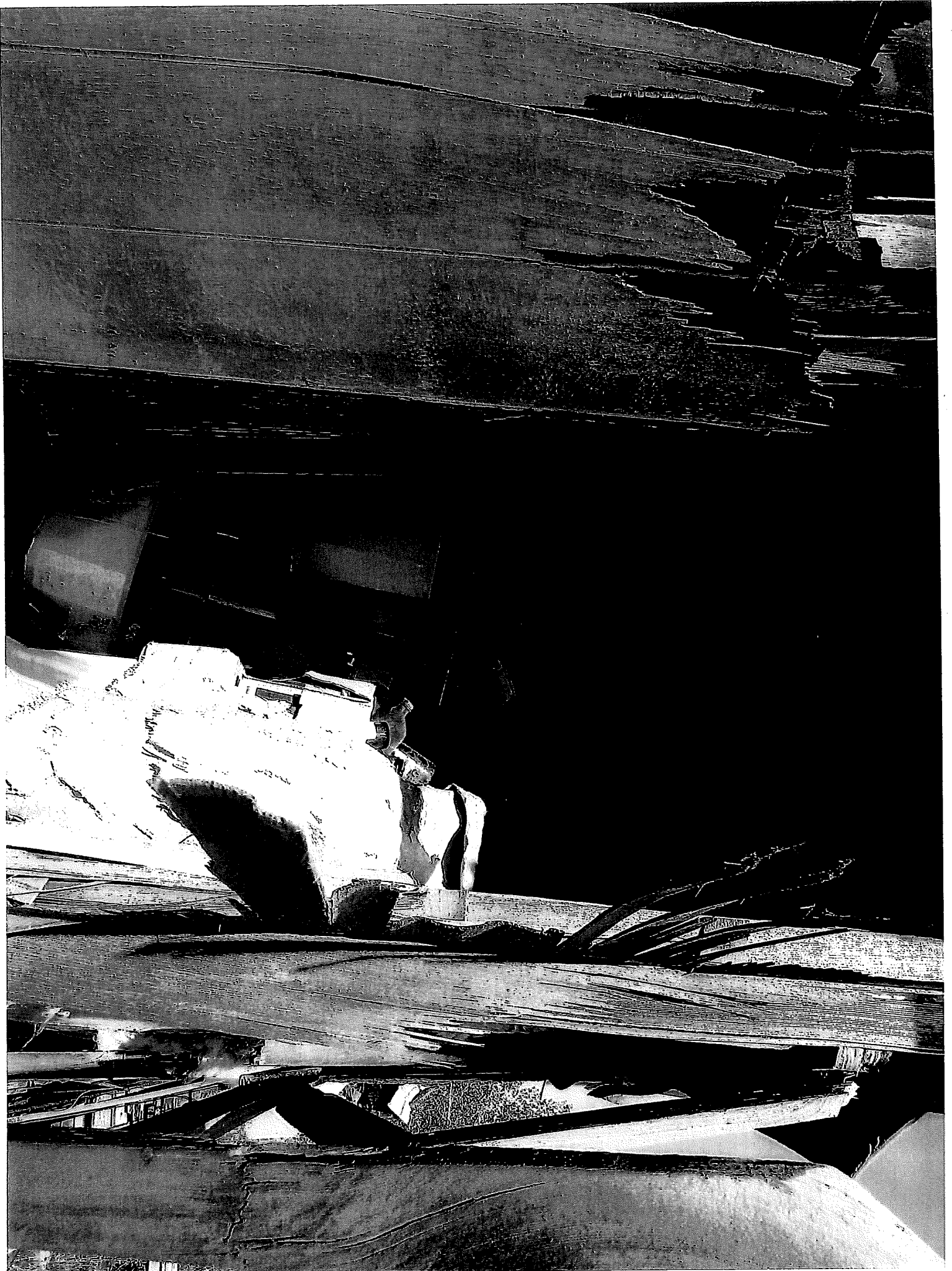
D. Sample & Co.

NORTH
CAROLINA

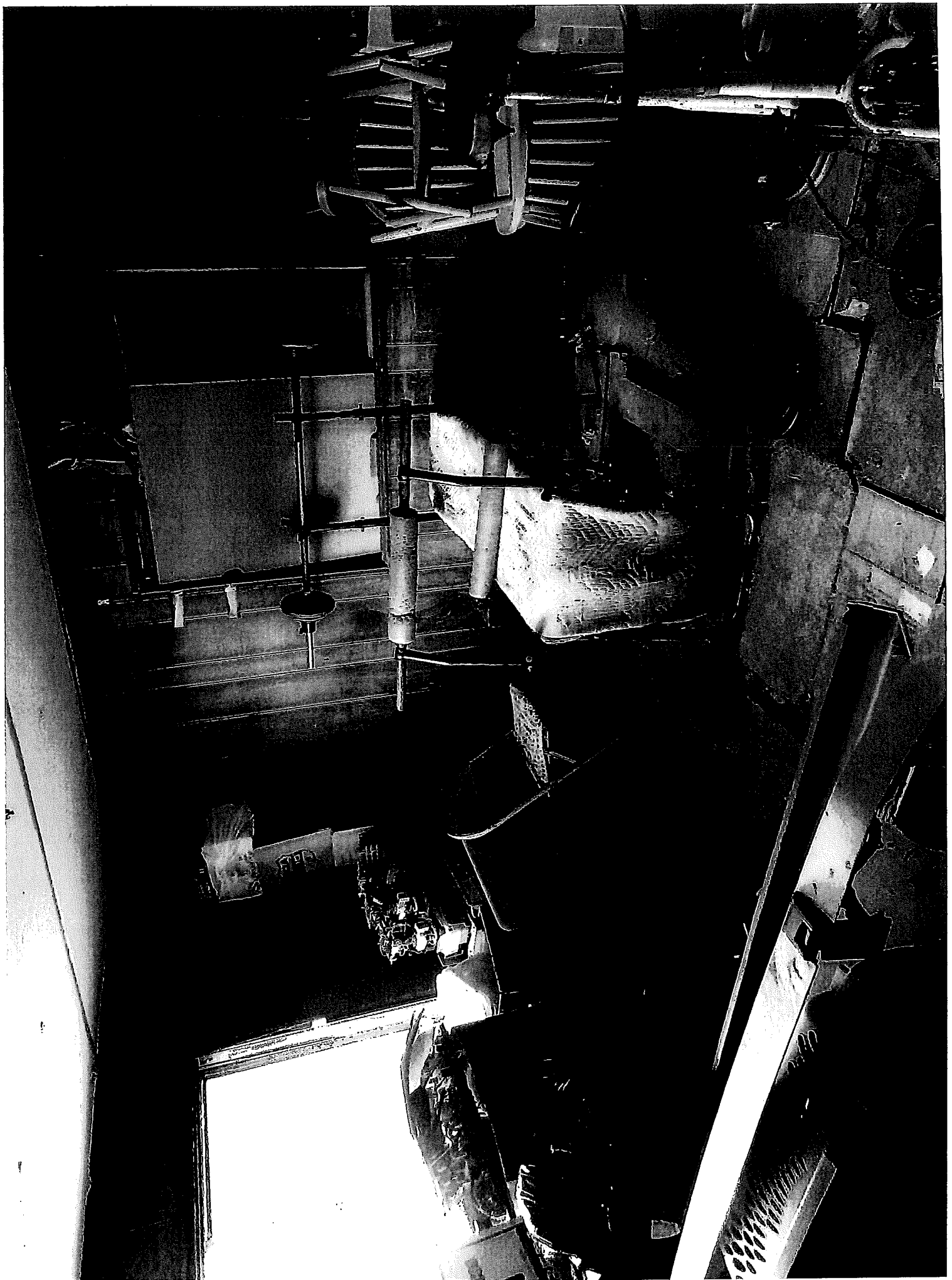
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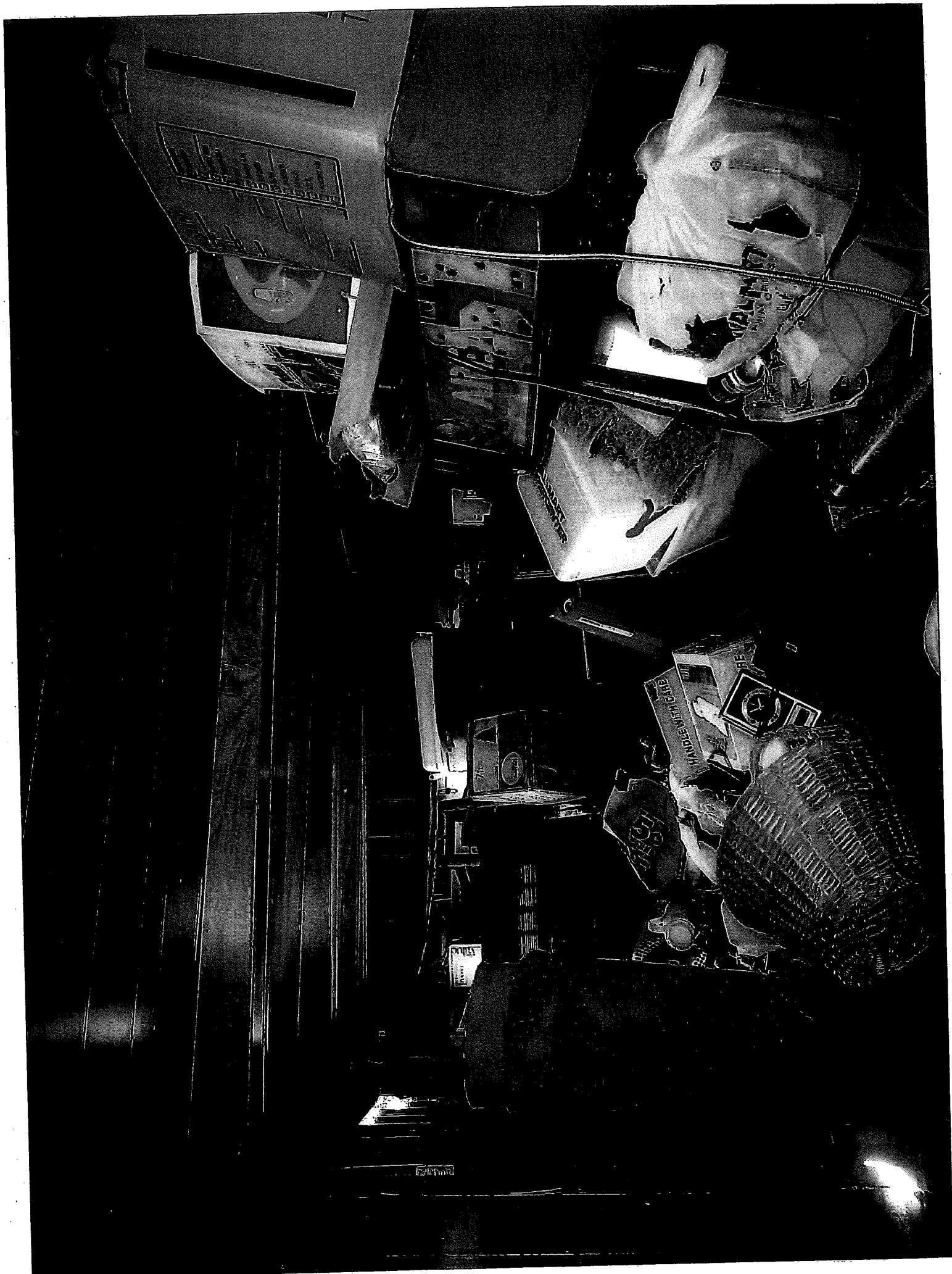




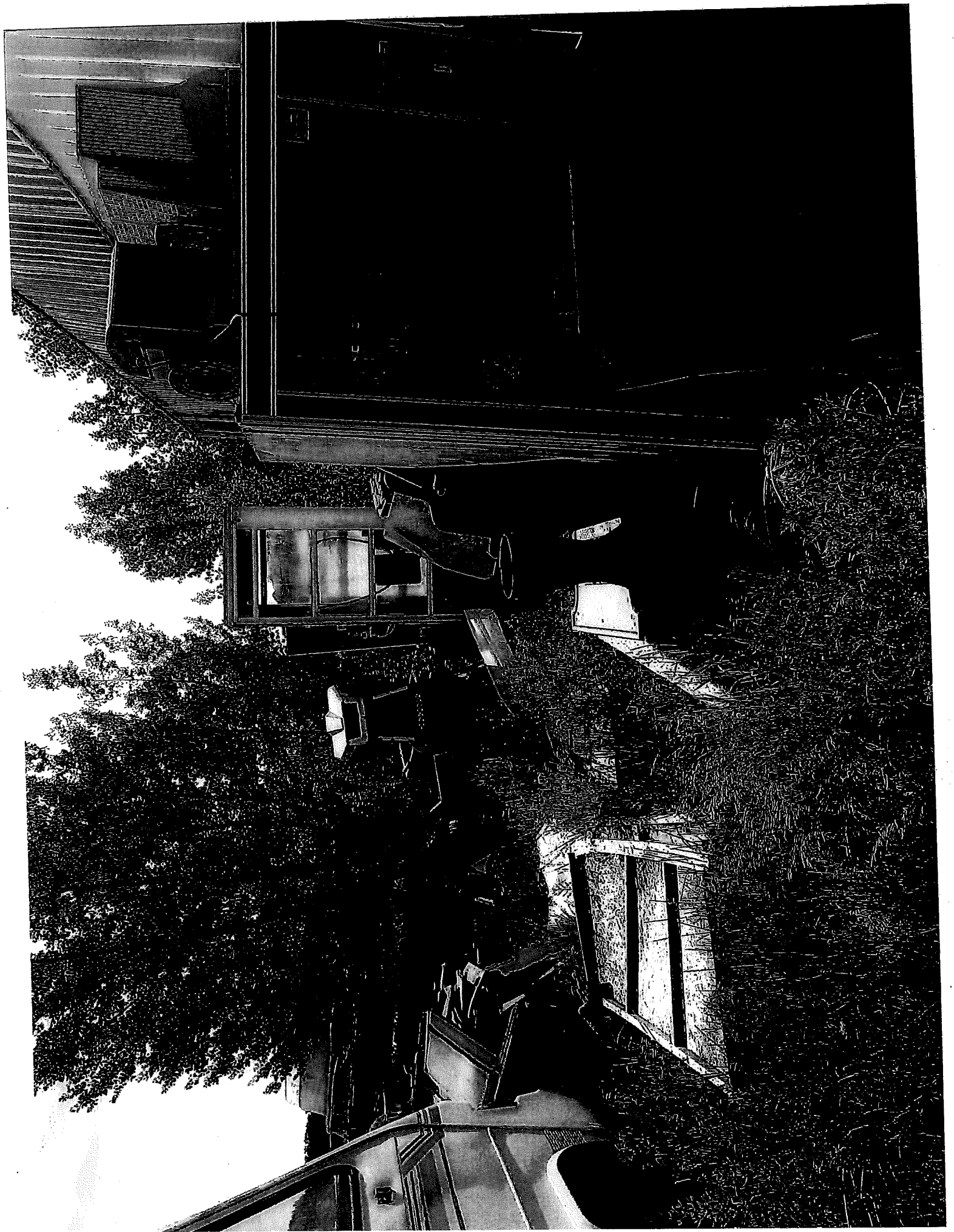




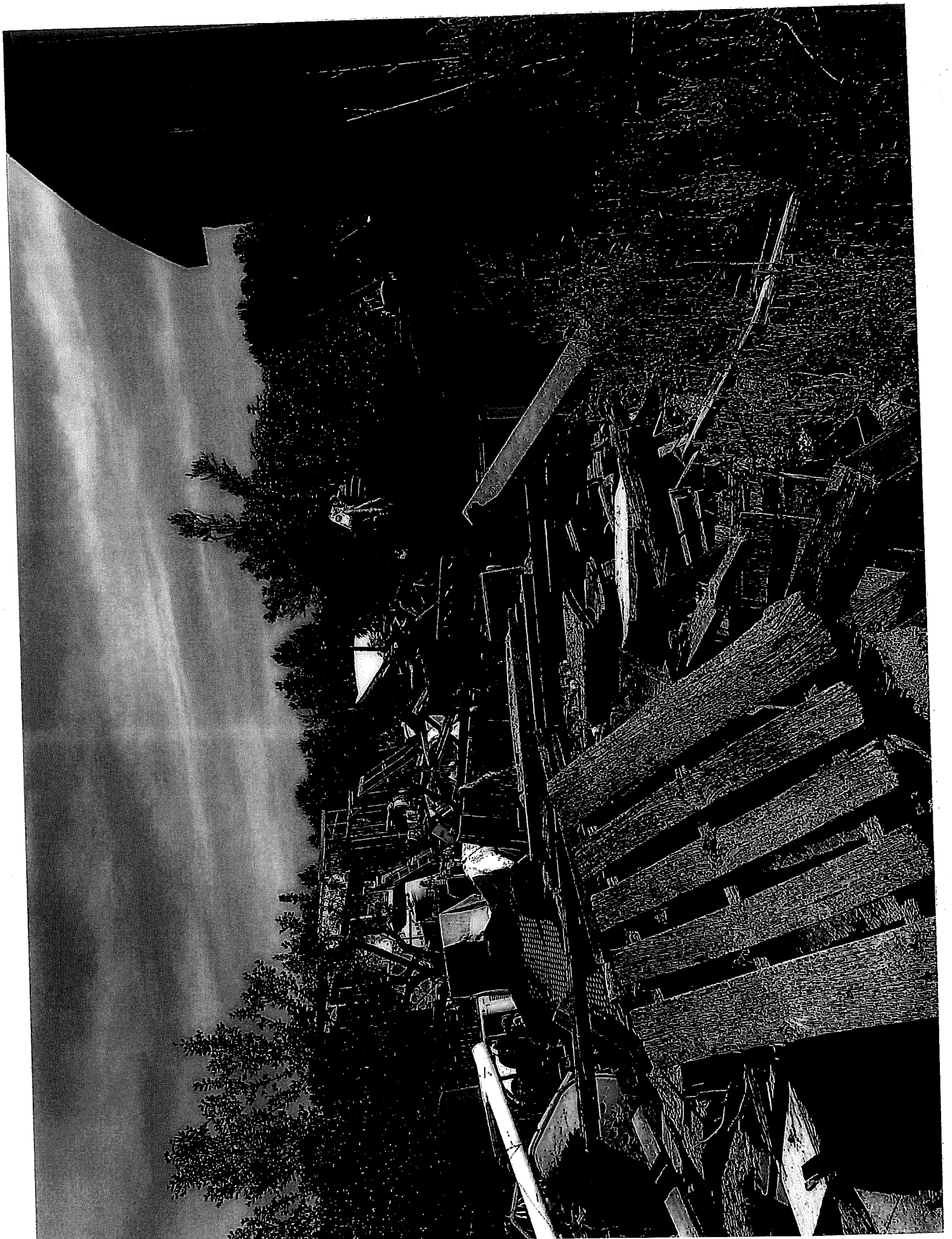






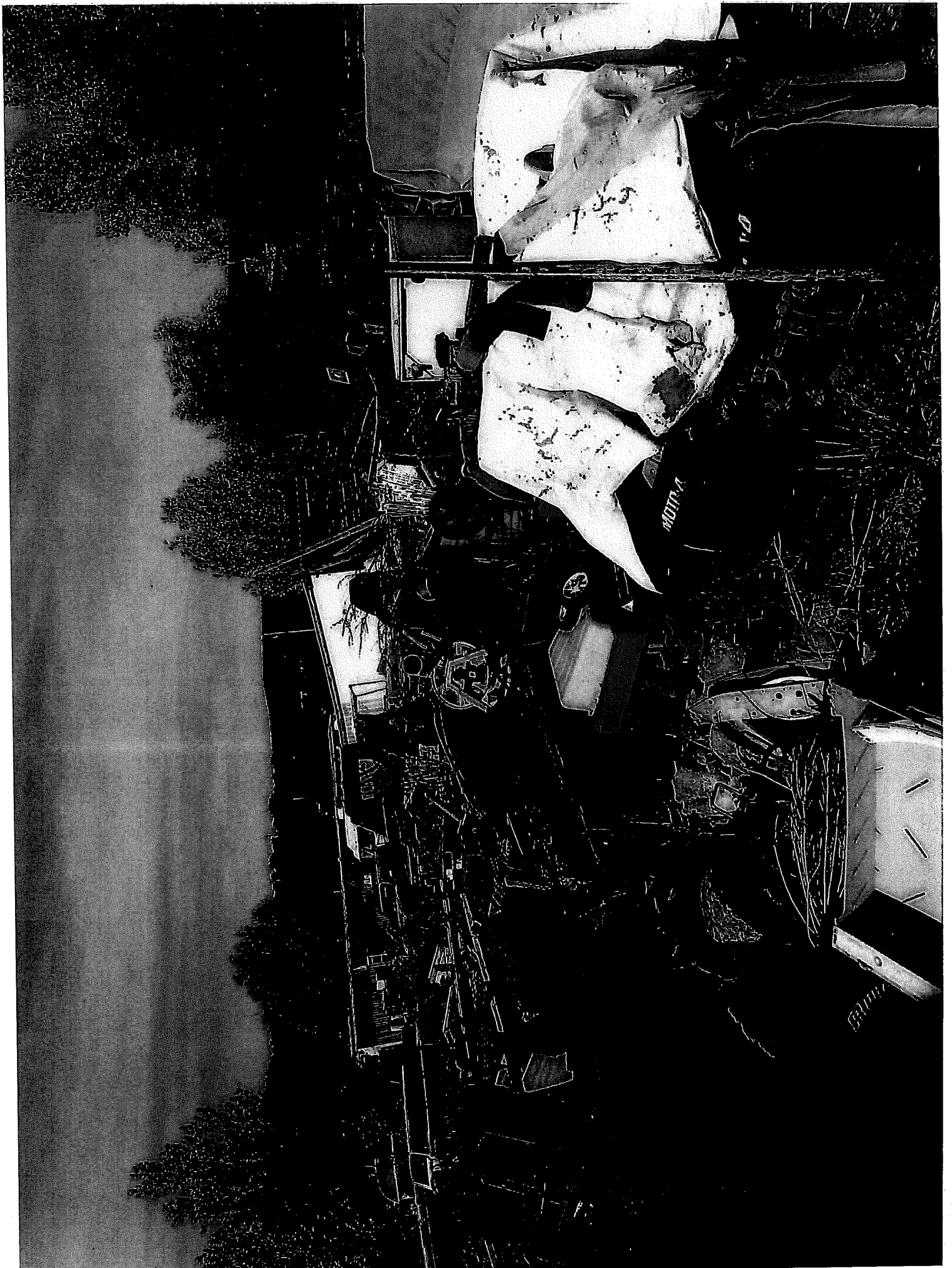












Torrance County
Code Enforcement
Notice of Violation

Date: 7/2/14

Case #: 14-051

To: Dennis & Catherine May
PO 458
Edgewood, NM 87015
Location: 7 Turner Ridge
and lots A,G,,H,N,N,H

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-8-1; violations of 90-3-10-B,C

Type of violations: solid waste violations , public nuisance, violations of PL zoning by having a salvage yard.

Corrective Action Required: remove all junk, debris, dilapidated mobile homes. Apply for a special use district for a salvage yard OR remove unregistered and junk vehicles. Up to 5 unregistered vehicles behind a solid fence on all sides

This will be your **ONLY NOTICE** on this matter. Please take the necessary corrective action on this matter by 8/2/14 solid waste violations . If this compliance date doesn't allow you sufficient time to correct the problem, 9/2/14 zoning violations

please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 246-4760, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of The Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail, additionally, state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance, depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to 1000\$. For public nuisances, state law provides a fine up to \$500 and / or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1) Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and /or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27), a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to 10,000 and /or up to 1 year in prison

Sincerely,



Daniel De Costa
Code Enforcement Officer
P: (505) 246-4760
E-mail: ddecosta@torrancecountynm.org

Certified
mail#: 70112000000261914183

Torrance County
Code Enforcement
Notice of Violation

Date: 11/8/16

Case #: 16-064

To: Dennis & Catherine May
PO 458
Edgewood, NM 87015
Location: 7 Turner Ridge
and lots A,G,,H,N,N,H

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-8-1; violations of 90-3-10-B (see 90-3-11-B)

Type of violations: solid waste violations , public nuisance, violations of PL zoning by having a salvage yard.

Corrective Action Required: remove all junk, debris, dilapidated mobile homes. Apply for a special use district for a salvage yard OR remove unregistered and junk vehicles. Up to 5 unregistered vehicles behind a solid fence on all sides

This will be your ONLY NOTICE on this matter. Please take the necessary corrective action on this matter by See section 90-3- . If this compliance date doesn't allow you sufficient time to correct the problem, 27 every day violation continued after 30 of conviction a new and separate offence

please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 246-4760, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of The Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail, additionally , state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance , depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to 1000\$. For public nuisances, state law provides a fine up to \$500 and / or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1) Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and /or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27) , a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to 10,000 and /or up to 1 year in prison

Sincerely,

Daniel De Costa
Code Enforcement Officer
P: (505) 246-4760

Certified
mail#:70150920000018362783



Torrance County

PO Box 48
205 9th Street
Estancia, NM 87016
(505) 544-4390 Main Line (505) 384-5294 Fax
www.torrancecountynm.org

Dennis & Catherine May

PO 458

Edgewood, NM 87015

11/8/16

Mr. & Mrs. May,

Please be advised that every day that your property is in non-compliance 30 days after a conviction, that each day is considered a separate offence under the Torrance County Zoning Ord 90-3-27 and also under the Solid waste ordinance 94-12-16-C. You were found guilty on 5/28/15 in Magistrate Court Moriarty and that sentence less 1 charge was upheld on 5/4/16 in District Court Estancia .

Dan DeCosta

Code Enforcement Officer

505-544-4392

CC:

Wallin Huss & Associates

03/22/2016 09:32 7th Judicial

MAGISTRATE COURT
TORRANCE COUNTY
(FAX) 505 384 2229
MAR 22 2016
FILED IN MY OFFICE
CLERK OF MAGISTRATE COURT

P.001/003

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT
FILED
Angela Simpson
MAR 22 2016

STATE OF NEW MEXICO,

Time: 10:27
Clerk
THOMAS WILSON

Plaintiff,

NO. D-722-LR-2015-01

vs.

DENNIS J. MAY,

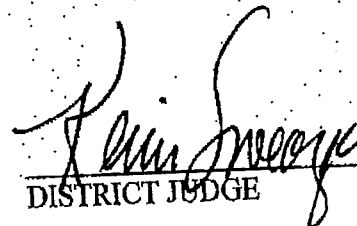
Defendant

Magistrate No. M-56-MR-2014-00183

JUDGMENT

THIS MATTER having come before the Honorable Kevin R. Sweazea for trial on February 15, 2016, and the court having found the defendant guilty of violating Torrance County Ordinance 94-12-5-C (Accumulation of Solid Waste, Litter and/or Debris) and Torrance County Ordinance 90-3-11-C (Rural Residential District Conditional Uses), hereby remands this matter to Magistrate Court to enforce the previously imposed sentence for those charges.

IT IS SO ORDERED.


DISTRICT JUDGE

Submitted:

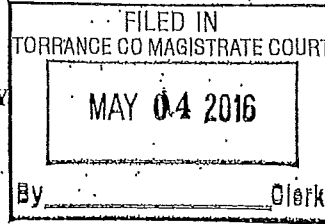
/s/ Brandon Huss
Brandon Huss
Dennis K. Wallin
WALLIN, HUSS & ASSOCIATES, LLC
P.O. Box 696
Moriarty, NM 87035
(505) 832-6363
Torrance County Attorney

Approved as to form:

Electronically approved 3/14/16

Joseph Campbell
3 George Ct., Ste. C2
Edgewood, NM 87015
(505) 286-7800
Attorney for Defendant

STATE OF NEW MEXICO
TORRANCE COUNTY MAGISTRATE COURT IN MORIARTY
State of New Mexico
V.
Dennis J May
DOB: XX/XX/1953 SSN:



No.M-56-MR-2014-00183

AMENDED JUDGMENT & SENTENCE

This case came before the court on May 04, 2016.. The defendant appeared with counsel Joseph E. CampBell.
The State was represented by Officer Dan De Costa Ofc.
Manner of Disposition: Decision on Appeal by Judge.

Count: #1 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty It is adjudged that this charge was dismissed pursuant to appeal.

Count: #2 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #3 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #4 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #5 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #6 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #7 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #8 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #9 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at Torrance County Detention Facility for 90 Day(s); with 90 Day(s) suspended; Consecutive with count(s) 25.
Unsupervised probation for 90 Day(s); Probation totaling 90 Day(s); Fine: \$300.00 Suspended: \$300.00 Total: \$0.00 Fees: \$53.00

Count: #10 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #11 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #12 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge..

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Torrance Magistrate Court
Address: 1100 Route 66, PO Box 2027
Moriarty NM 87035 Phone 505-832-4476 Fax 505-832-1563 web site: www.nmcourts.gov
M-56-MR-2014-00183 Dennis J May

Criminal Form 9-601

Count: #13 : Torr Co 94-12-5-D-Solid Waste, Letter and/or Debris Blowing in County
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #14 : Torr Co 94-12-5-D-Solid Waste, Letter and/or Debris Blowing in County
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #15 : Torr Co 94-12-5-D-Solid Waste, Letter and/or Debris Blowing in County
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #16 : Torr Co 94-12-5-D-Solid Waste, Letter and/or Debris Blowing in County
Defendant Pled: Not Guilty It is adjudged that this charge is dismissed by the prosecutor.

Count: #17 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #18 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #19 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #20 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #21 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #22 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #23 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #24 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #25 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses
Defendant Pled: Not Guilty It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at Torrance County Detention Facility for 90 Day(s); with 90 Day(s) suspended; Consecutive with count(s) 9.
Unsupervised probation for 90 Day(s); Probation totaling 90 Day(s); Fine: \$300.00 Suspended: \$300.00 Total: \$0.00 Fees: \$53.00

Count: #26 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #27 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Count: #28 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses
Defendant Pled: Not Guilty It is adjudged that the charge is dismissed by the judge.

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Torrance Magistrate Court
Address: 1100 Route 66, PO Box 2027
Moriarty NM 87035 Phone 505-832-4476 Fax 505-832-1563 web site: www.nmcourts.gov
M-56-MR-2014-00183 Dennis J May

ver:10/8/14

Probation Conditions:

Defendant shall submit to random urinalysis tests.
Defendant shall advise the Court in writing of any change of address.
Defendant shall obey all federal, state, and local laws, and any civil restraining orders in effect.
Defendant shall not consume alcoholic beverages or enter any liquor establishments.
Defendant shall not have any contact with the victim or a witness in this case.
Defendant shall not use or possess any controlled substance and/or any drug paraphernalia.
Not to leave the State of New Mexico without permission of the court.
Defendant shall permit Torrance County officer to inspect property with notice to Defendant.
Defendant shall remove all but 5 non-registered, non-insured vehicles within 45 days.
Defendant shall remove all trash, debris and dilapidated buildings within 120 days.
A status hearing will be set June 21, 2016 at 9:00 AM at the Moriarty Magistrate Court.

Total Probation Unsupervised: 180 Day(s)

Total Fine Sentenced: \$0.00

Total Fees Sentenced: \$126.00

Itemized Fees: \$60.00 Corrections Fee; \$30.00 Court Automation Fee; \$30.00 Court Facilities Fee; \$15.00 Domestic Violence Treatment Fee; \$15.00 Jury and Witness Fees; \$9.00 Judicial Education Fee; \$20.00 Criminal Court Costs

Bench Warrant Fees Due as of 05/04/2016: \$0.00 (in addition to fines and fees.)

Total Due as of 05/04/2016: \$126.00 To be Paid in Full Within 30 days or Per Signed Payment Plan Filed With the Court. This court does not accept checks for payment. See Payment Plan for accepted payment options.

IF YOU PLED NOT GUILTY AND WERE FOUND GUILTY AT TRIAL, YOU MAY APPEAL TO THE DISTRICT COURT BY FILING A NOTICE OF APPEAL WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ENTRY OF THIS JUDGMENT.

Appeal Bond: \$0.00

M.S. Page
Matthew S. Page, Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 5/4/16 to :

Dennis J May

Dan De Costa Ofc

Joseph E. CampBell

P.O. Box 458
Edgewood, NM 87015
Torrance County Planning and Zoning P.O. Box 48
Estancia, NM 87016
3 George Court Ste C-2
Edgewood, NM 87015

[Signature]
Clerk

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Torrance Magistrate Court

Address: 1100 Route 66, PO Box 2027

Moriarty NM 87035

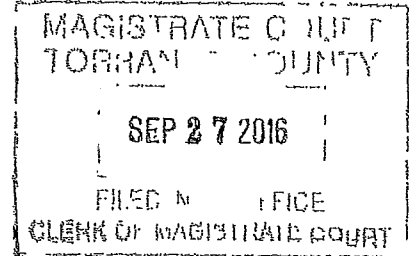
Phone 505-832-4476 Fax 505-832-1563 web site: www.nmcourts.gov
M-56-MR-2014-00183 Dennis J May

ver:10/8/14

STATE OF NEW MEXICO
TORRANCE COUNTY MAGISTRATE COURT IN MORIARTY
State of New Mexico

V.
Dennis J May
DOB: XX/XX/1953 SSN:

No.M-56-MR-2014-00183



AMENDED
JUDGMENT & SENTENCE
ON PROBATION VIOLATION

This case came before the court on September 27, 2016. The defendant has filed Waiver of Counsel.
The State was represented by Officer Dan De Costa.
Manner of Disposition: Probation Violation Hearing

Count: #1 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty
It is adjudged that this charge was dismissed pursuant to appeal.

Count: #2 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #3 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #4 : Torr Co 94-12-5-A-Accumulation of Solid Waste Within 200 Feet of Premises
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #5 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #6 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #7 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #8 : Torr Co 94-12-5-B-Illegal Dumping of Solid Waste
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #9 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty
It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at Torrance County Detention Facility for 90 Day(s); with 90 Day(s) suspended;
Fine: \$300.00 Suspended: \$0.00 Total: \$300.00

Distribution: 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Torrance Magistrate Court
Address: 1100 Route 66, PO Box 2027
Moriarty NM 87035

Phone 505-832-4476 Fax 505-832-1563 web site: www.nmcourts.gov
M-56-MR-2014-00183 Dennis J May

Criminal Form 9-601

ver10/8/14

Count: #10 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #11 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #12 : Torr Co 94-12-5-C-Accumulation of Solid Waste, Litter and/or Debris
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #13 : Torr Co 94-12-5-D-Solid Waste, Litter and/or Debris Blowing in County
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #14 : Torr Co 94-12-5-D-Solid Waste, Litter and/or Debris Blowing in County
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #15 : Torr Co 94-12-5-D-Solid Waste, Litter and/or Debris Blowing in County
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #16 : Torr Co 94-12-5-D-Solid Waste, Litter and/or Debris Blowing in County
Defendant Pled: Not Guilty
It is adjudged that this charge is dismissed by the prosecutor.

Count: #17 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #18 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #19 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #20 : Torr Co 94-12-5-E-Solid Waste, Litter and/or Debris Public Nuisance
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #21 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #22 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty
It is adjudged that the charge is dismissed by the judge.

Count: #23 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses
Defendant Pled: Not Guilty

Distribution: 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Torrance Magistrate Court

Address: 1100 Route 66, PO Box 2027

Moriarty, NM 87035

Phone 505-832-4476 Fax 505-832-1563 web site: www.nmcourts.gov
M-56-MR-2014-00183 Dennis J May

ver 10/2014

It is adjudged that the charge is dismissed by the judge.

Count: #24 : Torr Co 90-3-11-B-Rural Residential District Permissive Uses

Defendant Pled: Not Guilty

It is adjudged that the charge is dismissed by the judge.

Count: #25 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses

Defendant Pled: Not Guilty

It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at Torrance County Detention Facility for 90 Day(s); with 54 Day(s) suspended; leaving 1 Month(s) 6 Day(s) to serve.

Consecutive with count(s) 9.

Fine: \$300.00 Suspended: \$0.00 Total: \$300.00

Count: #26 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses

Defendant Pled: Not Guilty

It is adjudged that the charge is dismissed by the judge.

Count: #27 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses

Defendant Pled: Not Guilty

It is adjudged that the charge is dismissed by the judge.

Count: #28 : Torr Co 90-3-11-C-Rural Residential District Conditional Uses

Defendant Pled: Not Guilty

It is adjudged that the charge is dismissed by the judge.

Total Confinement Term: 0 Year(s) 1 Month(s) 6 Day(s) 0 Hours

Defendant is ordered to appear for Confinement on : Defendant must turn himself in by 10/07/2016

Total Fine Sentenced: \$600.00

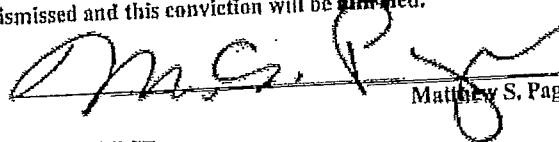
Bench Warrant Fees Due as of 09/27/2016: \$.00 (in addition to fines and fees.)

Total Due as of 09/27/2016: \$600.00 To be Paid in Full Within 30 days or Per Signed Payment Plan Filed With the Court. Personal/business checks will not be accepted for payment.

APPEAL

Defendant is hereby advised that this Order and Amended Sentence may be appealed to the District Court by filing a notice of appeal in the District Court within fifteen (15) days from the date of entry of this Judgment and Sentence. In accordance with Supreme Court Rule 6-802, "the only issue the District Court will address on appeal will be the propriety of the revocation of probation. The district Court shall not modify the sentence of the Magistrate Court." Defendant is further advised that if Defendant appeals, Defendant must obtain a hearing date before the District Court within six (6) months of the date of the filing of the Notice of Appeal. If Defendant's case is not heard by the District Court within six (6) months Defendant's appeal will be dismissed and this conviction will be affirmed.

Appeal Bond: \$.00

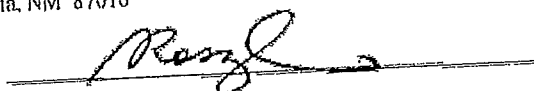

Matthew S. Page, Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on _____ September 27, 2016 _____ to :
Dennis J May
P.O. Box 458
Edgewood, NM 87015

Dan De Costa Ofc

Torrance County Planning and Zoning P.O. Box 48
Estancia, NM 87016


Clerk

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Torrance Magistrate Court
Address, 1100 Route 66, PO Box 2027
Moriarty NM 87035

Phone 505-832-4476 Fax 505-832-1563 web site www.nmcourts.gov
M-56-MR-2014-00183 Dennis J May

ver 10/04/14



Torrance County Commission

Regular Meeting to be Held at:
Administrative Offices of Torrance County
Commission Chambers
205 9th Street
Estancia, NM 87016

AGENDA

September 28th, 2016
9:00 A.M.

Please Silence All Electronic Devices

Call Meeting to Order
Pledge of Allegiance
Invocation

Approval of Minutes: September 14th, 2016 Regular Meeting

Approval of Meeting Agenda

Approval of Consent Agenda:

1. Approval of Warrants

2. Approval of Indigent Claims

ACTION ITEMS*: ITEMS TO BE CONSIDERED AND ACTED UPON

*Department Requests/Reports:

1. Updates: a. Various County Departments b. Other Boards or Land Grants (upon request) c. Forest Service (upon request) d. Commission
2. Lease Contract between Torrance County and Ricoh – Linda Jaramillo, Clerk
3. Request Approval of Juvenile Adjudication Fund Grant Agreement Project No. 17-J-31 – Tracey Master, DWI Prevention Coordinator
4. Request Out-of-State Travel to Attend EForce Conference in Utah – Ben Daugherty, Dispatch Supervisor & Stephanie Dunlap, Sheriff Administrator
5. Ratify Out-of-State Travel of Sheriff White to Quantico, VA to Attend Narcotics Training – Stephanie Dunlap, Sheriff Administrator
6. Request Payment of Invoice for Purchase(s) Made without Following Procurement Procedures:
 - a. Veterinary Diagnostic Services – Danette Mead, TC Animal Shelter Supervisor
 - b. Items Purchased- Hanna Sanchez, Fire Administrative Assistant
 - c. Invoice amount exceeds Purchase Order Threshold – Cheryl Hamm, District 2 VFD
7. Resolution 2016-41 FY2015/16 Extension CAP Including Letter – Leonard Lujan, Road Superintendent
8. Resolution 2016-42 FY2015/16 Extension SB Including Letter – Leonard Lujan, Road Superintendent
9. Resolution 2016-43 FY2015/16 Extension SP Including Letter – Leonard Lujan, Road Superintendent
10. Request Additional Monies for the Home Visiting Program – Berta Espinosa-Moore, TCPO Home Visiting
11. CRI Memorandum of Understanding – Javier Sanchez, Emergency Manager
12. Ratify Sub-Grant No FEMA-4152-DR-NM-03-V2 – Javier Sanchez, Emergency Manager

*Commission Matters:

13. Request Maintenance on Vigil Lane – Earl Nieto, Resident
14. Approval of FY17 Partnership for a Healthy Torrance Community Membership – Billie Clark, Partnership for a Healthy Torrance Community
15. Violation of Certificate of Non-Conformance by Zoning Officer and subsequent Court action resulting in false charges and conviction. Request that the Commission review the ordinances and the officer's actions and remedy the situation if possible. –Dennis J May, JMD Enterprises
16. Memorandum for Water Planning Amendment #8
17. PMS Insurance Contract Rates for 2017
18. Amendment 1 to Service Agreement with PMS for Senior Vehicles
19. Amendment 1 to Service Agreement with PMS for Senior Centers

*County Manager Requests/Reports:

20. Update

Public Requests:

At the Discretion of the Commission Chair. For Information Only (No Action Can Be Taken). Comments are limited to three (3) minutes per person on any subject.

*Adjourn

Final Copy
Torrance County Board of Commissioners
Commission Meeting
September 28, 2016

Commissioners Present: **LeRoy Candelaria -Chair**
 Julia DuCharme-Member
 James Frost-Member

Others Present: **Joy Ansley-County Manager**
 Annette Ortiz- Deputy County Manager
 Dennis Wallin- County Attorney
 Michelle Jones –Admin. Assist. III

Call Meeting to Order:

Chairman Candelaria calls the meeting to order at 9:00 am; he welcomes all those present to the meeting and leads us in the pledge. Charmer Padilla, from the Torrance County Project Office Home Visiting Program, gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the September 14, 2016 Regular Commission Meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the September 14, 2016 Regular Meeting Minutes. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria states that today's agenda item #15 will be heard first. He asks for a motion to approve today's Meeting Agenda with this change. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve today's Commission Meeting Agenda. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks about invoice #6091916 in the amount of \$22,997.28 to Moriarty Concrete Products for 1300 chips for SB project to chip seal Melody Ranch. Ms. Trish Chavez from the Road Department confirms this that this is a state project. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Indigent Claims:

Chairman Candelaria asks for a motion to approve the Indigent Claims, which currently total \$3,745.04 and are for inmate medical expenses. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Indigent Claims. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

***Department Requests/Reports:**

15. Violation of Certificate of Non-Conformance by Zoning Officer and subsequent Court action resulting in false charges and conviction. Request that the Commission review the ordinances and the officer's actions and remedy the situation if possible- Dennis J. May, JMD Enterprises Mr. Wallin, County Attorney, speaks. He advises the Commission that this matter has been in criminal court and is a court related matter. He advises the Commission to be cautious about their commentary and states that they may have to go into closed session to fully discuss this matter. Mr. Wallin also states that he has advised the P&Z employees and the Code Enforcement Officer not to make any comments about this matter today because it is a litigation matter.

The Commission has been provided with documentation concerning the recent judgement and sentence involving Mr. May.

Madam Commissioner DuCharme asks Mr. Wallin what kind of authority the Commission has in this matter. Mr. Wallin replies that, in this specific case, the Commission has no authority to do anything. The Commission can amend County ordinances if they feel the need to do so. Mr. Wallin states that this was a criminal matter based on our solid waste ordinance and that we, (the County), have been dealing with Mr. May for years. He states that this matter went up from Magistrate Court to District Court on appeal. The District Court Judge visited the site. There was a trial and the District Court Judge affirmed in part and reversed in part some of the decisions and sent the case back to Magistrate Court to enter the judgement, which is what the Commission has before them today.

Mr. Dennis May comes before the Commission to make a brief comment about this matter. He states that this (matter) has been going on for several years. He received a citation in 2005 and he erected a privacy fence per the direction of the then Zoning Officer, Mr. Ledbetter. He received another citation in 2008 and again in 2014. He states that he presented Mr. Ledbetter with his certificate of non-conformance that the County has issued him in 1990 when the solid waste ordinance was originally passed. A section of that ordinance states that if a use of land or business currently exists, then it is grandfathered and it is considered immune to amendments. Mr. May states that he tried to bring this up to Mr. DeCosta in a letter. He states that when he presented his certificate of non-conformance to Mr. Ledbetter, the matter was dropped.

He states that several additions have been made to ordinance 90-3. In 1994, the County amended it to include salvage yard. It was amended again in 2001 adding salvage vehicles. At that time, Mr. May states that he was still running his business and had 5 licensed drivers, all with vehicles. He had two service trucks, two service cars, and his collection of vehicles under motor vehicle code 66-11, which allowed him to collect vehicles that he might be restoring or driving.

He states that his property resides on land designated as 'PL' Preplatted Lands District and that 'PL' districts don't comply with current zoning or environmental regulations. He states that the lots are too small; they're jammed together, and that is where he resides and where he has his certificate of non-conformance. He states that when he got to court, he was charged under 'RR' Rural Residential zoning. He states that this is large lot agricultural, and that this portion went all the way through the court process. He states that he explained to both judges that he does

not live in a Rural Residential area; he resides in a 'PL' district and has a certificate of non-conformance to operate in those Preplatted lands and that his certificate states that he is allowed to store services company equipment.

Mr. May states that at this point he does not know what else to do except to come before the Commission and ask for a letter, or something that he can give the court, to say that yes he is in Preplatted lands, he has a certificate, and he is in compliance with the ordinance. He states that he can't convince the court and that he has been told that he is already at the sentencing portion of his trial. He states that he has come before the Commission today to present this information for the Commission to consider and answer any questions they may have and see if there is anything the Commission can do to protect his certificate of non-conformance, protect his property, and his business equipment before zoning comes in with bulldozers and hauls it all out. He states that he is facing jail time and huge fines.

At this time, Mr. Jim Summers, former County Commission Chair, speaks. He states that he signed the original ordinance and that the process of creating this ordinance was not an easy one. He further states that when they passed this ordinance, it was not to put anyone out of business or to change anyone's way of life; it was to protect what was there. He states that words, and laws and ordinances mean something. And if this man has a variance on the property that he has, it should be honored. It shouldn't be something that you can jerk out from under his feet in the future, should you decide that things need to change, unless he has done something very egregious, which is not the case- he is in business. Maybe he does not have the kind of business that someone would like to have run in their backyard, but it is a business nonetheless that has supported him. Mr. Summers states that he would like to see this Commission stand up and tell the court that this was wrong and should not have ever happened; let the man go, leave him alone and don't bother him in the future either.

Madam Commissioner DuCharme asks Mr. Summers to explain the certificate of non-conformance. Mr. Summers states that he too has a certificate of non-conformance for his business. He explains that basically if you have something that does not comply with the zone that you are in, you have to go through the process of getting the neighbors and everyone in the surrounding area to agree to allow that to be there. Mr. Summer states that Mr. May was in compliance with the zone ordinance and it makes no sense to him that someone can come in later and try to change the law for somebody's benefit. Madam Commissioner DuCharme asks Mr. Summers who issued the initial certificate to Mr. May. Mr. Summers states that it was Planning and Zoning and now they are refusing to recognize it. Madam

Commissioner DuCharme asks why the courts are refusing to recognize it. Mr. Summers states that it is because, "an over ambitious zoning officer went in and said this is the way it is."

Mr. Wallin states that Mr. May has the right to an appeal. He further states to the Commission that this matter is not how Mr. May has stated it. He states that this is not a matter of being overzealous- the County has bent over backwards for Mr. May. A District Court Judge has viewed his property and made a decision. This matter has been litigated. The Commission can discuss it in close session if they wish. He states that, "Mr. May was given a certificate of nonconformance to operate a video business and he has greatly exceeded that certificate and has created an accumulation of solid waste that is greatly in excess of anything that anyone in this County would want to see".

Madam Commissioner DuCharme states to Mr. May that he has the option to go to the Appellate Court, why hasn't he done that? Mr. May replies that it is mostly a matter of money; in order for him to protect his business and assets from the County, he would have to sell them to hire an attorney. He also states that the charges that were filed against him do not match the zoning regulations. He states that everything on his property is related to his business; what he is calling reusable materials is what Mr. Wallin is calling solid waste. All documentation hereto attached. **NO ACTION TAKEN.**

1. Updates:

Berta Espinosa-Moore, Torrance County Home Visiting Program Manager, speaks. She and her employees give the Commission an update on the Home Visiting Program. Their grant amount for this year is \$160,000.00 to provide services to 40 families. The services that they have provided to families have remained stable. In July, they provided services to 30 families and completed 60 home visits. In August, they provided services to 32 families and completed 69 home visits. So far in September, they have provided services to 28 families and completed 47 home visits. On average last year, they provided services to 30 families per month and completed 61 home visits per month. She states that the home visiting program is not just for families with children with higher needs, rather it is a free volunteer program for anyone in the community who wants to learn more about their children and child development. The home visiting program provides informational, educational, developmental, referral, and other supportive services to families who are either expecting a baby or who have children under 3

TORRANCE COUNTY ZONING ACTION

Certificate of Nonconformance

THIS CERTIFICATE ESTABLISHES THE IDENTITY OF A NONCONFORMING LOT, STRUCTURE, OR USE OF LAND OR STRUCTURE, PURSUANT TO SECTION 17 OF THE TORRANCE COUNTY ZONING ORDINANCE.

LAND OWNER: DENNIS J OR CATHERINE M MAY TELEPHONE: 281-2848

MAILING ADDRESS: P.O. Box 458 EDGEMOOD WA 82015

AGENT: SECURITY ESCROW TELEPHONE: 262-1566

MAILING ADDRESS: P.O. Box 25426 ALBQ NM 87125

LEGAL DESCRIPTION OF PROPERTY: TWP 09N R1G 07E SEC 4

TRACT D BLK 4 LOTS A&N BLK 5 LOTS G&H

SUB. BELLA VISTA

LOCATION OF PROPERTY: Turner Ridge

ZONING OF PROPERTY: PL EFFECTIVE DATE OF ZONING: 4-20-90

PRESENT USE(S) OF PROPERTY AND REASON FOR NONCONFORMANCE: _____

STORAGE OF SERVICES COMPANY EQUIPMENT - NO RETAIL OUTLET

DATE PRESENT USE(S) OF PROPERTY BEGAN: ACT 1989

ATTACH A DRAWING OF PROPERTY SHOWING THE FOLLOWING INFORMATION:

1. Lot or tract dimensions (to scale) and total land area,
2. Location and size of any easements and dedicated right-of-way within or abutting property,
3. Location and outline with dimensions of all structures within the property in relation to property lines, and
4. For non-structural uses of land, identify nature, location, and extent of operations.

DATE OF NOTIFICATION: 10-10-90 ~~8-20-90~~ TIME LIMIT: 10-20-90

THE USE OF THE PROPERTY IN THE MANNER DESCRIBED ABOVE IS HEREBY AUTHORIZED UNDER THE PROVISIONS OF SECTION 17 OF THE TORRANCE COUNTY ZONING ORDINANCE.

Evidence Exhibit #

4B

DATE:

10-17-90

SIGNED:

Wesley D. Overland
COUNTY ZONING OFFICER



*Agenda Item
No. 1*



UPDATES

- ✓ Various County Departments
- ✓ Other Boards, Land Grants
- ✓ Forest Service
- ✓ Commission



*Agenda Item
No. 2*

ScheduleAnywhere®

Torrance County 911

Christine Snow

(505) 384-2705

csnow@torrancecounty911.com

Submitted on: 7/6/2017
Valid through: 9/4/2017
Submitted by: Lucas Fritz

Take

Megan

ScheduleAnywhere Service (hosted by ABS)	Number of Employees	Cost Per Month	Cost Per Year
Option 1 Monthly Billing - Requires credit card on file <ul style="list-style-type: none"> - Includes unlimited telephone and email access to support technicians - Includes all maintenance, upgrades and updates - Billed monthly 	15	\$50.00	\$600.00
Option 2 1-year Agreement <ul style="list-style-type: none"> - Includes unlimited telephone and email access to support technicians - Includes all maintenance, upgrades and updates - Invoiced annually (30 days prior to annual renewal date) 	15	\$50.00	\$600.00
Option 3 2-year Agreement <ul style="list-style-type: none"> - Includes unlimited telephone and email access to support technicians - Includes all maintenance, upgrades and updates - Invoiced annually (30 days prior to annual renewal date) 	15	\$50.00	\$600.00
Option 4 3-year Agreement <ul style="list-style-type: none"> - Includes unlimited telephone and email access to support technicians - Includes all maintenance, upgrades and updates - Invoiced annually (30 days prior to annual renewal date) 	15	\$50.00	\$600.00
Optional Services			Cost
Online training			\$0.00
One-time import of employee information			\$15.00

All prices in U.S. funds

For questions, please contact:
Lucas Fritz, Account Executive
3330 Fiechtner Drive SW, Suite 200
Fargo, ND 58103 USA
Phone: 1-800-874-8801 x.130
Fax: 701-893-7145
Internet: www.scheduleanywhere.com
Email: lucas@scheduleanywhere.com





ScheduleAnywhere Hosting Agreement

This Software License Agreement ("**Agreement**") is entered into as of August 23rd, 2017 ("**Effective Date**"), by and between Atlas Business Solutions, Inc., a North Dakota corporation with its principal place of business located at 3330 Fiechtner Drive SW, Suite 200, Fargo, ND 58103 ("**ABS**") and Tarrant County 911, 753 Salt Missions Trail, McIntosh, NM 87032 ("**Customer**"). This Agreement supersedes all prior agreements and understandings (whether written or oral) between ABS and Customer with respect to the subject matter hereof.

CUSTOMER SHALL NOT ALTER OR AMEND THIS AGREEMENT IN ANY MANNER WITHOUT WRITTEN CONSENT OF ABS. ANY ALTERATIONS OR AMENDMENTS WITHOUT SUCH CONSENT WILL VOID THIS AGREEMENT AND LICENSE TO USE THE SOFTWARE.

Under this Agreement, Customer agrees to purchase access to a web-based, employee scheduling service from ABS called ScheduleAnywhere ("**ScheduleAnywhere**"), which is hosted by ABS and located at www.scheduleanywhere.com.

Therefore, the parties agree as follows:

- 1. Term**
The term of this Agreement shall begin on the Effective Date and will continue through August 22nd, 2020 (the "**Term**") with automatic one (1) year renewal periods thereafter, unless either party prior to such renewal anniversary date exercises a 30-day written notice of termination.
- 2. License & Fees**
During the Term, Customer is licensed to use ScheduleAnywhere for up to 25 active employees. The cost for using ScheduleAnywhere will be \$600.00 per year. If the Customer's use of ScheduleAnywhere exceeds its license, additional active employees will be billed at a rate of \$24.00 per employee per year.
- 3. Training**
If training is required, ABS uses an online "train-the-trainer" method. Customer is responsible for identifying key personnel who will receive online ScheduleAnywhere training. Training sessions will be conducted using the GoToMeeting service, and offered during normal ABS office hours, which are 8:00 a.m. to 5:00 p.m. Central Time, Monday through Friday (except major U.S. holidays). Training is available at a cost of \$150.00/hour and ABS and Customer will agree upon a training schedule.
- 4. Upgrades & Support**
All upgrades are included in the cost of ScheduleAnywhere and are automatically uploaded to the ScheduleAnywhere server. Whenever the Customer accesses ScheduleAnywhere, the Customer will be using the latest version of ABS's ScheduleAnywhere scheduling software.

ABS will provide unlimited telephone and e-mail support to a designated single point of contact designated by Customer. ABS technical support hours are 8:00 a.m. to 5:00 p.m. Central Time, Monday through Friday (except major U.S. holidays).
- 5. Employee Import**
If an import of employees is requested by Customer, ABS and Customer will agree on a timeline for a one-time import of employees. ABS can import employee names, positions, contact info, etc. into ScheduleAnywhere. ABS will provide Customer with the required format for importing. The cost for the optional import is based upon the number of employees imported.



6. Terms of Service
Customer agrees to use ScheduleAnywhere in accordance with the terms of service located at <https://www.scheduleanywhere.com/site/terms.aspx>.

7. Payment Terms
All Customer invoices will be billed net 30. Payments to ABS must be made in U.S. dollars by check, credit card or by wire. Payments made by wire should be sent to: Bell Bank, Fargo ND, ABA: 091310521, Name: Atlas Business Solutions, Inc., Account #600054464. If Customer chooses to pay by credit card, it must provide ABS valid credit card information. ABS will charge Customer's credit card the amount set forth in Section 2. If for some reason ABS is unable to charge Customer's credit card, Customer is still liable for any and all charges incurred and must pay ABS the amount due.

SHOULD CUSTOMER NOT REMIT PAYMENTS TO ABS IN ACCORDANCE WITH THIS AGREEMENT, ABS, AT ITS SOLE DISCRETION, MAY TERMINATE CUSTOMER'S ACCESS TO SCHEDULEANYWHERE UNTIL PAYMENT HAS BEEN RECEIVED.

8. Late Fees
In the event Customer does not pay an invoice or bill within the terms specified in Section 7, ABS reserves the right to assess a service charge of 18% per annum (or 1.5% per month) to cover administrative costs resulting from non-payment of services.

IN WITNESS WHEREOF, the authorized representatives hereto have executed this Agreement as of the Effective Date.

ABS: Atlas Business Solutions, Inc.

Signed: _____

Printed: Jon Forknell

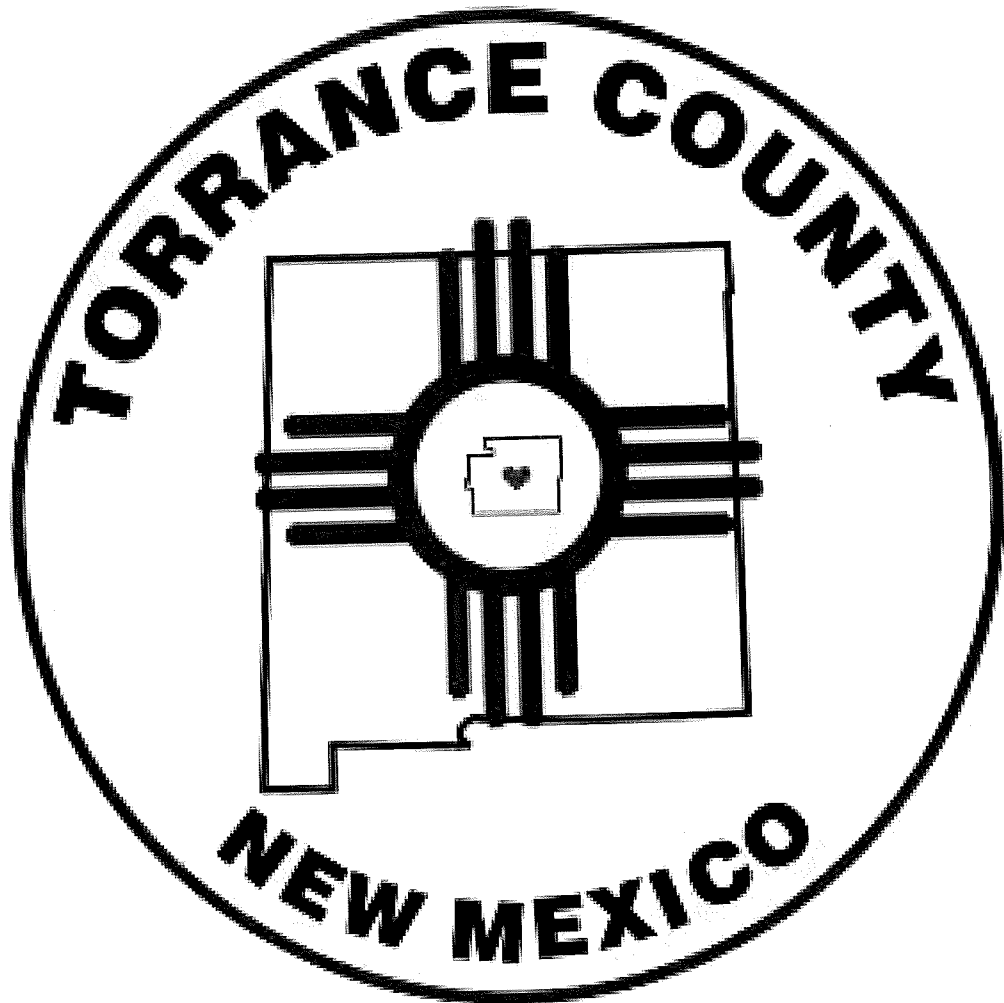
Title: Vice President & General Manager

Customer: Torrance County 911

Signed: _____

Printed: _____

Title: _____



*Agenda Item
No. 3*



4890 W. Kennedy Blvd, SUITE 300
 Tampa, FL 33609
 877-944-6372 - TOLL FREE
 858-592-6880 - DIRECT / 858-487-8762 - FAX

Regional Sales Director: Renee Strasser
 Email: renee.strasser@targetsolutions.com
 Phone: 847-363-0204

SCHEDULE A

DATE of SUBMISSION
 07/26/2017

LICENSE TERMS: 07/31/17 - 07/30/18

Business Proposal Exclusively Developed for:
Torrance County 911 Center
 ATTN: Belinda Garland
 PO Box 449
 McIntosh, NM 87032
 bgarland@torrancecounty911.com
 505.384.2705

TargetSolutions Online Training Platform License Customized Website, Administration Tools, and Applications

DESCRIPTION	UNIT PRICE PER USER	QUANTITY (# of Users)	TOTAL
TargetSolutions Premier Platform: Dispatch	\$ 79.00	15	\$ 1,185.00
One-Time Set Up Fee (50% Discount)	\$ 750.00	1	\$ 750.00
Annual Maintenance Fee	\$ 395.00	1	\$ 395.00
		Annual Investment	\$ 1,580.00
		Subject to Section 3.1 of Client Agreement	
Total Set Up Including Annual Maintenance			\$ 1,145.00
		Total Initial Investment	\$ 2,330.00

By signing the Client agreement, you are 1) agreeing to the pricing and terms presented in this proposal; 2) agreeing you have read and accept the Client Agreement and License terms and; 3) agreeing you have read the TargetSolutions Platform System Requirements and Platform Solution Description documents listed in detail at the following url:

<http://www.targetsolutions.com/clients/client-resources/>

TargetSolutions Learning, LLC. business proposal pricing is good for 30 days from Date of Submission listed above.



Client Agreement

This Client Agreement (the "Agreement"), effected as of the date noted in the attached Schedule A (the "Effective Date"), is by and between TargetSolutions Learning, LLC. ("TSL"), a Delaware limited liability company, and the undersigned client ("Client"), and governs the purchase and ongoing use of the services described in this Agreement (the "Services").

1. Services. TSL shall provide the following services:

1.1. Access. TSL will provide Client a non-exclusive, non-transferable, revocable, limited license to remotely access and use the Services hereunder and, unless prohibited by law, will provide access to any person designated by Client ("Users").

1.2. Availability. TSL shall use commercially reasonable efforts to display its content and coursework for access and use by Client's Users twenty-four (24) hours a day, seven (7) days a week, subject to scheduled downtime for routine maintenance, emergency maintenance, system outages and other outages beyond TSL's control.

1.3. Help Desk. TSL will assist Users as needed on issues relating to usage via e-mail, and a toll free Help Desk five (5) days per week at scheduled hours.

2. Client's Obligations.

2.1. Compliance. Client shall be responsible for Users' compliance with this Agreement, and use commercially reasonable efforts to prevent unauthorized access to or use of the Services.

2.2. Identify Users. Client shall (i) provide a listing of its designated/enrolled Users; (ii) cause each of its Users to complete a profile; (iii) maintain user database by adding and removing Users as appropriate.

2.3. Future Functionality. Client agrees that its purchases hereunder are neither contingent on the delivery of any future functionality or features nor dependent on any public comments regarding future functionality or features.

3. Fees and Payments.

3.1. Fees. Client will pay for the Services in accordance with the fee schedule in Schedule A attached to this Agreement. Fees listed in Schedule A shall be increased by 3% per year both during the term of this Agreement, as well as for any renewal terms.

3.2. Payments. All fees due under this Agreement must be paid in United States dollars. Such charges will be made in advance, according to the frequency stated in Schedule A. TSL will invoice in advance, and such invoices are due net 30 days from the invoice date. All fees collected under this Agreement are fully earned when due and nonrefundable when paid.

3.3. Suspension of Service for Overdue Payments. Any fees unpaid for more than ten (10) days past the due date shall bear interest at 1.5% per month. With fifteen (15) days prior written notice, TSL shall have the right, in addition to all other rights and remedies to which TSL may be entitled, to suspend Client's Users' access to the Services until all overdue payments are paid in full.

4. Intellectual Property Rights.

4.1. Client acknowledges that TSL alone (and its licensors, where applicable) shall own all rights, title and interest in and to TSL's software, website or technology, the course content, and the Services provided by TSL, as well as any and all suggestions, ideas, enhancement requests, feedback, recommendations or other information provided by Client, and this Agreement does not convey to Client any rights of ownership to the same. The TSL name and logo are trademarks of TSL, and no right or license is granted to Client to use them.

4.2. Except as otherwise agreed in writing or to the extent necessary for Client to use the Services in accordance with this Agreement, Client shall not: (i) copy the course content in whole or in part; (ii) display, reproduce, create derivative works from, transmit, sell, distribute, rent, lease, sublicense, transfer or in any way exploit the course content in whole or in part; (iii) embed the course content into other products; (iv) use any trademarks, service marks, domain names, logos, or other identifiers of TSL or any of its third party suppliers; or (v) reverse engineer, decompile, disassemble, or access the source code of any TSL software.

4.3. Client hereby authorizes TSL to share any intellectual property owned by Client ("User Generated Content") that its Users upload to the Community Resources section of TSL's website with TSL's 3rd party customers and users that are unrelated to Client ("Other TSL Customers"); provided that TSL must provide notice to Client's users during the upload process that such User Generated Content will be shared with such Other TSL Customers.

5. Term.

The term of this Agreement shall commence on the Effective Date, and will remain in full force and effect for the term indicated in Schedule A ("Term"). Upon expiration of the Initial Term, this agreement shall automatically renew for successive one (1) year periods (each, a "Renewal Term"), unless notice is given by either party of its intent to terminate the Agreement, at least sixty (60) days prior to the scheduled termination date.

6. Mutual Warranties and Disclaimer.

6.1. Mutual Representations & Warranties. Each party represents and warrants that it has full authority to enter into this Agreement and to fully perform its obligations hereunder.

6.2. Disclaimer. EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER PARTY MAKES ANY WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO

THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

7. Miscellaneous.

7.1. Limitation on Liability. Except as it relates to claims related to Section 4 or Section 7.2 of this Agreement, (a) in no event shall either party be liable to the other, whether in contract, warranty, tort (including negligence) or otherwise, for special, incidental, indirect or consequential damages (including lost profits) arising out of or in connection with this Agreement; and (b) the total liability of either party for any and all damages, including, without limitation, direct damages, shall not exceed the amount of the total fees due to, or already paid to, TSL for the preceding twelve (12) months.

7.2. Indemnification. TSL shall indemnify and hold Client harmless from any and all claims, damages, losses and expenses, including but not limited to reasonable attorney fees, arising out of or resulting from any third party claim that the Services or any component thereof infringes or violates any intellectual property right of any person.

7.3. Assignment. Neither party may assign or delegate its rights or obligations pursuant to this Agreement without the prior written consent of the other, provided that such consent shall not be unreasonably withheld. Notwithstanding the foregoing, TSL may freely assign or transfer any or all of its rights without Client consent to an affiliate, or in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

7.4. Force Majeure. TSL shall have no liability for any failure or delay in performing any of its obligations pursuant to this Agreement due to, or arising out of, any act not within its control, including, without limitation, acts of God, strikes, lockouts, war, riots, lightning, fire, storm, flood, explosion, interruption or delay in power supply, computer virus, governmental laws or regulations.

7.5. No Waiver. No waiver, amendment or modification of this Agreement shall be effective unless in writing and signed by the parties.

7.6. Severability. If any provision of this Agreement is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

7.7. Entire Agreement. This Agreement and its exhibits represent the entire understanding and agreement between TSL and Client, and supersedes all other negotiations, proposals, understandings and representations (written or oral) made by and between TSL and Client.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date set forth below.

TargetSolutions Learning, LLC

Client Name:

Address:

By: _____

Printed Name: Phil Coons

Title: Area Director of Sales

Date: _____

By: _____













Printed Name: Belinda Garland

Title: County Manager





Date: _____

PLATFORM SOLUTIONS *Descriptions*







LEARNING MANAGEMENT

-  **Organization & User Profiles** Easily manage and update your employees' levels of access to the platform.
-  **Assignment Scheduler** Efficiently schedule out online training courses and department-specific activities, including daily drills, SOPs, inspections and more.
-  **Notifications** Set up e-mail alerts specific for each employee that informs site administrators and employees when a deadline is approaching. The platform also features a prominently displayed notification system that warns users when an assignment needs attention.
-  **Reports** Generate, analyze, save and print critical statistics covering the status of assignments, credentials and more on the platform's robust data dashboard.
-  **Custom Logo** Create your department's look and feel throughout the platform by uploading a high-resolution logo or image.
-  **Community Resources** Exclusive access to training videos, policies, inspection forms and more from other departments across the country. Shared material can be downloaded and delivered to your employees within the platform.
-  **File Center** Store departmental resources, including policies, SOPs, training videos and more in a password-protected and centralized online location.
-  **Calendar** Using the fire industry's standard color-coding system, administrators can manage shift schedules. Users can access pending assignment data and important notifications with this application.
-  **Bulletin Board** Communicate information, including departmental announcements and company news, for your entire organization to view.
-  **Forums** Foster discussion, solicit feedback and allow staff members to trade ideas in a password-protected online location.
-  **Events & Rosters** Schedule and deliver company events. This tool gives administrators the ability to manage event registration, monitor and review attendance records and set e-mail reminder alerts.
-  **Custom Content Delivery & Tests** Deliver department-specific content that can include training videos, PowerPoint presentations and much more. Require employees to verify they've received content with e-signatures. Easily create and deliver automatically graded tests to gauge comprehension.






RECORDS MANAGEMENT

-  **Daily Training Log** Utilize all 19 of TargetSolutions' specially created pre-made drills to capture ongoing daily drill-yard activities and training evolutions. Drills can be customized to department specifications.
-  **Inspections** Assign activities that mandate routine analysis of self-contained breathing apparatus, personal protective gear, fire truck equipment and all other equipment in the fire station.
-  **Post Incident Evaluation** Create activities for employees to complete pertaining to incidents. Keep historical records of incidents and utilize them for future training opportunities.
-  **Activities Builder** Track and record data of all types in a single system. Create programs specific to your department's needs with this highly customizable application.

CAREER TRACKING

-  **License Management** TargetSolutions tracks all necessary licenses and alerts you when expirations are approaching.
-  **Certification & Qualification Mgmt.** Keep track of your employees' progress as they move up the ladder. Avoid expirations of important licenses and qualifications.
-  **ISO Tracking** Easily comply with important audits including ISO's annual review. ISO reporting has been termed "seamless" by our clients.
-  **Skill Sheets & Task Books** Create activities to test skills, test employees and track results electronically. Take those completed activities and create a comprehensive Task Book to test employees and ensure they are up to speed and on the right track.
-  **ARFF Tracking** Easily track Aircraft Rescue & Fire Fighting training data and hour accumulation, plus deliver the FAA's ARFF Training DVD. You'll have access to 15 activities that have been recommended by the FAA.
-  **Credentials** TargetSolutions has created a customizable set of tools and reports that help departments stay ahead of important expirations.

ONLINE TRAINING

-  **HR & Employment Practices** An overview of employment practices encountered in the workplace for individuals tasked with making employment decisions, including sexual harassment, hiring, termination, discrimination, evaluation and documentation.
-  **OSHA & Compliance** These courses comply with OSHA, DOT and other federal and state regulatory agency training mandates. Completing these required courses online helps eliminate logistical issues inherent with traditional training methods.
-  **Driving Safety** TargetSolutions' convenient, time-saving driver safety program helps organizations reduce motor vehicle losses. Our courses are designed to change unsafe driving behavior and reinforce helpful safe-driving concepts.
-  **NFPA / Fire / EVO** TargetSolutions' library features courses based on the NFPA codes and standards, including NFPA 1001, 1021 and the 1500 series. We also offer approved courses covering wildland fire, emergency response to terrorism, first responder operations level refreshers and emergency vehicle operators.
-  **EMS Recertification** First responders and EMTs of all levels can complete their continuing education requirements on our platform.



*Agenda Item
No. 4*

Vendor # 5052



TORRANCE COUNTY

Receiving & Accounts Payable Report

Receiving Department	TCFB
Company Received From	Beth Mitchell Photography
Remittance Address	13 Michelle Ct., Edgewood, NM 87015
Line Item	① 412-53-2272 Purchase Order # n/a - commission
Invoice #	n/a Account #

#	Quantity	Description	Unit Cost	Total Cost
1		Photos of 2017 county fair		
2		Champions and sale		\$ 770.75
3				\$ -
4				\$ -
5				\$ -
6				\$ -
7				\$ -
GRAND TOTAL COST				\$ 770.75

Shipment Status: Complete Shipment Partial Shipment

Shipment Condition: Good Damaged (Explain) _____

Special Instructions: _____

Certification:

I certify that the above items were checked and received by my department. This purchase is complete and ready to be paid.

Department Approval *Isabel Esperanza* Date 8/16/2017

Reviewed/Approved for Payment
Date: _____
By: _____

Beth Mitchell Photography

www.bethmitchellphotography.com

13 Michelle Ct, Edgewood, NM 87015 (505)353-1431

bqm@bethmitchellphotography.com

Date	Invoice #	Number of images or photos	Description	Amount
8/14/07	NA	49 8x10's	49 8x10 prints w/script	\$10 ⁰⁰ ea.
		14 digital	14 digital / high resolution images suitable for printing.	\$15 ⁰⁰ ea.
			total for prints	\$490 ⁰⁰
			total for digitals	\$210 ⁰⁰
			shipping	\$13.25
			fax 8.063570	\$57.50
			Total	\$770.75

marcie 505-573-2341
marciwallin@aol.com

Date _____



*Agenda Item
No. 5*



Agenda Item
No. 6

**Torrance County Commission Review of Raymundo Carrillo's Protest
of the Vacant Exempt Status under Ordinance 94-12
of his property at 84 Sherwood Forest Rd., Lot 2, Block E, Unit 2
Sherwood Forest Subdivision**

List of Exhibits

Applicant Exhibits:

Exhibit 1: Application for EVSWA Vacant Residence Exemption from full billing for services received May 13, 2016 by the EVSWA.

Exhibit 2: Excerpt from TC Ordinance 94-12 regarding reduction of fees for vacated property (Highlighted in yellow).

Exhibit 3: Copy of the recorded Special Warranty Deed as proof of ownership of the subject property.

Exhibit 4: Notification letter to Mr. Carrillo regarding scheduling of the Commission review of his protest.

Exhibit 5: Documentation of the onsite inspection of the home including:
Photographs taken of Mr. Carrillo's home during the onsite inspection.
Notice of Violation rejecting Mr. Carrillo's application for Vacant Exempt status.
Letter to Mr. Carrillo advising him of the determination by Code Enforcement that the use of his property does not qualify for vacant exempt status.

P.O. Box 736
Estancia, New Mexico 87016
Evsua.com

**SOLID WASTE
ESTANCIA VALLEY
AUTHORITY**

*Living at
During
Summer*
505-384-4270
505-384-3062 fax
TrashBilling.com

0303201

EVSUA VACANT RESIDENCE EXEMPTION

MAY 13 2016
Be

APPLICATION FORM

NAME(S) CARRILLO RAYMONDO EVSWA ACCOUNT # 61

MAILING ADDRESS 921 Morris St NE
Albuquerque NM 87112

STREET ADDRESS OF VACANT RESIDENCE*:
* - If the street address to this residence is not known, you can get the street address from Torrance County Rural Addressing, at 505-544-4344.

Sherwood Forest Unit 2 Block E Lot 2

NOTARIZED AFFIDAVIT

I, Raymundo J. Carrillo hereby certify and attest to the following:
(print name)

- I am the legal owner of the residence described above, and that all information is correct
- I certify that this residence is not occupied
- If the residence becomes occupied, I will immediately notify EVSWA.

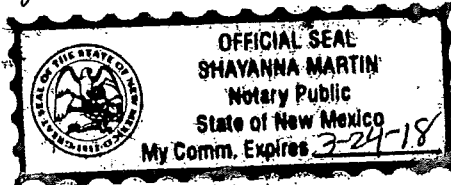
Raymundo J. Carrillo
(Signed)

5-11-2016
(Date)

STATE OF NEW MEXICO)
) SS
COUNTY OF TORRANCE)

Subscribed, sworn and acknowledged to before me this day, May 11, 2016 by Raymundo J. Carrillo
(Date) (Name)

[Signature]
Notary Public



My Commission Expires: 3-24-18

Submit this form by mail or in person at the EVSWA Office.

County of Torrance ♦ City of Moriarty
Town of Estancia ♦ Town of Mountainair ♦ Town of Vaughn
Village of Willard ♦ Village of Encino

SECTION 12: REGULATIONS ADOPTED

The laws of the State of New Mexico dealing with solid waste management and all regulations promulgated and published pursuant to those laws for the New Mexico Environment Department or any division thereof, (or any successor department, agency or division), along with any subsequent revisions or amendments to such laws or regulations, are hereby adopted and incorporated herein by reference and made a part of this Ordinance; provided, however, the penalty provisions herein shall apply to violations prosecuted under this Ordinance.

SECTION 13: SOLID WASTE MANAGEMENT FEE

- A. Payment of the solid waste management fee shall be the obligation of the responsible party for each residence located in the unincorporated area of Torrance County.
- B. The County Commission shall set fees for solid waste management based on the actual or projected cost to collect, transport and recycle or dispose of such solid waste. Unmet actual costs resulting from unpaid fees or certain discounts defined and approved by the County Commission shall be the responsibility of the County Commission.
- C. If there are multiple residences on a property, the solid waste management fee shall be assessed on each such residence.
- D. The solid waste management fee, and any subsequent modification thereof, shall be established and adopted through resolution by the County Commission.
- E. Any responsible party owning or possessing a vacant residence may be entitled to a reduction of the solid waste management fee, according to administrative guidelines established and adopted through resolution by the County Commission. Any property owner falsely certifying that a residence is vacant is in violation of this Ordinance, and is subject to penalties set forth in Section 16.A.

SECTION 14: LIENS

- A. All fees arising under this Ordinance shall be payable by the responsible party of the residence being served at the time the rate or charge accrues and becomes due. The County of Torrance shall be entitled to a lien upon the residence and upon the tract or parcel of land being served for failure to pay such fees pursuant to the authority granted under Section 3-36-1 et seq. NMSA 1978, which lien shall be a first and prior lien on the property coequal with municipal liens pursuant to Section 3-36-2 NMSA 1978, but subject only to the lien of general state and county taxes.
- B. The lien provided for in this section shall be enforced in the manner prescribed in Sections 3-36-7 NMSA 1978. For purposes of this section, such action shall be taken by the Torrance County Clerk. In any proceedings where pleadings are required, it shall be sufficient to declare that the general purpose of said lien is for the service supplied for the collection, transportation and disposal of solid waste.
- C. The charges and fees imposed herein are the obligation of the responsible party of the premises, regardless of whether occupied by an owner, tenants or others, and the County may file a lien against the property for such charges, penalties, costs of enforcement, including attorney's fees incurred in filing the lien.

9721479

0083

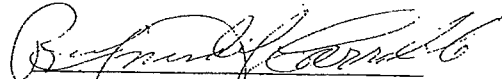
SPECIAL WARRANTY DEED

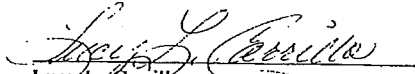
Raymundo J. Carrillo and Lucy L. Carrillo, his wife, for consideration paid, grant to Raymundo J. Carrillo and Lucy L. Carrillo as Trustees of the Carrillo Living Trust, whose address is 921 Morris Street, Northeast, Albuquerque, New Mexico 87112, the following described real estate in Torrance County, New Mexico:

Lots Numbered 2 and 3, Block E, Unit Numbered 2, Sherwood Forest, Torrance County, New Mexico, located as shown in a drawing made by a Registered Professional Engineer and Land Surveyor, which legal description of said lot will be included in the deed to the buyer on completion of purchase price, and said plat filed in the office of the County Clerk of Torrance County, New Mexico.

with special warranty covenants.

Witness their hands and seals this 24 day of Feb, 1997.


Raymundo J. Carrillo


Lucy L. Carrillo

STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

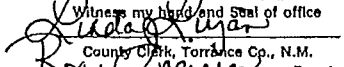
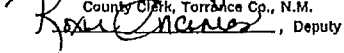
The foregoing instrument was acknowledged before me this 24 day of Feb., 1997, by Raymundo J. Carrillo and Lucy L. Carrillo.


Notary Public

My commission expires:
7-15-2000

**STATE OF NEW MEXICO
COUNTY OF TORRANCE**

I hereby certify that this instrument was filed for record on the 24 day of February, A.D. 1997 at 11:38 o'clock A.M. and duly recorded in book 576 at page 0083

Witness my hand and seal of office

County Clerk, Torrance Co., N.M.
, Deputy

PAGE 1 OF 1

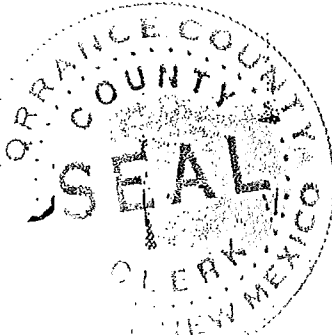
ATTEST:
CERTIFIED AS A TRUE
AND CORRECT COPY
ON FILE IN THIS OFFICE

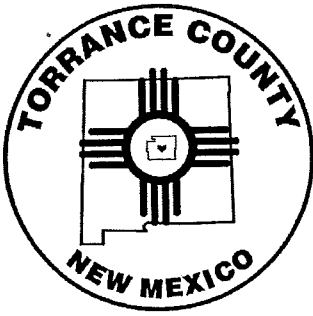

COUNTY CLERK

DEPUTY CLERK

8-15-17

"A Certified copy:
pg 1 of 1
Torrance County, NM
by [Signature]"





Torrance County

PO Box 48

205 9th Street

Estancia, NM 87016

(505) 544-4390 Main Line (505) 384-5294 Fax

www.torrancecountynm.org

Raymundo Carrillo

921 Morris St NE

Alb, NM 87112

Mr. Carrillo,

8/14/17

Your protest of P&Z's decision to deny you vacant exempt status for your property at 84 Sherwood Forest Rd will be heard at the regularly scheduled Torrance County Commission meeting held on 8/23/17 at 9:00 am, the address is 205 9th Street, Estancia NM 87016.

Please be present and prepared to address the Commission and bring any supporting evidence you plan to present at the meeting.

Dan DeCosta

Code Enforcement Officer

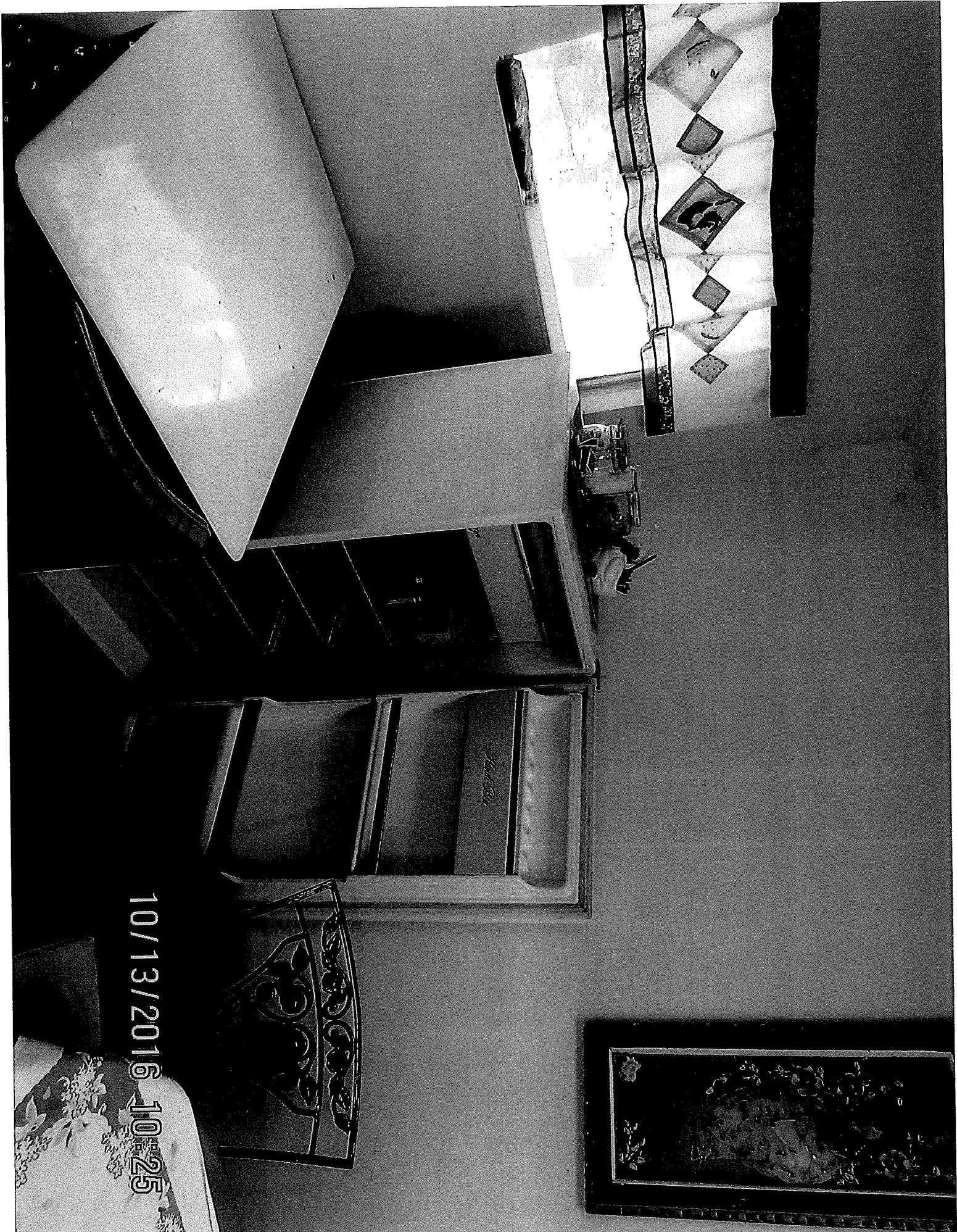
505-544-4392

PO 48

Estancia NM 87016



10/13/2016 10:26



10/13/2016 10:25



10/13/2016 10:19

Sent Aerial 2/17/17

Torrance County
Code Enforcement
Notice of Violation

Date: 4/4/17

Account # 61

To: Raymundo Carrillo
921 Morris St NE
Alb, NM 87112

Location:

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-13-E

Type of violations: falsely certifying a residence is vacant

Corrective Action Required: immediately call the Estancia Valley Solid Waste Authority and reinstate active status of account, or contact my office for an onsite inspection with the Code Enforcement Officer.

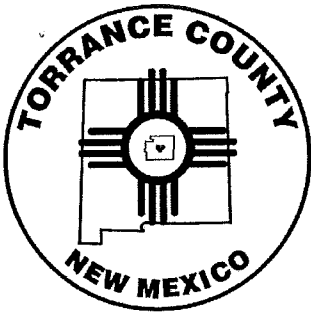
This will be your ONLY NOTICE on this matter. Please take the necessary corrective action on this matter Immediately. If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 544-4392, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of the Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance, depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to \$1000. For public nuisances, state law provides a fine up to \$500 and/or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1). Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27), a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to \$10,000 and/or up to one year in prison.

Sincerely,

Daniel De Costa
Code Enforcement Officer
Phone: (505) 544-4392
E-mail: ddecosta@tcnm.us

Certified mail#: 70150920000018363247



Torrance County

PO Box 48

205 9th Street

Estancia, NM 87016

(505) 544-4390 Main Line (505) 384-5294 Fax

www.torrancecountynm.org

Dear Home Owner,

Please be advised that after our onsite inspection of your property, conducted in your presence and with your permission, Torrance County Code Enforcement has determined that your property does not qualify for the vacant exempt status as set out in the Solid Waste Management Ordinance, Torrance County Ordinance No. 94-12. That ordinance is available for your reference on the Torrance County website under the Planning & Zoning section.

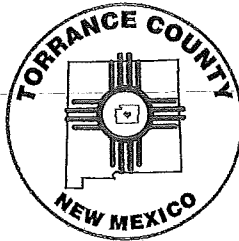
Our office will be notifying the Estancia Valley Solid Waste Authority of your property address and account number, and instructing EVSWA that your property should be set up for billing again as per the above ordinance.

If you disagree with our decision, please be advised that you can request a review by the Torrance County Board of Commissioners by contacting the County Manager's office and requesting to be placed on a commission agenda.

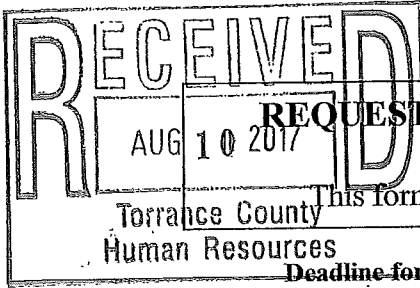
If you would like to discuss our decision further or if you have any question, you may call me at the number below.

Dan DeCosta
Code Enforcement Officer
505-544-4392

PO Box 48
205 9th Street
Estancia, NM 87016
(505) 544-4700 Main Line (505) 384-5294 Fax
www.torrancecountynm.org



County Commission
Commissioner James "Jim" Frost, District 1
Commissioner Julia DuCharme, District 2
Commissioner Javier E. Sanchez, District 3
County Manager
Belinda Garland
Deputy County Manager
Annette Ortiz



REQUEST TO BE PLACED ON THE TORRANCE COUNTY COMMISSION AGENDA

This form must be returned to the County Manager's Office **ONLY!**

Deadline for inclusion of an item is WEDNESDAY, NOON prior to the subsequent meeting.
All fields must be filled out for consideration.

Name: CARRILLO RAYMONDO N/A
First Last Department / Company / Organization Name

Today's Date: 8-4-2017 Mailing Address: 921 MORRIS ST NE
(Departments/employees of Torrance County need not include their address)

Telephone number/Extension: 505 294 6930 Fax Number: NA
Would you like this Agenda Faxed to you? Yes No

Email Address: NA

Is this request for the next Commission meeting? YES NO If no, date of Commission Meeting: _____

Brief explanation of business to be discussed:
VACANT RESIDENCES: WE HAVE SMALL CABIN ON THE PROPERTY
WHICH WE VISIT ON THE AVERAGE OF SIX TIMES A YEAR.
ADD. UNIT E LOT 2-3
SHENWOOD

Is this a Resolution, Contract, Agreement, Grant Application, Other? _____

Has this been reviewed by Grant Committee? YES NO If yes, corresponding paperwork must be attached.

Has this been reviewed by the County Attorney? YES NO

If this is a contract, MOU, or Joint Powers Agreement there must be a signature line for the County Attorney on the original contract.

Has this been reviewed by the Finance Dept? YES NO Comptroller Initials: _____

- No Impact
- Change in current fund.
- Raise Budget (allow 45 days after Commission approval)
- Change in funds (allow 45 days after Commission approval)
- Reduction
- Transfer funds (allow 45 days after Commission approval)

Other: INFORMED RETURNED FORM ACCORDING TO INSTRUCTIONS IN YOUR
LETTER.



*Agenda Item
No. 7*



*Agenda Item
No. 8*



*Agenda Item
No. 9*



*Agenda Item
No. 10*

Infrastructure Capital Improvement Plan FY 2019-2023

Torrance County Project Summary

ID	Year	Rank	Project Title	Category	Funded to date					Total Project Cost	Amount Not Yet Funded	Phases?
					2019	2020	2021	2022	2023			
32747	2019	001	Cell for Regional Landfill	Solid Waste	0	400,000	400,000	400,000	400,000	2,000,000	2,000,000	Yes
14072	2019	002	County Road Improvements	Highways/Roads/Streets/Bridges	0	480,000	480,000	480,000	480,000	2,400,000	2,400,000	Yes
26803	2019	003	Road Department Equipment	Public Safety Equipment/Bldgs	0	0	300,000	0	0	300,000	300,000	No
32761	2019	004	McIntosh Drinking Water Dispensing Station	Water Supply	0	899,244	0	0	0	899,244	899,244	No
31503	2019	005	Senior Center Vehicles	Senior Facilities	0	250,000	0	0	0	250,000	250,000	No
25657	2019	006	4x4 Sheriff Patrol Vehicles	Public Safety Vehicles	0	50,133	50,133	50,133	50,133	250,665	250,665	No
10565	2019	007	Volunteer Fire Dept Equipment	Fire	0	520,000	125,000	125,000	125,000	895,000	895,000	No
28448	2019	008	Duran Water System Improvements	Water Supply	0	15,000	0	0	0	15,000	15,000	Yes
30246	2019	009	Senior Center Equipment	Senior Facilities	0	120,000	0	0	0	120,000	120,000	No
26827	2019	010	County Fair Ground Improvements	Other	0	200,000	200,000	200,000	200,000	1,000,000	1,000,000	Yes
26831	2020	001	Upgrade County Computer Software	Adm./Service Facilities (local)	0	0	87,000	0	0	87,000	87,000	No
30247	2020	002	New 12-Passenger Van	Other	0	0	84,000	0	0	84,000	84,000	No
31501	2020	003	Moriarty Senior Center Renovations	Senior Facilities	0	0	55,000	0	0	55,000	55,000	No
11048	2020	004	District 5 New Fire Equipment	Fire	0	0	68,000	0	0	68,000	68,000	No
14143	2020	005	Road Equipment & Vehicles	Public Safety Vehicles	0	0	500,000	250,000	250,000	247,500	1,247,500	Yes
33491	2020	006	Manzano Community Center	Convention Facilities	0	0	100,000	85,000	0	185,000	185,000	Yes

Thursday, August 17, 2017

Torrance County/ICIP 22000

Infrastructure Capital Improvement Plan FY 2019-2023

33492	2020	007	Punta de Agua Multipurpose Center	Convention Facilities	0	0	40,000	145,000	0	0	185,000	185,000	Yes
26830	2021	001	Purchase and Equip Medical Response Vehicles	Public Safety Vehicles	0	0	0	225,000	0	0	225,000	225,000	No
18517	2021	002	New Type 4 Urban Interface Apparatus VFD 3	Fire	0	0	0	200,000	0	0	200,000	200,000	No
25656	2021	003	Home Visiting Program Vehicle	Other	0	0	0	35,000	35,000	0	70,000	70,000	No
31498	2021	004	Estancia Senior Center Repairs	Senior Facilities	0	0	0	28,500	0	0	28,500	28,500	Yes
11948	2021	005	Senior Center Renovations Torrance	Senior Facilities	0	0	0	385,000	0	0	385,000	385,000	No
33493	2021	006	Torreón Acequia Improvements	Acequias	0	0	0	50,000	0	0	50,000	50,000	Yes
10012	2022	001	Emergency Services Infrastructure	Health-Related Cap Infra	0	0	0	0	800,000	90,000	890,000	890,000	No
18519	2022	002	Water System Upgrade	Fire	0	0	0	0	92,000	0	92,000	92,000	No
26826	2022	003	Plan, design, construct, equip improvements bldgs	Adm/Service Facilities (local)	0	0	0	0	140,000	35,000	175,000	175,000	Yes
20624	2022	004	New County Government Offices	Adm/Service Facilities (local)	0	0	0	0	1,050,000	0	1,050,000	1,050,000	Yes
28449	2023	001	New Senior Center Facility	Senior Facilities	0	0	600,000	0	0	0	600,000	600,000	No
11176	2023	002	Brush/Interface 4x4 Unit VFD 3	Public Safety Vehicles	0	0	0	0	0	150,000	150,000	150,000	No
20626	2023	003	New Road Department Yard / Shop	Adm/Service Facilities (local)	0	0	0	0	0	650,000	650,000	650,000	No
31504	2023	004	Moriarty Senior Center Equipment	Senior Facilities	0	0	0	0	0	5,000	5,000	5,000	No

Number of projects:	31														
Funded to date:	0	Year 1:	2,934,377	Year 2:	3,089,133	Year 3:	2,658,633	Year 4:	3,622,133	Year 5:	2,307,633	Total Project Cost:	14,611,909	Total Not Yet Funded:	14,611,909
Grand Totals	0		2,934,377		3,089,133		2,658,633		3,622,133		2,307,633		14,611,909		14,611,909



*Agenda Item
No. 11*



Resolution 2017-_____

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

WHEREAS, the County of Torrance recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts

NOW, THEREFORE BE IT RESOLVED by the governing body of Torrance County that:

1. Torrance County has adopted the attached FY 2019-2023 Infrastructure Capital Improvement Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolutions supersedes Resolution No. 2017-04B.

PASSED, APPROVED AND ADOPTED by the Governing Body at its meeting of August 23rd, 2017.

TORRANCE COUNTY COMMISSION

James "Jim" Frost, District 1

Julia DuCharme, District 2

Javier E. Sanchez, District 3

Attest:

County Clerk



*Agenda Item
No. 12*



COUNTY MANAGER UPDATE



*Agenda Item
No. 13*



*Agenda Item
No. 14*



*Agenda Item
No. 15*



*Agenda Item
No. 16*



*Agenda Item
No. 17*