



Resolution # 2017-053 .

**RESOLUTION FINDING BUILDINGS, STRUCTURES,  
RUINS, RUBBISH, WRECKAGE OR DEBRIS ON A LOT OFF  
OF LOMA PARDA SUBDIVISION MOUNTAINAIR TO BE A  
MENACE TO PUBLIC COMFORT, HEALTH, PEACE OR  
SAFETY AND REQUIRING REMOVAL**

**WHEREAS**, Lot numbered fifteen (15), of Loma Parda Subdivision -is within the jurisdiction of Torrance County and Tommy Small is the record owners of said property and;

**WHEREAS**, the above described property constitute a single illegal dump site (the "Site"); and;

**WHEREAS**, scrap tires, ruins, rubbish, wreckage, debris, and other types of solid waste (hereinafter collectively referred to as "Debris") are strewn across the Properties constituting the Site, as shown by the photographs attached to this Resolution as Exhibits P&Z 1 through 5; and;

**WHEREAS**, the Debris threatens the public comfort, health, peace or safety in Torrance County by creating a breeding ground for diseases, vectors and vermin, posing a fire danger, posing a danger to human health, and depressing property values; and;

**WHEREAS**, Torrance County has received a grant from the State of New Mexico to remove illegal -dump sites such as those found on the Properties; and;

**WHEREAS**, it is in the interest of the citizens of Torrance County to maximize the County's limited resources to remove the illegal tire dump sites and illegal debris simultaneously; and;

**WHEREAS**, Torrance County has the authority, pursuant to NMSA 1978, § 3-18-5, to require the removal of such unhealthful Debris;

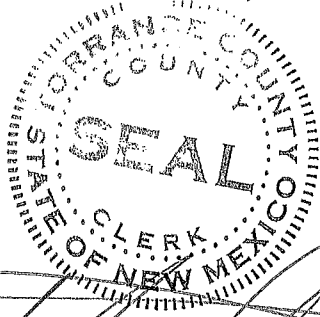
**NOW, THEREFORE, BE IT RESOLVED**, that the Torrance County Commission hereby:

1. **FINDS** that the Property described as Lot numbered Fifteen (15) of Loma Parda Subdivision have upon them a building, structure, ruins, rubbish, wreckage or debris which is a menace to the public comfort, health, peace or safety; and,

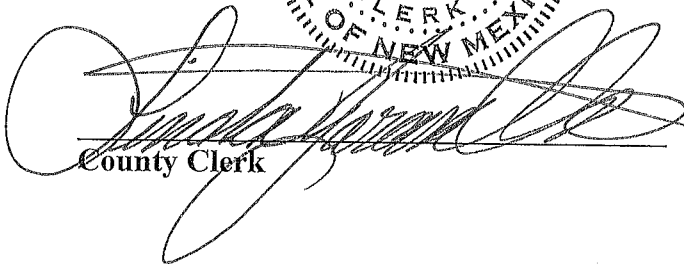
2. **ORDERS**, Tommy Small -other owner(s), occupant(s) or agent(s) in charge of Lot numbered Fifteen (15) , of Loma Parda Subdivision to remove the Debris from said properties; and,

3. **AUTHORIZES** the Torrance County Manager to cause the removal of the Debris and to file a lien against each of the above described properties for the cost of removing the Debris, if the owner, occupant or agent in charge of a respective property fails to commence removal of the Debris on their property or fails to file a written objection to this Resolution within ten (10) days of the receipt or posting of this Resolution as specified in NMSA 1978, § 3-18-5.

**DONE** at Estancia, New Mexico, Torrance County this 25<sup>TH</sup> day October of 2017.

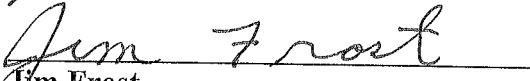


Attest:

  
County Clerk

**TORRANCE COUNTY COMMISSION**

  
Javier Sanchez, Chair

  
Jim Frost


  
Julia DuCharme

Exhibit 1

Torrance County  
Code Enforcement  
Notice of Violation

Date: 1/21/17

Case #: 17-007

To: Tommy Small  
PO 1713  
Liberty, TX 77575

Location: Loma Parda tract 15

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 30-81

Type of violations: illegally dumped tires solid waste ; public nuisance

Corrective Action Required: remove all illegally dumped tires and debris from property

This will be your ONLY NOTICE on this matter. Please take the necessary corrective action on this matter by 1/21/17. 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.

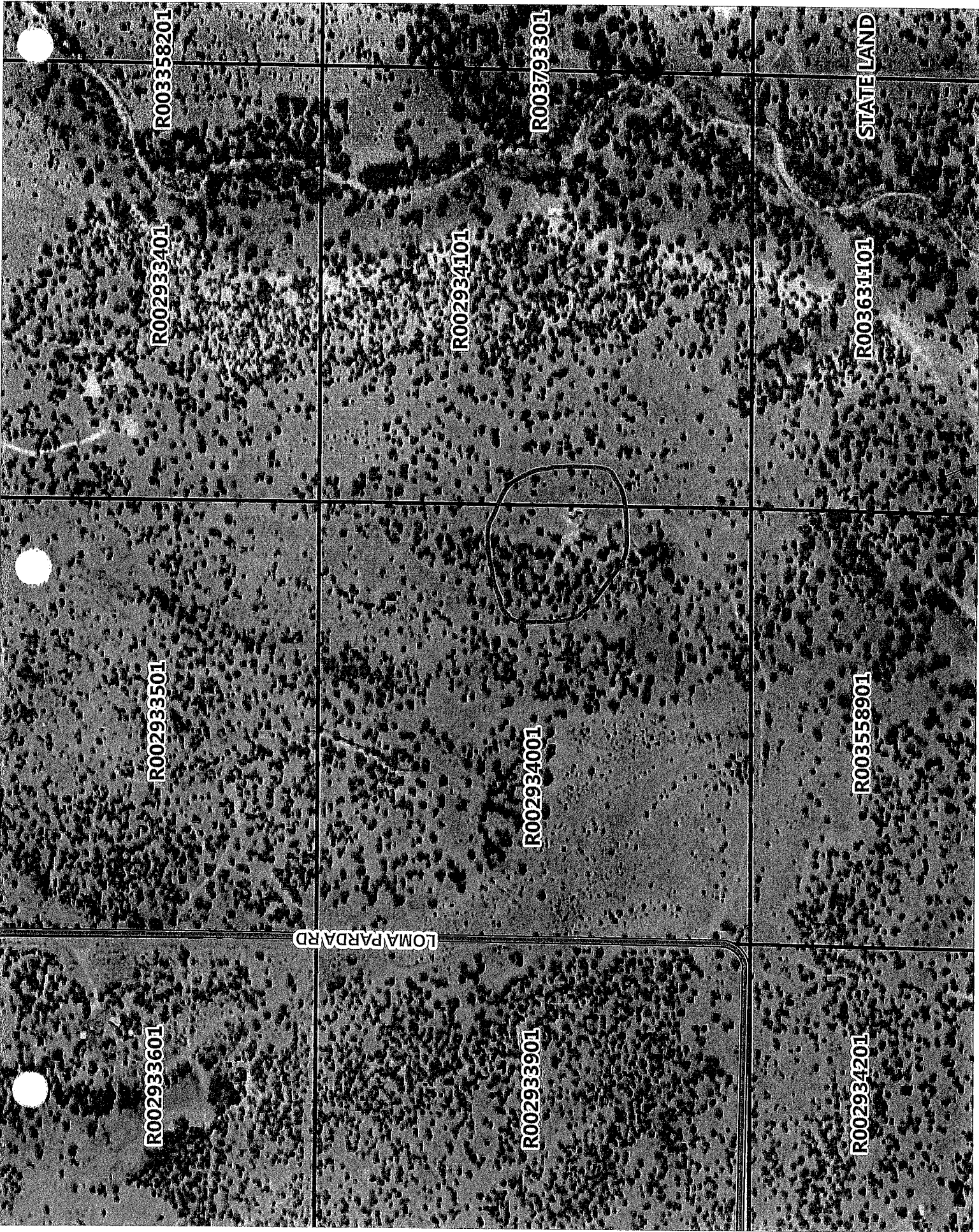
Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of the Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, state law authorizes injunctive remedies for violations of 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#: 70150920000018362882

Exhibit 2



R002933601

R002933501

R002933401

R003358201

R002933901

R002934001

R002934101

R003793301

R002934201

R003558901

R003631101

STATE LAND

LOMA PARDA RD

Exhibit 3

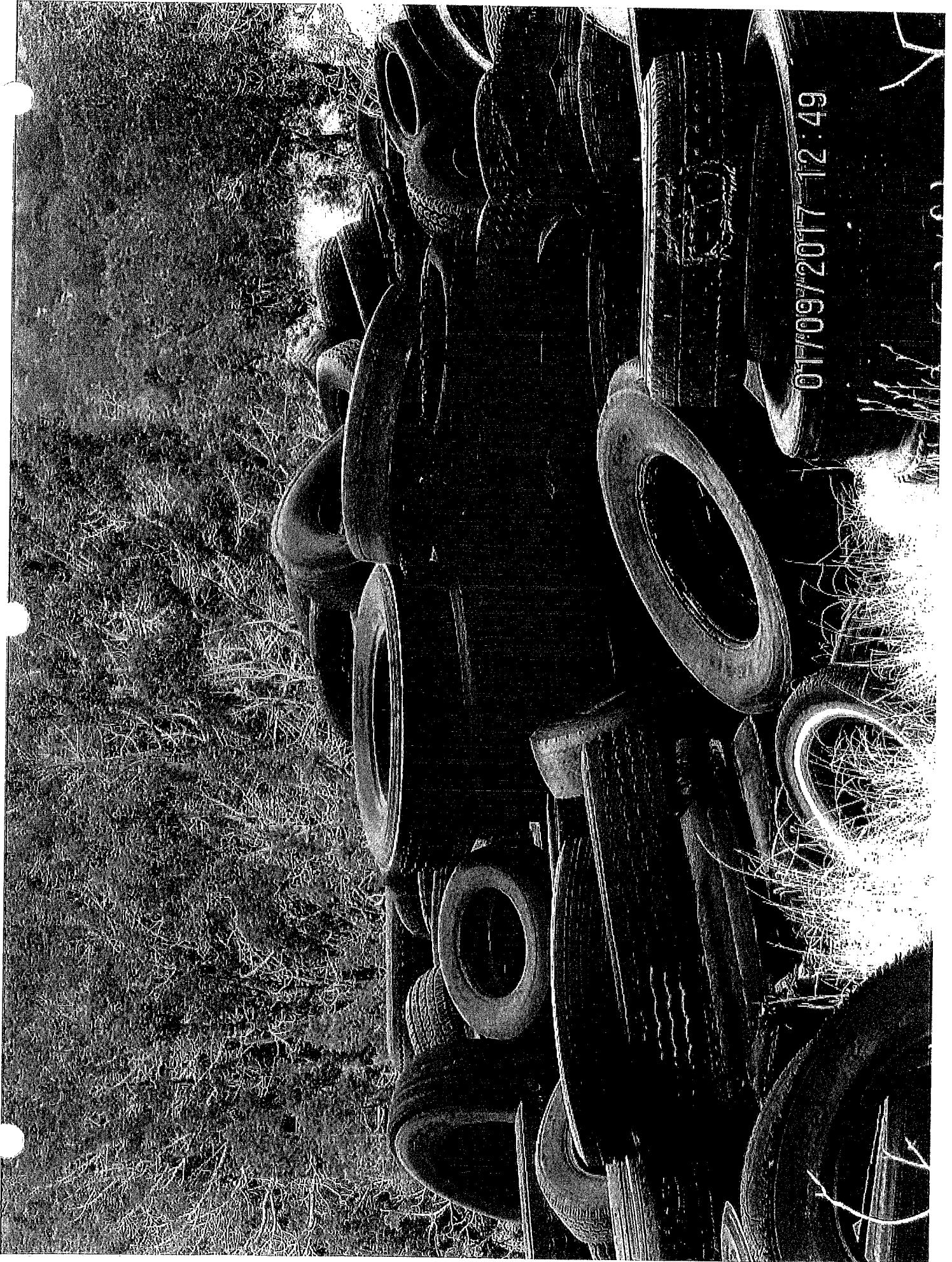
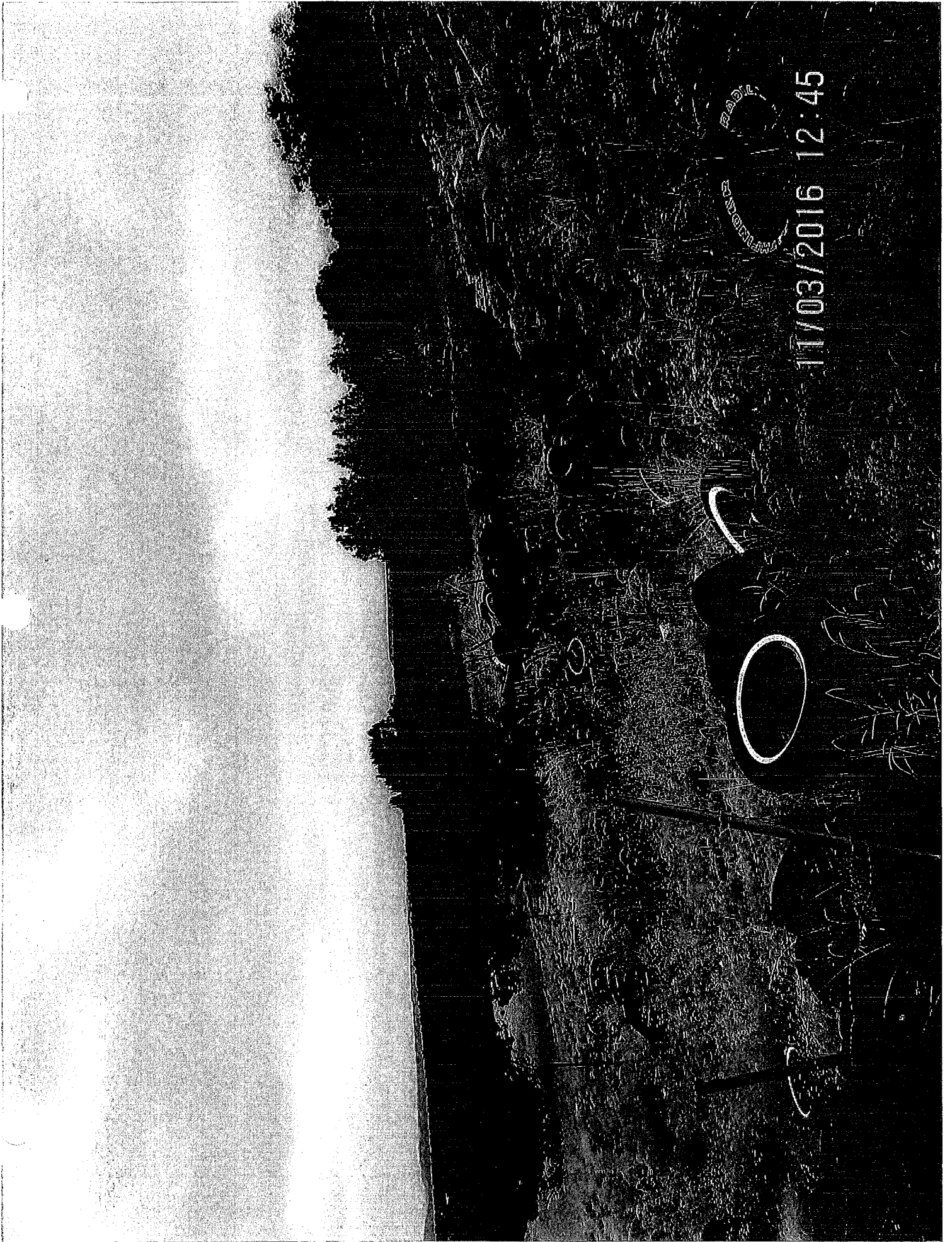


Exhibit 4



Exhibit 5.



FADIC  
RENDER-PA

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