



City of Bayard
CITY COUNCIL REGULAR MEETING
September 12, 2022 at 5:30 PM
Bayard Community Center

AGENDA

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC INPUT

CONSENT AGENDA

1. Approval of the Minutes of Regular Meeting on August 22, 2022.
2. Approval of the Minutes for Infrastructure Capital Improvement Plan.
3. Approval of the Accounts Payable Report for September 12, 2022.
4. Approval of the Fire Report for August, 2022.
5. Approval for Librarian Sonya Dixon and Assistant Jennifer Castanon to attend NMLA Library Strong Conference in Albuquerque on October 26-28, 2022.
6. Approval for Louis Gomez to attend League of Zoning Officials Meeting in Taos on September 14-16, 2022
7. Approval to attend Grant Writing Training for Staff online in the amount of \$273.
8. Approval to attend Municipal Clerks Certification Institute in Albuquerque on October 23-28, 2022 for Administrative Staff.

OLD BUSINESS

NEW BUSINESS

9. Proclamation for Senior League Boys and Senior League Girls Teams.
10. Discussion of Fire Stipend Policy Draft.

- [11.](#) Approval of Colonias Cash Match W/S Acquisition \$24,870 and W/W Operations \$10,000.
- [12.](#) Approval of 2024-2028 Infrastructure Capital Improvement Plan.
13. Discussion of City Council Meeting Time.
- [14.](#) Approval of the Covid-19 Administrative Leave Adjustments.

ORDINANCES/RESOLUTIONS

- [15.](#) Approval of Resolution 20-2022.
- [16.](#) Adoption of Resolution 21-2022 ICIP.
- [17.](#) Adoption of Resolution 22-2022 Open Meetings.
- [18.](#) Adoption of Resolution 23-2022 Credit card procedure internal controls.
- [19.](#) Adoption of Resolution 24-2022 NMDOT/TPS N. Foy Street.
- [20.](#) Intent to Adopt Public Nuisance Ordinance and Neglected Structure Ordinance.

MAYOR AND COUNCILORS REPORTS

NEXT MEETING DATE:

Regular Meeting - September 26, 2022

ADJOURNMENT



**City of Bayard
CITY COUNCIL REGULAR MEETING**

August 22, 2022 at 6:00 PM

Bayard City Hall

MINUTES

WORK SESSION

There was no work session.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

- Mayor Chon Fierro
- Mayor Pro-tem Raul Villanueva
- Councilor Eloy Medina
- Councilor Frances Gonzales
- Councilor Jose Diaz

A quorum was present. Others in attendants were Larry Qjinaga, Dolores Charon, Jesus Perez, Joan Perez, Lorenzo Marquez, Manny Garcia, Aaron Burg, Tighe Burg, Melissa Rackel, Jade Wilson, Denise Galaz, Euphemio Gonzalez, Hector Carrillo, Mike Paez, Judy Diaz, Gary Arellano, Frank Gomez Jr., Anthony Macias, Manuel Galaz, Kristy Ortiz, and Tanya Ortiz.

APPROVAL OF THE AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

PUBLIC INPUT

Melissa Rackel stated she is a property owner in Hanover and in Bayard. She stated she was in the meeting to address the hostility that is coming from the council administration. She feels as if targets have been placed on the backs of certain people in this community it may be because of a party choice or decision they made. There is a lot of hostility coming from this council. At the last council meeting the council scolded the municipal judge in a public forum. She also stated the council wants to defund the judicial branch that Judge Sandoval works for and that is a terrible reflection. She dose not know Judge Sandoval very much but she dose understand when he is helping some people because if he dose not help some people it could put them in a bad place. Only 10 citations were written in the month of July by the police department. That dose not help the Judge. She stated she is not sure what the council wants

from her but the council need to start communicating better with out the hostility. There are people in the community that are willing to serve a purpose and invest there futures in this community. She is sure there a more people that feel the same way. If you just talk to the people you would be amazed of what you can get out of people from this community.

Tighe Burge owner of Recreation Works located in Bayard on Central Ave. stated she is here to discuss the antique tractor that was parked in her parking lot. During the regular council meeting on April 11, 2022 a concerned resident ask for the council to reach out to the business about access issues. Mayor Fierro stated he would talk to the business owner about the issue and he never did. Councilor Diaz stated he had a complaint on the tractor. Tighe stated she has not received a call from the mayor, council, or anyone from the city about this issue. The business owner called over the city's code enforcer and asked if they were in violation and he stated no. They have always been in compliance of city ordinance and have never had a citation. The business own is surprised and disappointed that Councilor Diaz has taken this action to publicly slander there business name without the business owners ever having any prior notice or warning. She called Councilor Diaz to ask him why he brought up the issue of the tractor in the councilor meeting and he could not inform her of any ordinance or laws they have been in violation of and he admitted the tractor had been moved several weeks before. Tighe stated the tractor had been moved on July 11 and him knowing that tractor had been moved week before is a clear attack on her business. She stated it could be a case of attacking them maybe because they are a white owner in a predominantly not white community.

1. Swearing in of the new police officers Anthony Macias and Manuel Galaz.

CONSENT AGENDA

Councilor Diaz had a couple of question about the accounts payable report. Under the general fund in the amount of \$11,103.00 equipment for public safety what was that be?

Clerk/Treasure Kristy stated it was for the tv and computer monitor for training.

Councilor Diaz asked about the general fund for Vivint install of camera in the amount of \$4,354 just for city hall?

Clerk/Treasure Kristy stated yes.

Councilor Gonzales had a question on item number 5 if City Hall will be closed to attend training.

Clerk/Treasure Kristy stated no it should be only Marlana and herself would be attending.

Motion made by Councilor Gonzales, Seconded by Councilor Diaz.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

2. Approval of the Minutes of Regular Meeting on August 8, 2022
3. Approval of the Accounts Payable Report for August 8, 2022 and August 22, 2022

4. Approval of the Police Report for July, 2022
5. Approval of the attendance for administrative staff to attend NM Infrastructure Finance Conference on October 26-28, 2022 in Albuquerque.
6. Approval for Police Chief Hector Carrillo to attend New and Future Police Chief Training on September 26- 30, 2022 in Farmington.

OLD BUSINESS

7. Discussion of concern from resident Larry Ojinaga.

Larry Ojinaga asked if a letter was sent to the property owner of the building that is right next to the fire station?

Clerk/Treasure Kristy stated she dose not send out the letter. The code enforcer is the one to do that and the Chief of Police would be in charge of him.

Police Chief Carrillo isn't sure what he is talking about but he will look in to that issue.

Larry Ojinaga stated his concerns are that building is an eye sore. Councilor Villanueva said he was going to have someone send the property owner a letter. And now no one know anything about it. He feel as if he is getting the run around. His next concern is the sidewalk on highway 356 from Inigues all the way to highway 180.

Clerk/Treasure Kristy stated this is a part of the sidewalk project. The side walk project is still in design and they are waiting the utilities to get moved at two corner. There are utilities that need to be moved because they are causing a problem. The engineers are working with the utility companies to get relocations done. Kristy was able to get the grant money extended an other year.

NEW BUSINESS

8. Project Award of construction services to SW Concrete and Paving using CES Procurement; and approval of budget adjustment for completion of project using General Fund/Municipal Streets.

Clerk/Treasure Kristy stated she requested cost estimates from SW Concrete and Paving. For various areas in town the cost estimate was \$146,000. Her request was to award SW Concrete the project of a total of \$115,891. Using CES Procurement Program, the City will have to pay 1.5% out of our local funds. Award to SW Concrete and Paving, plus administrative fee. Total project funding awarded was \$108,000. Engineer Inc has already been paid out for citification for the DOT, \$11,216 more money need to be approved for additional funding from the city's budget, plus the administrative fee. She will have to look at the budget and decide if they money will come out of general fund or municipal streets. Work should start at the end of September.

Motion made by Councilor Diaz, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

9. Approval of the Cobre High Homecoming Parade.

Motion made by Councilor Medina, Seconded by Councilor Gonzales.
Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales,
Councilor Diaz

CLOSED SESSION

Police Chief Carrillo has a comment before entering into closed session the issue regrading item number 7 he had not answer for resident Larry Ojinaga and his suggestion today he didn't have a answer for him and he didn't like that so next time if anyone with a concern don't wait for the next council meeting call central dispatch or the police department. He will address it or he will assign it to someone who will take care of the issue.

Motion made by Councilor Gonzales to enter closed session in discussion on approval of the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho, approval of termination for Joseph Gomez Maintenance department and approval of disciplinary action for Gerald Polk at Wastewater Department.

Seconded by Mayor Pro-tem Villanueva.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ACTION FOR PERSONNEL

10. Approval of the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho.
11. Approval of termination for Joseph Gomez Maintenance department.
12. Approval of disciplinary action for Gerald Polk at Wastewater Department.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Approval of the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho.

Approval of termination for Joseph Gomez Maintenance department.

Approval of disciplinary action for Gerald Polk at Wastewater Department.

Motion made by Mayor Pro-tem Villanueva, to enter open session and all that was discussion in closed session was the Hiring of Uncertified Police Officer Kevin Armanny Rivera Camacho, termination for Joseph Gomez Maintenance department and disciplinary action for Gerald Polk at Wastewater Department. Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

ACTION ITEMS RESULTING FROM CLOSED SESSION

Motion made by Councilor Diaz to hire uncertified officer Kevin Armanny Rivera Camacho at he pay rate of \$18 an hour. Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Councilor Medina to approve the termination for Joseph Gomez Maintenance department. Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

Motion made by Pro-tem Villanueva, to change the suspension with out pay to change it to administration leave with pay, the disciplinary letter be removed from his employee file and to return to work as soon as posable. Seconded by Councilor Gonzales.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz.

MAYOR AND COUNCILORS REPORTS

Councilor Gonzales stated the Bayard Library meeting was healed on August 16, 2022 and another meeting in November is being planned. The discussion at the meeting was about the library park and they will be looking in to funding so they can trying and finish the park. On August 17 she attended the Bayard Housing Authority meeting, 17 HVAC/heating units have been stalled at the complex. They have 13 more units to install.

Councilor Diaz stated Mr. and Mrs. Gomez on E Elm street contacted him. Mrs. Gomez has fallen twice on her sidewalk. They would like to know why is it that the neighbor across the street has there sidewalk done, no one lives there and why wasn't her sidewalk done?

Clerk/Treasure Kristy stated she has spoken to Mrs. Gomez and let her know she can install a sidewalk if she wishes. The sidewalks the city installs are included with the projects that are grant funded. The project mainly forces on drive pads and not the sidewalks.

Councilor Diaz stated he would look in to programs to get her help for a sidewalk to be installed. He did let her know the city does not still the sidewalks and it is the property owners responsibility. Councilor Diaz stated he spoke with Judge Sandoval about an easement the Judge has with the city for his sewer line. The Judge and his neighbor are having sewer issues and would like for Kristy to get with the maintenance department to get this issue resolved.

Clerk/Treasure Kristy stated she has gone back and looked at the easement agreements. The agreement between Judge Sandoval and city the city has a sewer line that runs south and one that runs east. Mr. Candelaria's sewer is tight in to the line that runs east. The problem is Mr. Candelaria's line that is plugged up. Our maintenance have gone out and rodded out our mains on both ends and they are clear. Mr. Candelaria would have to get a plumber. She stated he may not be going far enough on his end and it would be best to get a plumber to do it.

Councilor Diaz asked about the roof leak at the fire department?

Clerk/Treasure Kristy stated the maintenance department have been patching up what they can. The notice to proceed for the contractors is September 15. The contractors are waiting on there supplies to get delivered.

Councilor Diaz would like to go out with Mr. Mike to the little league and take a look at the restrooms there and at the park restroom and see what else needs to be done. The reason is the Beautification Committee is planning a trunk or treat for the community and would like for them to be done.

Councilor Villanueva stated he spoke with the home owners on Poplar Street about the sewer backing up into there basement and they asked what was going on with that?

Mayor Fierro stated he went the day the issue happen and the line was clear.

Mike Paez for the maintenance department stated they caught a grease ball in the line on Maple Street.

Councilor Villanueva stated the property owners were gone all weekend and there basement was still flooding. He's not sure what can be causing this but the city needs to do something about this.

Councilor Villanueva said the property owners told him they were sure if there pump was working properly.

Clerk/Treasure Kristy stated if there basement is lower then the main the property owner is responsibly for having a pump that is an ordinance.

Fire Chief Gonzalez would like for the fire restrictions to be lifted, also if residents would like to burn they can get with him and get a burn permit.

Mayor Fierro thank the maintenance department for cleaning the alley and streets. He also thanked Jason at the wastewater plant for all his hard work. Mayor Fierro met with a few people from Freeport McMoRa, Joe Trumm, and Jason Jaeger,. They all when and walked through the wastewater treatment plant and they are going to have a meeting this week to discuss how Freeport can help the city with funding for infrastructure.

Councilor Gonzales asked how would this benefit them? She was raised in a union family and does not trust the mine.

Clerk/Treasure Kristy said sustainability for the community. The new main manager is really trying to help all the communities in the mining district. They are providing water rights to Santa Clara and to Hurley. For Bayard they are trying to get us funding for repairs at the wastewater treatment plant.

Mayor Fierro stated he was also in the union and retired from the mine. Mayor stated Freeport wants to help the city and it will help our municipally. They are going to help Hurley, Bayard and Santa Clara.

Councilor Gonzales she wants to make sure all be looking through clear glasses. This is all she is saying. She is a City Councilor and she has to look out of her residents. She stated they

have had issues with the White Water Creek. She wants to continues the good fellowship and stewardship. She appreciates the work they are doing.

Mayor Fierro stated we have to thinkin positive. Attend the meeting and just think positive that we will be getting help from them. The copper mine is the biggest employer in Grant County.

Larry Ojinaga stated if Freeport wants to help and they are sincere about helping the City. We need the help and might as well take advantage of it.

NEXT MEETING DATE:

Regular Meeting - September 12, 2022

ADJOURNMENT

Motion made by Councilor Medina, Seconded by Councilor Diaz.

Voting Yea: Mayor Pro-tem Villanueva, Councilor Medina, Councilor Gonzales, Councilor Diaz

ADJOURMENT 8:20 p.m.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer



**City of Bayard
INFRASTRUCTURE CAPITAL
IMPROVEMENTS PLAN WORK
SESSION**

August 22, 2022 at 5:30 PM

Bayard City Hall

MINUTES

PUBLIC INPUT

No public input.

1. Discussion of FY2022 Infra-structure Capital Improvement Plan (ICIP)

Mayor Fierro and Council discussed ICIP. Project for ICIP in order are wastewater system improvements, sewer system improvements, upgrade water distribution system, street improvements project, sewer vac truck, public safety equipment, fire truck, splash pad, city hall renovation project, recreation facility and property improvements, drainage improvements, outdoor library extension, community center improvements, equipment purchase, fire station, solar project, public safety improvements, ADA municipal improvements, Hurley Avenue improvement, train depot improvements, cemetery fencing, mine mill museum, and HMS clinic building.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

ACCOUNTS PAYABLES**12-Sep-22****GENERAL FUND - 10**

Ace Hardware	Monthly Supplies- Parks	\$ 314.50
Walmart	Office Supplies-City Hall	\$ 25.96
Quill	Office Supplies-City Hall	\$ 118.57
Walmart	Office Supplies-PD	\$ 20.58
Quill	Office Supplies- PD	\$ 250.37
Walmart	Janitorial Supplies- City Hall	\$ 28.51
O'Reilly Auto Parts	Plug, Splitter, PWR Outlet-PD	\$ 60.93
O'Reilly Auto Parts	Batteries for Unit 60 & 80	\$ 159.89
TOTAL:		\$ 979.31

JNT W/S O&M FUND - 150

Ace Hardware	Monthly Supplies	\$ 593.36
Ace Hardware	Monthly Supplies	\$ 350.53
Bank of America	Master Locks	\$ 886.00
Walmart	Clorox for Boosters	\$ 255.34
Amazon	Screen Protector/Phone Case	\$ 46.95
Walmart	Office Supplies	\$ 10.70
Quill	Office Supplies	\$ 19.70
Walmart	Janitorial Supplies	\$ 28.51
Core&Main	Resettlers	\$ 1,201.44
T.G. McCauley	Base Course Stock Pile	\$ 1,390.69
Baker Utility	Adapters, Plier Sets	\$ 1,058.52
O'Reilly Auto Parts	Air Tank, Wrench, Wiper Fluid	\$ 236.89
Amazon	Cell Phone Case for Maint.	\$ 25.98
Baker Utility	E-Series Meters for wells	\$ 7,266.66
TOTAL:		\$ 13,371.27

JNT WASTEWATER FUND - 170

Ace Hardware	Monthly Supplies	\$ 47.51
Cummings	Load Bank Testing	\$ 2,239.05
Walmart	Office Supplies	\$ 62.27
Quill	Office Supplies	\$ 3.99
ICI	Program Pumps to Alternate	\$ 600.00
Aquionics	Lamp, Sleeves and Wiper	\$ 4,946.70
Keenan	Sump Pumps	\$ 475.61
Keenan	Rubber Water Hose	\$ 685.00
TOTAL:		\$ 9,060.13

Cemetery Fund- 180

Ace Hardware	Monthly Supplies	\$ 98.66
Total:		\$ 98.66

COMMUNITY CENTER FUND - 200

Walmart	Janitorial Supplies	\$	28.52
TOTAL:		\$	28.52

LIBRARY FUND - 210

J&J Signs	Banner Event Sign	\$	159.84
Walmart	Office Supplies	\$	12.95
Walmart	Janitorial Supplies	\$	28.51
TOTAL:		\$	201.30

MUNICIPAL COURT FUND - 20

Quill	Office Supplies	\$	226.62
TOTAL:		\$	226.62

FIRE FUND- 30

Wal-Mart	Supplies	\$	213.88
Wal-Mart	Office Supplies	\$	10.24
Quill	Office Supplies	\$	118.57
Blake's Lotaburger	S. Foy Fire	\$	92.15
O'Reilly Auto Parts	Radiator Cap	\$	7.67
TOTAL:		\$	442.51

EMS FUND - 320

Wal-Mart	Supplies	\$	39.76
TOTAL:		\$	39.76

GRAND TOTAL:		\$	24,448.08
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ACCOUNTS PAID**12-Sep-22****GENERAL FUND - 10**

SC Daily Press	Closure Display-City Hall	\$ 83.12
SBA Monarch Towers	Tower Site Rent	\$ 275.63
AT&T	Phone Payment-City Hall	\$ 113.33
AT&T	Phone Payment-Police Dept	\$ 47.69
PNM	Monthly Electric Payment-CH	\$ 582.71
Zoom	Zoom Communications	\$ 161.62
Gila Health Resources	Drug Screenings- Police Dept	\$ 860.00
Humphrey's Enterprise	Handicap Unit-Little League	\$ 469.29
PNM	Monthly Electric Payment-CH	\$ 16.91
NM Gas Company	Natural Gas Payment-PD	\$ 11.58
Rocky MT Information	Membership Fees-PD	\$ 50.00
Lumen	Long- Distance Calls-City Hall	\$ 1.47
Lumen	Long- Distance Calls-PD	\$ 1.46
Samsara	GPS- City Hall	\$ 140.28
Samsara	GPS-PD	\$ 140.28
Ricoh	Monthly Service Contract-CH	\$ 32.33
Ricoh	Monthly Service Contract-PD	\$ 32.32
Xfinity	Bayard Fire Internet Services	\$ 8.54
Council of Governments	Membership Fees-City Hall	\$ 350.00
Council of Governments	Membership Fees- PD	\$ 350.00
PNM	Monthly Electric Payment-PD	\$ 151.40
PNM	Monthly Electric Payment-Parks	\$ 320.15
AT&T Mobility	Phone Payment	\$ 280.28
SC Daily Press	Reg Meeting/Work Session	\$ 36.06
SC Daily Press	Ordinance 3-2022	\$ 16.93
SC Daily Press	Public Hearing	\$ 42.69
SC Daily Press	Special Meeting/M&M Auto	\$ 38.92
SC Daily Press	Quorum/Cobre School	\$ 9.55
SC Daily Press	Amending Ordinance 1-2015	\$ 30.84
SC Daily Press	Work Session/Reg Meeting	\$ 33.05
Abila	Municipal Water System-CH	\$ 114.70
Abila	Municipal Water System-PD	\$ 114.70
Civic Plus	Municode Renewal-City Hall	\$ 400.00
Civic Plus	Municode Renewal-PD	\$ 400.00
TOTAL:		\$ 5,717.83

JNT W/S O&M FUND - 150

AT&T	Phone Payment	\$47.71
PNM	Monthly Electric Payment	\$3,099.19
NM Gas Company	Natural Gas Payment	\$35.13
Comcast	Internet Payment	\$118.06
Samsara	GPS	\$ 140.28

Council Of Governments	Membership Fees	\$ 350.00
AT&T Mobility	Phone Payment	\$ 25.18
SC Daily Press	Ordinance 4-2022	\$ 18.40
SC Daily Press	Special Meeting	\$ 13.61
SC Daily Press	Adopt Ch 40 Utilities	\$ 39.74
Abila	Municipal Water System	\$ 114.70
Civic Plus	Municode Renewal	\$ 400.00
TOTAL:		\$4,402.00

Sewer Operations - 155

Abila	Municipal Water System	\$114.70
Civic Plus	Municode Renewal	\$400.00
TOTAL:		\$514.70

JNT WASTEWATER FUND - 170

AT&T	Phone Payment	\$ 71.19
Hall Env Analysis Lab	Plant Testing	\$ 464.55
Gila Health Resources	Drug Testing- Jason	\$ 87.00
Hughes Net	Internet Service	\$139.32
American Linen	Laundry Service	\$48.91
Samsara	GPS	\$ 140.20
American Linen	Wastewater Linen Service	\$ 48.91
Council of Governments	Membership Fees	\$ 350.00
PNM	Monthly Electric Payment	\$ 73.22
AT&T Mobility	Phone Payment	\$ 80.12
SC Daily Press	Ordinance 5-2022	\$ 18.40
SC Daily Press	Special Meeting	\$ 13.62
Abila	Municipal Water System	\$ 114.70
TOTAL:		\$ 1,650.14

COMMUNITY CENTER FUND - 200

NM Gas Company	Monthly Natural Gas Payment	\$ 31.09
Humphrey's Enterprise	WW Treatment Plant Dump Fee	\$ 7.50
PNM	Monthly Electric Payment	\$ 518.54
Vivint	Camera System	\$ 55.46
TOTAL:		\$ 612.59

LIBRARY FUND - 210

NM Gas Company	Natural Gas Payment	\$ 24.59
PNM	Monthly Electric Payment	\$ 497.04
Lumen	Long- Distance Calls	\$ 1.46
Ricoh	Monthly Service Contract	\$ 32.33
TOTAL:		\$ 555.42

MUNICIPAL STREET FUND - 240

PNM	Monthly Electricity	\$ 3,045.30
Abila	Municipal Water System	\$113.56
Civic Plus	Municode Renewal	\$ 400.00

TOTAL: \$ 3,558.86

MUNICIPAL COURT FUND - 20

NM Gas Company	Natural Gas Payment	\$ 12.97
Lumen	Long- Distance Calls	\$ 1.46
PNM	Monthly Electric Payment	\$ 135.18
Abila	Municipal Water System	\$ 114.70
TOTAL:		\$ 264.31

FIRE FUND- 30

AT&T	Phone Payment	\$47.70
NM Gas Company	Natural Gas Payment	\$96.83
Council Of Governments	Membership Fees	\$313.00
PNM	Monthly Electric Payment	\$254.13
Abila	Municipal Water System	\$ 114.70
TOTAL:		\$826.36

Solid Waste -160

Samsara	GPS	\$140.28
Council of Governments	Membership Fees	\$ 350.00
Abila	Municipal Water System	\$ 114.70
Civic Plus	Municode Renewal	\$ 400.00
TOTAL:		\$1,004.98

GRAND TOTAL: \$ 19,107.19

Bayard Fire Department
Monthly Report
August 2022

Monthly Fire Calls: There were 5 fire calls for service in August.

8/1/2022: Dispatched to 1112 Jasper for a Mutual Aide for Santa Clara Fire on a structure fire.

8/14/2022: Dispatched to Cobre High School to set up a Landing Zone for EMS Air.

8/22/2022: Dispatched to the Tri-City landfill for fire. Arrived and found no fire or flames.

8/31/2022: Dispatched to 104 Santa Rita in Hurley for a structure fire. Provided Mutual Aide to Hurley Fire.

8/31/2022: Dispatched to 113 ½ Cortez Ave. in Hurley for a structure fire.

Monthly EMS calls:

There were 37 reported EMS calls for the month of August.

<u>Bayard</u>	24 Calls
<u>Hurley</u>	9 Calls
<u>North Hurley</u>	2 Calls
<u>Santa Clara</u>	0 Calls
<u>Vanadium</u>	1 Calls
<u>Hanover</u>	0 Calls
<u>Fierro</u>	1 Calls

August Training

Fire:

8/2/2022: Officers meeting. Cover monthly activities for the fire department.

8/18/2022: Fire training consisted of SCBA inspections and setting up landing zones.

8/21/2022: Fire Department cleanup and maintenance.

EMS:

8/16/2022: EMS training consisted of Active Shooter response.

Equipment:

<u>Apparatus</u>	<u>Mileage</u>	<u>Engine Hours</u>
<u>Engine 1</u>	<u>8434.7</u>	<u>1170.3</u>
<u>Engine 2</u>	<u>14253.3</u>	<u>1190</u>
<u>Command 3</u>	<u>38610.6</u>	<u>3739</u>
<u>Mini</u>	<u>12664.5</u>	<u>1516.9</u>

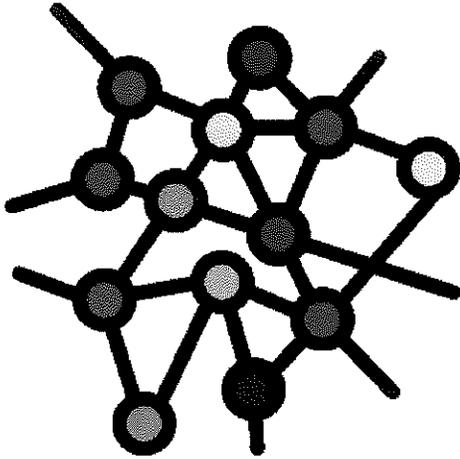
Safety: No incidents reported this month.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary



librarySTRONG

October 26-28 Albuquerque

NMLA 2022

Sonyca + Jenny

Albuquerque Marriott Pyramid North

5151 San Francisco Rd NE, Albuquerque, NM 87109

The New Mexico Library Association is delighted to announce its 2022 in-person annual summit, *librarySTRONG*. In 2019, the American Library Association identified sustainability as a core value of librarianship and although it's always been a key component of libraries, librarians have not always seen their work as meeting those challenges. Sustainability, however, is much more than just a commitment to improving and maintaining our environments. It can be found in library budgets, workflows, planning, pedagogy, community engagement, and equity initiatives, among many other things. In a world that is living with a pandemic, threats of climate change, political unrest, and other factors that affect our lives and planet, the resilience of libraries is increasingly important for our communities. Join us as we explore the diverse ways New Mexico libraries are engaging issues of sustainability.

Preliminary Schedule

Wednesday October 26th

- Registration: 9:00 am - 4:00 pm
- Pre-conference sessions: 9:00 am - 4:00 pm
- Opening reception with exhibitors: 4:30 pm - 6:00 pm

Thursday October 27th

- Registration: 8:00 am - 9:00 am
- Keynote address: 9:00 am - 10:30 am
- Program presentations: 11:00 am - 4:00 pm
- Awards reception: 6:00 pm - 8:00 pm

Friday October 28th

- Registration: 8:00 am - 9:00 am
- Program presentations: 9:00 am - 11:30 am
- Youth author luncheon: 11:30 am - 1:00 pm
- Program presentations: 1:00 pm - 3:00 pm

Speakers & Exhibitors

Keynote Speaker: Librarian Suzette Baker

Youth Authors: To be announced in September 2022.

Program Sessions: To be announced in September 2022.

Exhibit Hall: Connect with library vendors, nonprofits and local businesses including Emerald Publishing, Gale Cengage Learning, SirsiDynix, Junior Library Guild, Brainfuse, Salem Press & Sebco Books, REFORMA de Nuevo Mexico, EBSCO Information Services, New Mexico Library Foundation, Goodmans Interior Structures, Perma-Bound, New Mexico Book Association, Follett School Solutions, Mackin, Mountain Plains Library Association, Sanchez Educational Associates, Bound to Stay Bound Books, Navajo Jewelry and Crafts, Book Systems, Inc., Ingram Content Group, ABDO, Radius Books, Association of Bookmobile and Outreach Services, University of New Mexico Press, 7000 BC, New Mexico State Library, Gumdrop Books, SJSU School of Information, Portable Micrographics, Inc., and more!

Pre-conference Sessions

Full-Day Programs

Designing Community-Centered Libraries: A Hands on Workshop

Speakers: David Vinjamuri and Joseph M. Huberty

9:00 am - 4:00 pm | International District Library - 7601 Central Ave NE, Albuquerque

A Day of New Mexico History at the Historic Martha Liebert Public Library

Speakers: Joseph McKenzie, Joe Sabatini and Rob Martinez

9:00 am - 4:00 pm | Martha Liebert Public Library - 124 Calle Malinche, Bernalillo

Half-Day Programs

I'm pretty sure I'm worthless if I can't be of Service: Under the Surface of Resilience Narratives

Speakers: Alexis Ellsworth-Kopowski, Kelleen Maluski and Varina Kosovich

9:00 am - 12:00 pm | Albuquerque Marriott Pyramid North

Wrangling your Metadata using the New RDA Toolkit

Speakers: Bradley Carrington and Joseph Angelo

9:00 am - 12:00 pm | Albuquerque Marriott Pyramid North

Positionality as a Pathway to Understanding Self and Practicing Culturally Responsive Teaching, Leadership and Scholarship in Libraries

Speakers: Erin Renee Wahl, Dr. Kristin Kew

1:30 pm - 4:00 pm | Albuquerque Marriott Pyramid North

Additional Information

Lodging: A special group rate for NMLA conference attendees is available at the Albuquerque Marriott Pyramid North. Book online or call (800) 262-2043 and mention 'New Mexico Library Association Annual Conference 2022'. **The group rate expires on Monday, 10/10/22.**

Code of conduct: NMLA is dedicated to providing a harassment-free environment for everyone engaged with the association at events. Harassment will not be tolerated in any form and constructive discussion is encouraged during all NMLA programming.

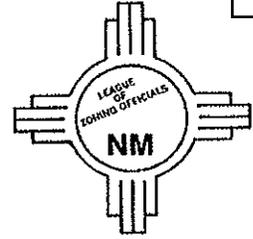
COVID-19 safety measures: NMLA is working closely with the Marriott to follow state and local safety measures and provide the safest environment for conference attendees. Additional information on current protocols and practices can be found [here](#).

Cancellation policy: Due to the costs associated with the conference, lunch and registration cancellations must be made in writing to annual_conference@nmla.org by Wednesday 10/12/22. **Payment is non-refundable after this date.**

For questions about the conference, please contact annual_conference@nmla.org. Checks can be mailed to: PO Box 26074, Albuquerque, NM 87125



NEW MEXICO LEAGUE OF ZONING OFFICIALS
(A SUBSECTION OF THE NEW MEXICO MUNICIPAL LEAGUE)



ANNUAL MEETING
-SERIES SEVENTEEN -- WORKSHOP FOUR-
September 14-16, 2022
Sagebrush Inn & Suites - Taos

PRELIMINARY PROGRAM

WEDNESDAY, SEPTEMBER 14

11:30 AM REGISTRATION

1:15 – 5:00 PM AFTERNOON GENERAL SESSION

1:15 PM WELCOME

OPENING REMARKS & ANNOUNCEMENTS

Stella Rael, CZO, President, NMLZO

1:30 – 2:45 PM WHAT CAME FIRST, THE CHICKEN OR THE GOVERNMENT ENTITY?...PRACTICING URBAN AGRICULTURE AND LIVESTOCK

- Changing policy and zoning regulations.
- Pros and Cons.
- New popular "Micro-Livestock" Ordinances.
- Possible urban agricultural activities.
- What can be allowed, but controlled and in what places?
- Potential regulations and requirements.

Speaker: *Adam Ochoa, CZO, Plans Examiner/Inspector Supervisor
City of Las Cruces*

2:45 – 3:00 PM Break

3:00 – 5:00 pm CODE ENFORCEMENT A-Z

- Authority – What give Code Enforcement the authority to do their jobs?
- Receiving a complaint – Proactive vs. Reactive
- Building a case:
 - Site Investigation – What constitutes a violation, right of entry, gathering of evidence.
 - Notices of Violation and Due Process – Serving notice of a violation to the property owner.
 - Due Process – What constitutes due process and what is a reasonable time frame for abatement?
 - Failure to Comply – Clean and Lien or Court?
- Possible issues; multiple owners, aggressive tenants, endangerment of children/elders, cause of fires and attracting transients.
- How does Code Enforcement work with other agencies?

Speaker: *Nikki Lee, Planning Manager – City of Gallup*

5:00 – 7:00 PM WELCOME RECEPTION - Sagebrush Inn Patio

THURSDAY, SEPTEMBER 15**8:30 AM REGISTRATION****9:00 – 12:00 AM MORNING GENERAL SESSION****9:00 – 10:30 AM BLIGHT**

Blight encompasses vacant lots, abandoned buildings, and houses in derelict or dangerous shape, as well as environmental contamination. Blight that creates property nuisances that creep up on communities: overgrown lawns, uncollected litter, and other signs of neglect. Processes and procedures created and implemented by the Village of Ruidoso

Speaker: Robert Simpson, Code Enforcement Officer – Village of Ruidoso

10:30 – 11:00 AM BREAK & NETWORKING**10:45 AM – 12:00 PM TBA**

Speakers: TBA

12:00 – 1:15 PM LUNCHEON & AWARDS CEREMONY**1:30 – 5:00 PM AFTERNOON GENERAL SESSION –****1:30 – 2:45 PM COURT CASE PAPERWORK**

Speaker: Brennon Williams, CZO

2:45 – 3:15 PM BREAK & NETWORKING**3:15 – 5:00 pm MOCK COURT HEARING – “PRACTICAL APPLICATION WITH JUDGE JUDY”**

Facilitators: Brennon Williams, CZO

(OR EVENING FREE 20)

FRIDAY, SEPTEMBER 16**9:00 AM – 12:00 PM MORNING GENERAL SESSION****9:00 – 11:30 AM ZONING JEOPARDY**

Speakers: TBD

10:15 – 10:30 AM BREAK & NETWORKING –**11:30 AM – 12:00 PM BUSINESS MEETING & ELECTIONS****12:00 PM DISTRIBUTION OF CERTIFICATES & ADJOURNMENT**

Kristina Ortiz

From: Ortiz, Stephanie D, DFA <StephanieD.Ortiz@state.nm.us>
Sent: Tuesday, August 2, 2022 8:34 AM
To: svalverde@artesianm.gov; Hobson, Aubrey; Kristina Ortiz; Fierro, Ida; tgray@townofbernalillo.org; Jones, Gayle; Causey, Village of; toctaylor@claytonnm.net; flucerotoc@claytonnm.net; tocarnes@claytonnm.net; bkggdg@gmail.com; jiniturri@gmail.com; itzas@bmc-cpa.com; mclerk@vtc.net; miguelruiz@bmc-cpa.com; mromero@corrales-nm.org; RAragon@corrales-nm.org; nicolemoyer17@outlook.com; Lucero, Amanda; emuller@edgewood-nm.gov; llujan@edgewood-nm.gov; Elida, Town of; jarchuleta@espanolanm.gov; uatencio@espanolanm.gov; jsandoval@espanolanm.gov; ahall@espanolanm.gov; Floyd, Village of; bonniedonnelyvog@bacavalley.com; Daniela.h@hardingcounty.org; new.manager@hardingcounty.org; VOHmiller@outlook.com; c.holder@jemezsprings-nm.gov; mgarza@lovingnm.gov; ffernandez@lovingnm.gov; clerk@moriartynm.gov; d.baker.villageofmosquero@gmail.com; mantonucci@cityofraton.com; j.davies@roswell-nm.gov; Castaneda, Mary; San Ysidro, Village of; antonio.fresquez@taoscounty.org; elsa.vigil@taoscounty.org; Jaramillo, Brent; nkennedy@tijerasnm.gov; acaufield@tijerasnm.gov; vwmlgbms@gmail.com; villageofwmaalcon@gmail.com; amandabcardona@mail.com
Cc: Chavez, Cordelia, DFA
Subject: RE: NGMA Virtual Fall Forums: Registration Open!

Good morning,

Below is information regarding NGMA Virtual Fall Forums: Registration Open.

Thank you,

Stephanie D. Ortiz
Budget and Finance Analyst
Local Government Division
Department of Finance & Administration
407 Galisteo, Room 201F
Santa Fe, NM 87501
Work Cell-505-396-1783
StephanieD.Ortiz@state.nm.us

NGMA
 National Grants Management Association

Virtual Fall Forums

REGISTER TODAY

Registration is Open! Reserve Your Spot Today

October 18: New Grants Managers

October 19-20: Infrastructure & Audits

October 18 New Grants Managers



Registration fees:

\$99 Members | \$273 Non-Members

Non-member cost included a one-year optional NGMA membership.

A half-day virtual forum designed for new grants managers with less than three years of experience.* This event will provide basic-level educational sessions with live Q&As. *Follow us on [LinkedIn](#) for the latest information on topics and speakers.*

***Attention new grants managers:** Help us shape this forum to best suit your needs by taking a few minutes to complete a brief 10-question survey. Thank you in advance for helping us make this a valuable educational event for you. [COMPLETE SURVEY](#)

Survey completion deadline is Friday, August 12.

REGISTER TODAY

October 19-20 Infrastructure & Audits



Registration fees:

\$199 Members | \$373 Non-Members

Non-member cost includes an optional one-year NGMA membership.

A virtual forum to share information and guidance focused on issues pertaining to infrastructure (October 19) and audits (October 20). Forum topics will include top compliance concerns; infrastructure monitoring programs; what auditors look for; and more. *Follow us on [LinkedIn](#) for the latest information on topics and speakers.*

REGISTER TODAY

DID YOU KNOW?

Training and education costs for employee development may be allowable under 2 CFR §200.473. Check your agency's policies and procedures to determine if these forums are allowable costs.

www.ngma.org | (202) 308-9443 | ©2022 National Grants Management Association

Facebook

Twitter

LinkedIn

VOLUNTEER FIREFIGHTER PAY-PER-CALL POLICY

PURPOSE OF THIS STANDARD

The Volunteer Firefighter Pay-Per-Call Program has been established by the Bayard City Council to help reimburse volunteer firefighters for expenses incurred while responding to and participating in Fire Department emergency calls. These guidelines are provided in order to insure proper administration of this program.

SECTION 1 - ELIGIBILITY AND CONDITIONS

1. Volunteer firefighting personnel who are active members of Bayard Fire Department are the only persons eligible to participate in this program. Each Firefighter shall receive a \$25.00 payment for responding to alarms.
2. In order for a volunteer firefighter to be eligible for payment, the following conditions must be met:
 - A. Respond to an incident to which their assigned station has been dispatched by Central Dispatch.
 - B. Personnel must be an active participant in fire suppression, mop up and returning apparatus and equipment to "ready condition" for the next call.
 - C. Personnel must have in their possession all issued Personal Protective Equipment and wearing such equipment in accordance with their departments policy and procedures.
 - D. Personnel must actively participate in all aspects of the fire suppression activities assigned to them during the incident.
 - E. Personnel will not be reimbursed by the City if the incident is reimbursed by the New Mexico State Forestry Division.
 - F. Fire Department response must be within the city limits of Bayard and subject to approval for response under the mutual aid agreement.
 - G. During 4th of July Activities, fire personnel will only be paid for one response.
 - H. Personnel must meet NIMS requirement for their respective level of command. These documents must be on file with the Bayard Fire Chief.
 - I. Stipend payments will be dependent upon annual budget allocations and or stipend program funding.

SECTION 2 - ADMINISTRATION

1. The Volunteer Pay-Per-Call Report Form will be used to record and report activity for the Pay-Per-Call Program.

2. The report forms will be turned in to the Bayard Municipal Clerk no later than **30 days after the alarm.** alarm must be entered into NFIRS and a copy of the specific fire run report shall be attached to the Pay-Report Form

Item 10.

3. Instructions for filling out the report form are as follows:

- 1) Enter current Date
- 2) Enter your Fire Departments Name
- 3) Enter the Date of the Incident you are requesting reimbursement for.
- 4) Enter the NFIRS report number.
- 4) Enter the location of the incident.
- 5) Enter the name of the I.C.
- 6) Enter the name(s) of all firefighter's that are eligible for reimbursement.
- 7) Each person responding shall sign their name acknowledging they responded to the call.
- 7) Fire Chief must Sign and Date the Document.
- 8) Enter report into NFIRS and attach a copy of Incident report
- 9) Fax to the County Fire Marshal @ or scan documents and email to;

SECTION 3 - PAYMENT

Payments will be made monthly and delivered directly to the Fire Chief. It is the responsibility of the Fire Chief to distribute pay checks to each member. Payments to members shall only be processed one time per month.



June 28, 2022

Via First Class Mail and Email

City of Bayard
 Attn: Mayor Chon S. Fierro
 PO Box 728
 800 Central Avenue
 Bayard, NM 88023
 mayor@cityofbayardnm.com

RE: Colonias Infrastructure Project No. 5747-CIF; Water Infrastructure; Water system Improvements

Dear Mayor Fierro:

The Board of Directors of the New Mexico Finance Authority ("NMFA") met on June 23, 2022, to approve the final terms, structure and conditions of Colonias Infrastructure Funding in the amount of \$127,400 to the City of Bayard ("City") for its Water Infrastructure Project. This action is a result of the Colonias Infrastructure Board recommendations approved on May 24, 2022.

The approved funding structure consists of a 10% loan in the amount of \$12,740, and a 90% grant in the amount of \$114,660. The loan component is a 20-year term at interest rate of 0%. The loan and grant are to be used by the City for the design of a new backup power system for the existing well fields.

To secure the funding agreement for the award, the City must submit the following Readiness to Proceed items **no later than October 31, 2022** by email only to Colonias@nmfa.net.

SUBMISSION OF READINESS TO PROCEED ITEMS

This funding is conditional and the City must submit the following Readiness to Proceed ("RTP") items, as applicable, before the loan/grant agreement can be scheduled to close:

1. A monthly draw-down schedule of project expenditures, including Month and Year;
2. Verification of match in the amount of \$12,740;
3. Consent of additional debt from NMED;
4. All contingencies must be satisfied **no later than October 31, 2022**; and
5. Any additional information requested by the NMFA Board or Colonias Infrastructure Board.

Compliance with the RTP process is required to secure the funding for this project. To prevent any delays in securing the funding, please begin preparing the RTP information upon receipt of this notice. When all of the RTP criteria have been submitted, outside counsel for NMFA will draft the funding agreement and will contact the City directly for closing arrangements.

As part of the technical oversight of Colonias Infrastructure Funds, all project documentation (design and construction plans, contracts, bids, etc.), must be reviewed and approved by the New Mexico Environment Department, Construction Programs Bureau. Please contact Steven Deal, Project Manager, (505) 670-2926, steven.deal@state.nm.us, to confirm technical requirements for this project.

Please contact me at Colonias@nmfa.net or (505) 992-9648 if you have any questions regarding the RTP information.

Sincerely,



Angela Quintana
Senior Program Administrator

cc: Kristina Ortiz, City of Bayard, cityclerk@cityofbayardnm.com
George Esqueda, Stantec, george.esqueda@stantec.com
Steven Deal, NMED-CPB, steven.deal@state.nm.us
Andrea Telmo, NMED-CPB, andrea.telmo@state.nm.us



June 28, 2022

Via First Class Mail and Email

City of Bayard
 Attn: Mayor Chon S. Fierro
 PO Box 728
 800 Central Avenue
 Bayard, NM 88023
 mayor@cityofbayardnm.com

RE: Colonias Infrastructure Project No. 5748-CIF; Wastewater Infrastructure; Sewer system improvement

Dear Mayor Fierro:

The Board of Directors of the New Mexico Finance Authority ("NMFA") met on June 23, 2022, to approve the final terms, structure and conditions of Colonias Infrastructure Funding in the amount of \$121,300 to the City of Bayard ("City") for its Wastewater Infrastructure. This action is a result of the Colonias Infrastructure Board recommendations approved on May 24, 2022.

The approved funding structure consists of a 10% loan in the amount of \$12,130, and a 90% grant in the amount of \$109,170. The loan component is a 20-year term at interest rate of 0%. The loan and grant are to be used by the City for the design a new lift station; new gravity sewer main, new force main, SCADA, controls, and electric systems and new backup diesel generator.

To secure the funding agreement for the award, the City must submit the following Readiness to Proceed items **no later than October 31, 2022** by email only to Colonias@nmfa.net.

SUBMISSION OF READINESS TO PROCEED ITEMS

This funding is conditional and the City must submit the following Readiness to Proceed ("RTP") items, as applicable, before the loan/grant agreement can be scheduled to close:

1. A monthly draw-down schedule of project expenditures, including Month and Year;
2. Verification of match in the amount of \$12,130;
3. Consent of additional debt from and NMED;
4. All contingencies must be satisfied **no later than October 31, 2022**; and
5. Any additional information requested by the NMFA Board or Colonias Infrastructure Board.

Compliance with the RTP process is required to secure the funding for this project. To prevent any delays in securing the funding, please begin preparing the RTP information upon receipt of

this notice. When all of the RTP criteria have been submitted, outside counsel for NMFA will draft the funding agreement and will contact the City directly for closing arrangements.

As part of the technical oversight of Colonias Infrastructure Funds, all project documentation (design and construction plans, contracts, bids, etc.), must be reviewed and approved by the New Mexico Environment Department, Construction Programs Bureau. Please contact Steven Deal, Project Manager, (505) 670-2926, steven.deal@state.nm.us, to confirm technical requirements for this project.

Please contact me at Colonias@nmfa.net or (505) 992-9648 if you have any questions regarding the RTP information.

Sincerely,



Angela Quintana
Senior Program Administrator

cc: Kristina Ortiz, City of Bayard, cityclerk@cityofbayardnm.com
George Esqueda, Stantec, george.esqueda@stantec.com
Steven Deal, NMED-CPB, steven.deal@state.nm.us
Andrea Telmo, NMED-CPB, andrea.telmo@state.nm.us



June 28, 2022

Via First Class Mail and Email

City of Bayard
 Attn: Mayor Chon S. Fierro
 PO Box 728
 800 Central Avenue
 Bayard, NM 88023
 mayor@cityofbayardnm.com

RE: Colonias Infrastructure Project No. 5749-CIF; Wastewater Infrastructure;
 Wastewater Facility planning grant

Dear Mayor Fierro:

The Board of Directors of the New Mexico Finance Authority ("NMFA") met on June 23, 2022, to approve the final terms, structure and conditions of Colonias Infrastructure Funding in the amount of \$100,000 to the City of Bayard ("City") for its Wastewater Infrastructure. This action is a result of the Colonias Infrastructure Board recommendations approved on May 24, 2022.

The approved funding structure consists of a 10% loan in the amount of \$10,000, and a 90% grant in the amount of \$90,000. The loan component is a 20-year term at interest rate of 0%. The loan and grant are to be used by the City for the planning and preliminary design of wastewater system improvements.

To secure the funding agreement for the award, the City must submit the following Readiness to Proceed items **no later than October 31, 2022** by email only to Colonias@nmfa.net.

SUBMISSION OF READINESS TO PROCEED ITEMS

This funding is conditional and the City must submit the following Readiness to Proceed ("RTP") items, as applicable, before the loan/grant agreement can be scheduled to close:

1. A monthly draw-down schedule of project expenditures, including Month and Year;
2. Verification of match in the amount of \$12,130;
3. Approval of planning documents by NMED-Construction Programs Bureau prior to disbursement of design funds;
4. Consent of additional debt from and NMED;
5. All contingencies must be satisfied **no later than October 31, 2022**; and
6. Any additional information requested by the NMFA Board or Colonias Infrastructure Board.

Compliance with the RTP process is required to secure the funding for this project. To prevent any delays in securing the funding, please begin preparing the RTP information upon receipt of this notice. When all of the RTP criteria have been submitted, outside counsel for NMFA will draft the funding agreement and will contact the City directly for closing arrangements.

As part of the technical oversight of Colonias Infrastructure Funds, all project documentation (design and construction plans, contracts, bids, etc.), must be reviewed and approved by the New Mexico Environment Department, Construction Programs Bureau. Please contact Steven Deal, Project Manager, (505) 670-2926, steven.deal@state.nm.us, to confirm technical requirements for this project.

Please contact me at Colonias@nmfa.net or (505) 992-9648 if you have any questions regarding the RTP information.

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Angela Quintana
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Andrea Telmo, NMED-CPB, andrea.telmo@state.nm.us

Infrastructure Capital Improvement Plan F2024-2028

**Bayard
Project Summary**

ID	Year	Rank	Project Title	Category	Funded to date					Total Project Cost	Amount Not Yet Funded	Phases?	
					2024	2025	2026	2027	2028				
35733	2024	001	Wastewater System Improvements	Water - Wastewater	110,000	3,000,000	0	3,000,000	0	3,000,000	9,110,000	9,000,000	Yes
29241	2024	002	Sewer System Improvements	Water - Wastewater	183,430	2,150,000	0	0	0	2,333,430	2,150,000	0	No
15938	2024	003	Upgrade Water Distribution System	Water - Water Supply	140,140	140,140	3,000,000	0	3,000,000	0	6,280,280	6,140,140	No
35128	2024	004	Street Improvement Project	Transportation - Highways/Roads/Bridges	0	0	1,250,000	1,250,000	1,250,000	3,750,000	3,750,000	3,750,000	No
40717	2024	005	Sewer VAC Truck	Equipment - Other	0	400,000	0	0	0	400,000	400,000	400,000	No
32666	2024	006	Public Safety Equipment	Vehicles - Public Safety Vehicle	0	300,000	0	200,000	0	200,000	700,000	700,000	Yes
40716	2024	007	Fire Truck	Vehicles - Public Safety Vehicle	0	500,000	0	0	0	500,000	500,000	500,000	No
40715	2024	008	Splash Pad	Facilities - Other	0	800,000	0	0	0	800,000	800,000	800,000	No
12897	2024	009	City Hall Renovation Project	Facilities - Administrative Facilities	0	0	3,000,000	0	0	3,000,000	3,000,000	3,000,000	No
29243	2024	010	Recreation Facility and Property Improvements	Other - Other	285,000	700,000	0	0	0	985,000	700,000	700,000	No
29239	2025	001	Drainage Improvements	Water - Storm/Surface Water Control	0	0	2,500,000	0	2,350,000	0	4,850,000	4,850,000	Yes
35735	2025	002	Outdoor Library Extension	Facilities - Libraries	0	0	300,000	0	0	300,000	300,000	300,000	No
29240	2025	003	Community Center Improvements	Facilities - Other	0	0	1,510,000	0	0	1,510,000	1,510,000	1,510,000	No
35730	2025	004	Equipment Purchase	Equipment - Other	0	0	2,000,000	0	2,000,000	0	4,000,000	4,000,000	No
37475	2025	005	Fire Station	Facilities - Fire Facilities	0	0	3,000,000	0	0	3,000,000	3,000,000	3,000,000	No

Thursday, September 8, 2022

Bayard/CIP 08001

Infrastructure Capital Improvement Plan F2024-2028

35732	2025	006	Solar Project	Facilities - Other	0	0	3,000,000	0	0	0	0	3,000,000	3,000,000	No	
37472	2025	007	Public Safety Improvements	Facilities - Fire Facilities	0	0	660,000	0	0	0	0	660,000	660,000	No	
29244	2026	001	ADA Municipal Improvements	Transportation - Highways/Roads/Bridges	0	0	0	500,000	0	500,000	0	500,000	1,000,000	1,000,000	No
37471	2026	002	Hurley Avenue Improvements	Transportation - Other	0	0	0	2,000,000	0	2,000,000	0	2,000,000	2,000,000	No	
32667	2026	003	Train Depot Improvements	Facilities - Other	0	0	0	1,500,000	0	1,500,000	0	1,500,000	1,500,000	No	
35731	2026	004	Cemetery Fencing	Facilities - Other	0	0	0	500,000	0	500,000	0	500,000	500,000	No	
35736	2026	005	Mine Mill Museum	Facilities - Museums	0	0	0	1,500,000	0	1,500,000	0	1,500,000	1,500,000	No	
40729	2026	006	HMS Clinic Building	Facilities - Other	0	0	0	1,520,000	0	1,520,000	0	1,520,000	1,520,000	No	

Number of projects: 23

Grand Totals	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:	Total Not Yet Funded:
	718,570	7,990,140	18,970,000	11,970,000	8,600,000	4,950,000	53,198,712	52,480,140

Name	HWA Hours	Annual Leave Hours	Sick Leave Hours	LWOP Hours	Date
	Does not require reimbursement to employee				
Kristina Ortiz			13.00		08/1-8/10/22
Jason Jaeger			18.00		8/5/21 2 hrs 8/31/21 8 hrs 9/1/21 8 hrs
Robert Terrazas	49.50				11/4-13/2020
Marlena Valenzuela	27.00	9.45	22.55	10.67	11/4/2020 1/25-28/22
Tanya Ortiz	32.00				10/13/2020
Sonya Dixon		2.94	9.35		03/24/21 04/21-22/22
Michael Paez		36.00	36.00		01/25-02/4/22
Gerald Polk				80.00	11/8-11/23
Anthony Martinez		40.00			12/15-12/20/22
Adrian Badillo	40.00				11/16-20/22
Jennifer Castanon		20.79	8.57		01/28-2/5
Mark Diaz		24.00	16.00		07/11-07/15/22
Michelle Holguin		26.70	21.30		6/15/2022 6/28-7/1/22

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION 20-2022

CITY OF BAYARD

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Bayard and the New Mexico Department of Transportation have entered into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$108,000.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$81,000.00
and
- b. City of Bayards proportional matching share shall be 25% or \$27,000.00

TOTAL PROJECT COST IS \$108,000.00

City of Bayard shall pay all costs, which exceed the total amount of \$108,000.00

Now therefore, be it resolved in official session that City of Bayard determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2023 and the City of Bayard incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the City of Bayard to enter into Cooperative Agreement Control Number L100487 with the New Mexico Department of Transportation for LGRF Project for year 2020 - 2021 for "design and engineering for pavement rehabilitation/improvements of city streets, within the control of the City of Bayard in Bayard, Grant County, New Mexico.

APPROVED, this 12th day of September, 2022 by the Governing Body of the City of Bayard, Grant County, New Mexico.

Raul Villanueva
Mayor Pro-tem

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

August 29, 2022

Mr. Trent Doolittle, P.E., District Engineer
c/o Ms. Debbie Hudson, LGRF
Department of Transportation
District 1
2912 E. Pine Street
Deming, NM 88030

RE: FY2021/2022 LGRF Cooperative Agreement
Contract No. D18824
Vendor No. 54309
Control No. L100487

Dear Mr. Doolittle:

The City of Bayard would like to request a time extension on the above listed project from December 31, 2022 to December 31, 2023. The Scope of Work will remain the same. Bayard is requesting additional time to complete the project due to heavy monsoon season this year.

Please find attached a revised signed resolution.

Should you require further information, or have any questions, do not hesitate to contact our office.

Sincerely,

Kristina Ortiz, MMC
Clerk Treasurer

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

Resolution No. 21-2022

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

- WHEREAS, the City of Bayard 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 City of Bayard that:

1. The City of Bayard has adopted the attached Infrastructure Capital Improvements 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 Resolution supersedes Resolution No. 17-2021.

PASSED, APPROVED and ADOPTED by the governing body at its meeting of September 12, 2022.

Chon S. Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
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cityofbayard@cityofbayardnm.com

RESOLUITON 22-2022

OPEN MEETINGS NOTICE

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency or authority or any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of the Open Meetings Act; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that no resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that any person violating any of the provisions of Section 10-15-1 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense; and,

WHEREAS, Section 10-15-1D requires that any meeting at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body.

NOW, THEREFORE BE IT RESOLVED by the governing body of the municipality of Bayard, New Mexico that:

1. Notice shall be given at least ten days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

2. The regularly scheduled meetings of governing body will be held at 5:30 P.M. on the second and fourth Monday of each month in the governing body meeting room of the municipal building, located at 800 Central Avenue in Bayard, New Mexico. Other municipal committees and or boards shall dedicate the location and meeting dates annually. In the event that the

regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution.

3. The Bayard City Council may hold work sessions for the purpose of discussing public business and formal action will not be taken at any work session. Method of publication for work sessions shall be as required for regular meetings.

4. Notice shall be given at least three days (seventy two hours) in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority or other policy making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

5. The notice requirements of Section 1, 2, 3 and 4 of this Resolution are complied with if notice of the date, time, place and subject matter of any regular or special meeting are published. Additionally, the notice shall contain information on how the public may obtain a copy of the meeting agenda, said agenda to be available seventy-two hours prior to the meeting. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in five public places within the municipality, and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain the posting for public inspection within the time limits specified. The five public places notice shall be posted are:

The Office of the Clerk;
 The United States Post Office;
 The Bayard Public Library
 The First American Bank;
 The Bayard Community Center

The clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or hand delivered to federally licensed broadcast stations and newspapers of general circulation in the municipality which have provided a written request for such notice.

6. Due to the Coronavirus (COVID-19) Emergency declared by Governor Michelle Lujan Grisham meetings may be held as virtual public meetings, open to the public. The public is required to register on Zoom using the link provided for in the individual meeting legal notice, in order to have access to the meeting.

Public input will be via email and comments must be submitted prior to the meeting. Comments may be emailed to cityclerk@cityofbayardnm.com with Public Comment (meeting date) noted in the subject line.

7. In addition to the information specified above, all notices shall include the following language: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the city clerk at 800 Central Avenue (575-537-3327) at least one week prior to the meeting or as soon as possible.

8. Notwithstanding any other provisions of sections 1 through 5 of this Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

9. If any meeting is closed pursuant to exclusions contained in Section 10-15-1, subsection H, NMSA 1978, such closed meeting called by a policy making body shall not be held until public notice, appropriate under the circumstances, and in compliance with Sections 1 through 4 of this Resolution, has been given. In addition, such notice shall state the exclusion or exclusions in Section 10-15-1, Subsection H, NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.

10. Notwithstanding any other provision of sections 1 through 8 of this Resolution, the governing authority of the municipality of Bayard, New Mexico may call emergency meetings of the governing body, any board, commission, committee or other policy-making body of the municipality. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the municipality from substantial financial loss. The municipality of Bayard, New Mexico will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours notice, unless a threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

11. Public input will generally be permitted and will be limited between three (3) to five (5) minutes, unless the Mayor (Chairman) deems that additional time is necessary.

PASSED ADOPTED AND APPROVED THIS 11th DAY OF APRIL, 2022.

Chon S. Fierro, Mayor

ATTEST:

Kristina Ortiz, MMC, Clerk-Treasurer

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION 23-2022

CITY OF BAYARD

A RESOLUTION ADOPTION OF OPERATIONAL CREDIT CARD PROCESSING AND ELECTRONIC TRANSFERS

WHEREAS, the N.M.S.A 1978, Section 3-12-3(A)(7) (1965, as amended 1967) authorizes the governing body of a municipality to "adopt rules and regulations necessary to effect the powers granted municipalities".

WHEREAS, the Bayard City Council finds that the Policies and Procedures Manual is a necessary complement to the City ordinances codified in the Bayard Code of Ordinances, as amended, and the development of this Manual shall result in a consistent application of the City Ordinances and a more efficient municipal government better equipped to serve the public.

Whereas, N.M.S.A. 1978, Section 6-10-1.2 (2011) authorizes a local governing body to accept payment by credit card or other electronic means, and authorizes the municipality to charge a uniform convenience fee to cover costs imposed by financial institutions, but only upon the review and approval of the New Mexico Board of Finance.

NOW, THEREFORE, BE IT RESOLVED by the Bayard City Council as follows:

1. The Bayard City Council authorizes Bayard to accept electronic payments and specifies procedures on the terms and conditions of accepting payments by credit card or other electronic transfer.
2. Accepting payments by credit card or other electronic transfer enhances the efficiency of conducting business by the City of Bayard, and is consistent with the now accepted practice by the private business sector to manage transactions electronically.
3. The State Board of Finance has approved the following policies:
 - a. Employee Benefits enrollment/Changes Policy
 - b. Payments for Municipal Services
 - c. Vendor Payments
 as being consistent with the Finance Board's rules on the terms and conditions of a state agency accepting payments by credit card or electronic transfer.
4. It is in the best interests of the City of Bayard and for the convenience to its customers to economically and efficiently collect funds through electronic transfer, charging a minimal convenience fee to the customer for this service.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF SEPTEMBER, 2022, by the Governing Body of the City of Bayard, Grant County, New Mexico.

ATTEST:

Chon S. Fierro
Mayor

Kristina Ortiz, MMC
Clerk Treasurer

EMPLOYEE BENEFITS ENROLLMENT/CHANGES POLICY

New Employees

The Payroll Clerk shall present to all new employees a set of printed employee benefit forms within the standard new employee information packet. Benefit change requests shall be requested in person by employee; with the PAYROLL CLERK. All forms for benefit enrollment/changes shall be returned by the EMPLOYEE - to the PAYROLL CLERK. The payroll clerk shall not receive any benefit enrollment/change requests by telephone, mail, or e-mail; these must be completed in person between the payroll clerk and employee.

Direct Deposit - Payroll

In order to establish employee direct deposit all employees must fill out the City of Bayard Direct Deposit information sheet, and SHALL submit either a voided check or a verification letter from their financial institution that certifies the employee bank account number and bank routing number. Direct deposits shall not begin until all documents are provided to the payroll clerk. Employee check voucher stubs will be available for pick-up at the city hall by the employee each payday.

Medical/Retirement Benefits

Employees SHALL provide to the payroll clerk employee benefit forms in original form; copies shall not be accepted. The payroll clerk shall process benefit enrollment and change forms as required by the benefit provider.

Benefit providers may at times require that employee enrollment or change requests be transmitted electronically by e-mail. The payroll clerk SHALL verify the provider e-mail address and SHALL use the Bayard e-mail encryption for the transmission of such documents.

Employee enrollment forms/change requests SHALL not be accepted if received by any non-employee individual, e-mail, fax, or mail.

Applicability

This policy applies to all staff within the City Hall Administration. Payroll clerk means the employee serving in the capacity of payroll clerk or in the absence of the payroll clerk. Failure to abide by this policy shall be grounds for disciplinary action.

This policy is effective immediately as of August 25, 2022.

Kristina Ortiz, MMC
Clerk-Treasurer

Employee Name

Employee Signature

Date

PAYMENTS FOR MUNICIPAL SERVICES

New Accounts

Individuals wishing to establish utility services with the City of Bayard must present themselves at city hall. City Hall staff shall provide the individual with a utility enrollment packet. The utility enrollment packet must be filled out/submitted by the primary account holder to city hall staff. The primary account holder shall present a valid ID (copy will be made by staff), to verify the identity of the individual. A water meter deposit shall be collected by cash, money order, cashier's check, or credit card. No checks shall be accepted.

Credit Card – If the water meter deposit is collected by credit card, the card name must match the individuals name on the ID presented. If names do not match, credit card payment will not be accepted.

Utility/Municipal Service Payments

Miscellaneous service payments shall only be accepted by cash, money order, cashier's check or credit card. The card name must match the individuals name on the ID presented. If names do not match, credit card payment will not be accepted.

Credit card payments SHALL only be made in person; and SHALL not be made over the phone, e-mail, fax, or mail.

Utility Account Payments

Utility account payments can be made by check, money order, cashier's check, credit card, or ACH.

Credit Card – the card name must match the individuals name on the ID presented or the name on the utility account. If names do not match, credit card payment will not be accepted.

Credit card payments SHALL only be made in person; and SHALL not be made over the phone, e-mail, fax, or mail. Credit card payments may be made online on the utility payment portal.

ACH – The primary account holder may request to have payments made by ACH. The primary account holder SHALL enroll for the service in person at city hall on the designated forms and must provide a valid ID, and voided check or a verification letter from their financial institution that certifies the bank account number and bank routing number. The bank account name SHALL match the primary utility account holder's name.

This policy may be updated from time to time to match the operating conditions of the city.

Applicability

This policy applies to all staff within the City Hall Administration. Failure to abide by this policy shall be grounds for disciplinary action. Additional municipal departments shall be added as necessary.

This policy is effective immediately as of August 25, 2022.

Kristina Ortiz, MMC
Clerk-Treasurer

Employee Name

Employee Signature

Date

VENDOR PAYMENTS

The City of Bayard conducts business with various types of vendors and service providers. In order to maintain efficient operating procedures for timely payments the city may utilize various methods of payments – check, ACH, web-based on-line portals, or credit card.

Vendor Enrollment/Registration with City – All vendors or service providers with the city must provide a W-9 form prior to initiating payments for goods or services. Vendors without a current W-9 shall be updated as soon as practical. Payments of any type will not be completed until all accounts payable processes have been completed.

CHECK – Paper checks may be issued for any vendor that has not requested payment by other methods.

ACH – Vendors requesting to receive payment by ACH must submit in writing by mail, a letter requesting the payment method change, and voided check or a verification letter from their financial institution that certifies the bank account number and bank routing number. The bank account name SHALL match the vendor's name. City staff shall verify by telephone call to the vendor that the request for change is valid. Staff must utilize alternate methods of verifying the telephone number used to make contact; and shall not refer to the telephone number(s) listed in the request for change documentation.

WEB-BASED ON-LINE PAYMENT PORTAL – city staff may elect to make vendor payments by online portal systems. Payments shall be issued using an ACH form. Electronic payment information shall be entered as Account #: 9999999999 Routing #: 999999999 in the Abila system. All ACH forms shall be signed by the staff member initiating the online payment. The date the payment was made shall also be noted on the ACH form.

CREDIT CARD – Credit card payments for goods or services shall only be made for purchases in which the vendor will not establish payment terms with the city. The purchase amount will indicate which employee shall initiate the credit card payment. Bank of America is the servicer of the city credit cards. Payments to Bank of America are made utilizing the on-line banking portal.

Applicability

This policy applies to all staff within the City Hall Administration. Failure to abide by this policy shall be grounds for disciplinary action. This policy may be updated from time to time to match the operating conditions of the city.

This policy is effective immediately as of August 25, 2022.

Kristina Ortiz, MMC
Clerk-Treasurer

Employee Name

Employee Signature

Date

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION 24-2022

CITY OF BAYARD

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Bayard and the New Mexico Department of Transportation have entered into a Cooperative Agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be \$732,000 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$695,400
and
- b. City of Bayards proportional matching share shall be 5% or \$36,600

TOTAL PROJECT COST IS \$732,000

City of Bayard shall pay all costs, which exceed the total amount of \$732,000

Now therefore, be it resolved in official session that City of Bayard determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2025 and the City of Bayard incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

Now therefore, be it resolved by the City of Bayard to enter into Cooperative Agreement for Project Control Number **LP10041** with the New Mexico Department of Transportation for the TPF Program for year 2023 for N. Foy Street Construction-Construction, Construction Management, Vertical curb and gutter along both sides of the roadway to include new asphalt surfacing from the Housing Authority to N. Foy Street north to City Limits and the west end of Alta Vista Drive to City Limits to include new asphalt surfacing from the Housing Authority to N. Foy Street north to City Limits and the west end of Alta Vista Drive to City Limits- within the control of the City of Bayard in New Mexico.

APPROVED, this 12th day of September, 2022 by the Governing Body of the City of Bayard, Grant County, New Mexico.

ATTEST:

Chon S. Fierro
Mayor

Kristina Ortiz, MMC
Clerk Treasurer

CITY OF BAYARD, GRANT COUNTY, NEW MEXICO
ORDINANCE No. _____

AN ORDINANCE CONCERNING THE REGISTRATION AND MAINTENANCE OF
NEGLECTED VACANT RESIDENTIAL AND COMMERCIAL STRUCTURES WITHIN THE
CORPORATE LIMITS OF THE CITY OF BAYARD,
AMENDING TITLE 4, "HEALTH, SANITATION AND ENVIRONMENT" OF THE CITY OF
BAYARD CODE BY INSERTING THE FOLLOWING NEW CHAPTER 1E
"REGISTRATION AND MAINTENANCE OF NEGLECTED VACANT RESIDENTIAL AND
COMMERCIAL STRUCTURES"

WHEREAS the City of Bayard requested the Board of Trustees to enact an ordinance pursuant to their statutory authority under N.M.S.A. 1978, Section 3-17-1 (1965, as amended through 1993), which ordinance would require the registration and payment of an annual fee where a vacant residential or commercial structure is certified in writing by the City Police Chief or Fire Chief to be neglected;

WHEREAS the Clerk of the City of Bayard published timely notice in the Silver City Daily Press, a newspaper of general circulation in Grant County, and gave timely notice to interested parties in accordance with the provisions of N.M.S.A. 1978, Section 3-17-3 (1973); and

WHEREAS the Board of Trustees conducted public meetings on March 8, April 12, May 10, June 14, July 20, August 9, and September 20, 2016, and duly considered all statements presented as well as written commentary provided.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF BAYARD, GRANT COUNTY, NEW MEXICO, THAT:

SECTION 1. INTRODUCTION. The CITY OF BAYARD CODE, Title 4 "Health, Sanitation and Environment" is hereby amended by adding a new Chapter 1E, titled "Registration and Maintenance of Neglected Vacant Residential and Commercial Structures," to read as follows:

SECTION 2. PURPOSE. The purpose of this ordinance is to help protect the health and safety of the residents of the City of Bayard so that vacant structures do not constitute a public nuisance, by ensuring appropriate maintenance of vacant residential and commercial structures to prevent the development of insanitary conditions, unsafe deterioration of the structure, and unauthorized entry. This ordinance will help promote the City's public welfare by preventing blight and protecting property values and neighborhood integrity and safety.

CITY OF BAYARD NO. _____
SEPTEMBER 12, 2022
PAGE 1 OF 6

SECTION 3. DECLARATION OF PUBLIC NUISANCE. It is declared a public nuisance for any owner to cause, permit, or fail to maintain any vacant residential or commercial structure in a manner contrary to the provisions of this ordinance.

SECTION 4. APPLICABILITY. The provisions of this ordinance shall apply to all vacant residential and commercial structures within the corporate boundaries of the City of Bayard, as those boundaries may be altered from time to time by annexation.

SECTION 5. DEFINITIONS. For purposes of this ordinance, the following terms are defined as follows. Other terms used in this ordinance are defined in Title 4, CITY OF BAYARD CODE.

- LOT** A measured parcel of land having fixed boundaries designated on a survey under one ownership as shown on the last assessor’s roll of Grant County or the records of the City, whichever is the most recent.
- NEGLECTED VACANT STRUCTURE** A structure which is vacant and is not maintained in accordance with the provisions of this ordinance and certified in writing to be neglected by the City Police Chief or Fire Chief.
- OCCUPANCY** The act of residing in the structure with full utilities service or conducting a legal business, properly registered, from the structure with full utilities service.
- OWNER:** The owner of record based on the public records of the Grant County clerk and office of the Grant County assessor and any person with legal, financial, or equitable interest in the structure, land, or premises at the time of the determination that the vacant structure is a neglected structure under the provisions of this ordinance.
- REGISTRATION** The process of providing name, present address, and other contact information of the owner of a vacant structure for protection of the subject premises and the owner’s investment.
- STRUCTURE:** A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, and constructed to as a dwelling for the shelter of persons, including a building for the conduct of a legal business. **A structure shall include any mobile home or manufactured home**, as those homes are defined in NMSA. 1978, Section 3-21A-2(A) and –(B) (2001), whether used for residential or commercial purposes.

- VACANT STRUCTURE:
- (1) A residential or commercial structure that has remained unoccupied for a period of more than thirty (30) days.
 - (2) A structure is not deemed to be vacant for purposes of this ordinance if any of the following circumstances exist:
 - a. Any unit or portion of the structure is occupied by authorized persons;
 - b. Any other structure on the same lot is occupied by authorized persons; or
 - c. Construction or alteration of the structure is in progress, and where a state permit is required such unexpired permit must be posted. If a required state permit is not posted or has expired, then the structure shall be considered a vacant structure and subject to the requirements of this ordinance.

SECTION 6. REGISTRATION OF NEGLECTED VACANT STRUCTURE.

- A. Notification of Determination of Neglect and Required Registration. When a vacant structure is determined to be neglected, and certified in writing, the City Clerk shall notify the owner by certified mail, return receipt requested, of the neglect determination and the requirement to register the neglected vacant structure with the City. Said notice shall contain a registration form.
 - (1) The owner must register the neglected vacant structure within thirty (30) calendar days of receipt of the notice.
 - (2) The owner must pay the neglected vacant structure fee with the registration.
- B. Registration Information. Registration shall be on a form available from the Village Clerk, which includes but is not limited to the following information:
 - (1) Name, address (physical and mailing), and contact telephone number of the owner;
 - (2) Name, address (physical and mailing), and contact telephone numbers of the local agent or representative for the structure /property, if other than the owner.
- C. Keep Registration Information Current. Upon any change in the facts provided in the initial registration, the owner shall file up-dated information within ten (10) business days of such change.
- D. Neglected Vacant Structure Fee. Upon notification of the neglected vacant structure determination, the owner must pay a prorated fee as established below, and continue to pay an annual fee on or before July 1 of each calendar year the vacant structure continues to be classified as a neglected vacant structure.
 - (1) Initial fee shall be prorated from the month following the receipt of notice of the neglected vacant structure determination, which shall be based on a first year annual fee of \$300.00 (\$25.00/month).

- (2) First full calendar year annual fee, where the structure is still designated as a neglected vacant structure, shall be \$300 (three hundred dollars).
 - (3) For each additional full calendar year the premises remains designated as a neglected vacant structure, the fee shall increase an additional \$100.00 (one hundred dollars) per year up to a maximum of \$500.00 (five hundred dollars) per year.
- E. Owner Not Exempt from Complying with Standards Upon Payment of Fee. Payment of the neglected vacant structure fee does not exempt the owner from complying with this ordinance and other applicable laws. Upon a showing that the vacant structure and lot are in full compliance with this ordinance, the Village will vacate the neglected vacant structure fee. No further fee will be due provided the vacant structure and lot continue to be in compliance with this ordinance.

SECTION 7. REQUIREMENTS AND STANDARDS.

- A. Maintenance in Accordance with all Applicable Laws. The owner of a vacant structure shall maintain it and its lot(s) in accordance with all applicable local ordinances and the state sanitary codes, building codes, and fire codes pertaining to the lot and the external (visible) parts of the structure.
- B. Security Standards. The owner shall maintain the vacant structure in a way that secures the structure from any unauthorized entry and shall comply with the following minimum security standards:
- (1) Promptly cover, secure, or repair all broken windows, doors, other openings, and any unsafe conditions at a vacant structure. Boards or coverings must be fitted and sized to the exterior opening.
 - (2) There shall be at least one operable door into each vacant structure, secured with a suitable lock.
 - (3) The lot(s) upon which a vacant residential or commercial structure is located shall be appropriately secured based on the conditions and surroundings, and maintained in a manner that eliminates any public safety hazard. Said lot(s) must be free of all combustible materials.
- C. Appearance Standards. The owner of a vacant structure shall comply with the following minimum appearance standards:
- (1) All vacant structures must be maintained in a manner that minimizes the appearance of neglect and deters unauthorized occupation. Owners shall promptly remove graffiti from the vacant structure and any fencing and immediately repair damage from attempted or actual intrusions into the vacant structure.
 - (2) All exterior surfaces, including any boarded windows or doors, shall be applied with sufficient paint, siding, stucco, or other finishes in the same

color or similar color to blend with the structure's existing exterior color scheme. All exterior surfaces, including roofs, shall be of sufficient construction to weatherproof the vacant structure.

- (3) The lot(s) upon which the vacant structure is situated, including all landscaping, shall be kept in such condition as not to create the appearance of an unsecured, unoccupied structure. Said lot(s) shall be free of litter, which includes debris and garbage.

SECTION 8. PARTIAL OR COMPLETE DESTRUCTION OF STRUCTURE. An owner of a structure rendered vacant as a result of catastrophic fire or act of nature shall: (i) *immediately* secure the premises with appropriate fencing and no trespass signs, (ii) within two calendar weeks from the catastrophic event clear the premises of all litter and debris; and (iii) within four calendar weeks from the catastrophic event demolish any remaining parts of the structure and clear the site or show proof to the Code Enforcement Officer of completed and filed application for appropriate state permits for rebuilding the partially destroyed structure.

SECTION 9. PENALTIES.

- A. Penalties: It is unlawful for any person who owns controls, or is the responsible agent of a vacant structure to fail to register and pay the requisite fee as provided in this ordinance, and to maintain, or cause or permit the maintenance of the vacant structure in a condition defined as a "neglected vacant structure" in this ordinance. Violations of this ordinance are in addition to any other violation established by law.
- B. Penalties. The court may impose fine of not more than \$500 (five hundred dollars) or imprisonment of more than ninety days or both upon finding any person in violation of any provision of this ordinance.
- B. Remedies Not Exclusive. This ordinance shall not be interpreted as limiting the penalties, actions, or summary abatement procedures that may be taken by the Village under existing laws, ordinances, or rules, including perfecting a lien upon the premises and foreclosure thereof.

SECTION 10. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 11. SEVERABILITY. Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.

Findings:

1. The presence of unmaintained vacant residential and commercial structures creates a negative impression and has been shown to have an adverse economic impact on neighboring properties and businesses by depressing property values;
2. It is the property owner’s responsibility to maintain a vacant structure to minimize the appearance of neglect and to secure the vacant structure from unauthorized entry, and such responsibility should not be a burden placed upon the entire community;
3. Trespassers find vacant structures to be attractive places to conduct criminal activities, and unauthorized access can lead to vandalism and even fires that put the structure and surrounding area at risk;
4. Neglected vacant and unsecured residential and commercial structures can become an attractive but dangerous play area for children and can harbor wild animals, pests, and vermin;
5. Vacant structures that have deteriorated or been neglected are a threat to public safety, health, and welfare of the community.
6. The City of Bayard has an interest in identifying and registering property owners of neglected and unsecured vacant residential and commercial structures located within the corporate limits of the City of Bayard; and
7. To provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the City of Bayard and its inhabitants, it is necessary to establish a process whereby the City can identify neglected vacant structures and impose a fee upon the owners thereof in order to monitor compliance with applicable laws.

PASSED, ADOPTED, AND APPROVED by vote of the City Council of the Bayard, Grant County, New Mexico, this 12th day of September 2022.

Chon Fierro, Mayor
City of Bayard

Attest:

Kristy Ortiz, Clerk / Treasurer
City of Bayard

CITY OF BAYARD NO. _____
SEPTEMBER 12, 2022
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ORDINANCE

CREATING AND MAINTAINING PUBLIC NUISANCE UNLAWFUL

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O R D I N A N C E

CREATING AND MAINTAINING PUBLIC NUISANCE UNLAWFUL

SECTION 1

GENERAL PROVISIONS; DEFINITIONS

1.01 Authority, Purpose, Scope, Applicability, Enforcement.

- A. The City of Bayard, a municipal corporation organized under the laws of New Mexico, is authorized by Section 3-17-1 NMSA 1978 to enact ordinances “providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants.” In addition, the City of Bayard is authorized by Section 3-18-17 to “define a nuisance, abate a nuisance, and impose penalties upon a person who creates or allows a nuisance to exist.”
- B. The purpose of this ordinance is to promote the health, safety, and general welfare of the citizens of the City of Bayard, including preservation of economic and aesthetic value of properties and protection of neighborhoods against nuisances, blight, and deterioration. To accomplish this purpose, this ordinance establishes requirements for (i) maintenance of the exterior of all buildings, whether residential or non-residential; structures of whatever kind; and of all land, whether improved or vacant; (ii) use of public places and roadways; and (iii) use of private roadways.
- C. The provisions of this ordinance shall apply to all buildings, structures, and land within the City of Bayard without regard to the use and the date of construction or alteration.
- D. If any provision of this ordinance conflicts with any provision of an earlier ordinance or any regulation or policy of the City of Bayard, this ordinance shall apply.
- E. The Code Enforcement Officer of the City of Bayard and any law enforcement officer shall enforce the provisions of this ordinance.

1.02 **Definitions.**

Unless otherwise specified, for purposes of this ordinance, certain terms, phrases, words, and their derivatives shall be construed as follows and as defined in subsequent sections of this ordinance.

As used in this ordinance, the singular shall include the plural and the plural the singular.

Where terms, phrases, and words are not defined within this ordinance, they shall have their ordinary accepted meaning within the context in which they are used.

ABANDONED OR JUNK VEHICLE means any motor vehicle or major portion thereof that is

1. Wrecked, dismantled, or partially dismantled, including, but not limited to, any motor vehicle from which the wheels, engine, transmission, or other substantial part has been removed; or
2. Inoperative or incapable of movement under its own power; or
3. Apparently inoperative, which means that conditions and circumstances are such to show that the vehicle is not currently operable, including, but not limited to, a vehicle having its passenger compartment filled with trash or debris; vegetation growing inside, around, or on the vehicle; or other evidence that the vehicle has not been moved for an extended period of time.

ABATE means to repair, replace, remove, destroy, or otherwise remedy a condition that constitutes a violation of this ordinance by such means and in such a manner and to such an extent as the Code Enforcement Officer or other public official authorized to enforce this ordinance determines is necessary in the interest of the public health, safety, and welfare of the community.

ADJACENT PUBLIC RIGHT-OF-WAY means that (i) area of any curbs or sidewalks that may be located on the property, (ii) the area located between the property line and curb, (iii) the area located from the property line to the edge of the pavement or other surface where there is no curb, and (iv) the area located between the property line and the middle of the alley adjacent to the property.

ATTRACTIVE NUISANCE means the maintaining of a condition, instrumentality, item, machine, or conducting other activity that is dangerous to children because of their inability to appreciate peril and to which children may reasonably be attracted.

AUTHORIZED PRIVATE RECEPTACLE means a litter storage and collection receptacle as required and authorized in this ordinance.

BLIGHT OR BLIGHTED means unsightly conditions including, but not limited to, the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, damaged, characterized by uncontrolled growth or lack of maintenance; and any other similar conditions of disrepair and deterioration that contribute to the depreciation of neighborhood property values or affect the health, safety, economic, aesthetic, or general welfare of citizens.

BUILDING means any structure, above and below ground, used or intended to support or shelter any use or occupancy, including, but not limited to, residential, business, and storage, and further, shall include any part thereof such as basements, porches, decks, and roofed open areas.

CODE ENFORCEMENT OFFICER means an employee of the City of Bayard within the Police Department, or his designee, authorized to enforce the provisions of this ordinance.

CULTIVATED PLANTINGS means plants that are nurtured, encouraged to grow, supported, and tended by a person.

DEBRIS means, but is not limited to the following: junk; tires; broken stone or cement; inoperable bicycles or bicycle parts; rags; cans of any material; glass of whatever constituency and whether whole items or broken; ashes; wastepaper; plastic materials, including bottles and packing substances; scrap iron, wire, and other such metal articles; discarded and abandoned furniture and furniture parts, including, but not limited to, mattresses and bedding; appliances such as stoves, sinks, and refrigerators; lumber, scrap wood, pallets, crates, and packing cases; parts of buildings and fences of whatever material; household fixtures such as electrical lighting parts and cabinets; vehicle parts; discarded, broken, or neglected equipment; tree and vegetation trimmings, abandoned inflammable materials; and the scattered remains of something of little or no apparent economic value.

DETERIORATED OR DETERIORATION means a lowering in quality of the condition or appearance of a building or part thereof. The fact or process of decay or degeneration is characterized by physical decay, neglect, excessive use, or lack of maintenance including, but not limited to, evidence of holes, breaks, rot, crumbling, cracking, peeling, rusting, vermin infestation, and unsafe or insanitary conditions.

DETRITUS means the excrement of animals, including human beings.

EXTERIOR SURFACES means building exterior surfaces and attachments to the building, including, but not limited to, walls, roofs, doors, windows, gutters, down spouts, overhangs, antennae, porches, patios, and chimneys.

FRONT YARD means an expanse of land extending across the full width of the front property boundary and having a depth of the distance between the nearest point of the main building and the front property line, measured at a right angle to the front property boundary. The primary function of yards on residential premises is to provide access to light and air and to provide circulation, recreation, and landscaping around the dwelling building, which are beneficial to the general health and welfare of the community.

GARBAGE means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition. Garbage does not include bodily wastes of human beings or other animals (see, definition of detritus). Garbage includes the bones, meats, hides, skins, or any part of any dead animal.

IMMINENT HAZARD means a condition that presents an immediate likelihood of causing serious personal harm or jeopardizing the health or safety of the public due to a condition of deterioration; being incomplete, damaged, or broken; experiencing leaking; being subject to exposure; or being scattered with debris, litter, garbage, or other filth, including bodily wastes of human beings or other species of animals.

IMPROVED PARKING AREA means an area covered by an all-weather surface including, but not limited to, concrete, asphalt, gravel, permeable paving materials, or other materials that limit dust, and that is properly drained to prevent impoundment of surface water.

LAND means all land in the City of Bayard whether improved or unimproved, occupied or unoccupied.

LITTER means and includes garbage, refuse, rubbish, debris, detritus, and all other filth and waste material that tend to create a danger or an injury to public health, safety, and welfare when thrown or deposited in a manner prohibited by this ordinance.

LITTERING means the act of depositing litter anywhere within the corporate limits of the City of Bayard.

MAJOR REPAIR means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.

MOTOR VEHICLE means any vehicle that is self-propelled and designed to travel along the ground, which is required to be registered and licensed with the New Mexico Division of Motor Vehicles, including, but not limited to, automobiles, motor homes, motor bikes, motorcycles, motor scooters, and trucks of all sizes. As used in this ordinance, a motor vehicle does not include a recreational vehicle.

OWNER means the owner of record based on the public records of the Grant County Clerk and Office of the Grant County Assessor and any person with legal, financial, or equitable interest in the building, land, or premises at the time of the alleged violation of the provisions of this ordinance.

PERSON means a human being, enterprise, corporation, company, partnership, joint venture, business trust, association, firm, club, society, or any other legal entity.

PERSONAL PROPERTY means any movable or intangible thing that is subject to ownership and not classified as real property.

PREMISES means the land and anything growing on, attached to, or erected on it such as structures thereon, including, but not limited to, fences, walls, poles, and buildings, as that term is defined above, and, in addition, shall include the “adjacent public right-of-way” as defined in this ordinance.

PREPONDERANCE OF EVIDENCE means the greater weight of the evidence; evidence that has the most convincing force; evidence sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

PRIVATE PROPERTY means any building, premises, and/or land not owned by the federal government, state, county, or political subdivision of the federal government or the state.

PROPERTY means the same as “premises” and may be used in this ordinance interchangeably with the term premises. Also, property is sometimes referenced as “real property.”

PUBLIC PLACE means any street, sidewalk, boulevard, alley, or other way permitted for use by the public, and any park, square, space, ground, or building accessible for use by the public.

PUBLIC RIGHT-OF-WAY means the area of land, the right of possession of which is secured by the Village for right-of-way purposes; a public right-of-way includes the traveled portion of the public streets and alleys as well as the border area, which includes, but is not limited to, any sidewalks, driveway approaches, planting strips, traffic circles, parkways or medians, or that area between the sidewalk and the curb or, if no curb, the paved or hardened surface of the roadway. (See also, definition of “Adjacent Public Right-of-Way.”)

REASONABLE CAUSE TO BELIEVE means a reasonable basis to support issuance of an administrative search warrant based on specific evidence of an existing violation of this ordinance.

RECREATIONAL VEHICLE means a vehicular type portable structure without permanent foundation that can be towed, hauled, or driven, and which is primarily designed as a temporary living accommodation for recreational, camping, and travel use, and further includes, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

REFUSE means all solid wastes, except bodily wastes, and includes but is not limited to, abandoned, wrecked, or junked vehicles or parts thereof; solid wastes from business and industry; food market non-perishable solid wastes; garbage; rubbish; ashes; waste oil; street cleanings; and dead animals.

RESPONSIBLE PERSON means, as to any occupied or unoccupied building, premises, or land located within the corporate limits of the City of Bayard, the following: owner, as that term is defined herein; occupant or person in possession; lessee; manager; agent; lien holder; and any other person who has any other legal interest in or has charge or control of said property.

RUBBISH means solid waste consisting of both combustible and noncombustible waste, such as paper wrappings; cigarettes; cardboard; cans and objects of any type metal; cut and pulled vegetation such as yard clippings and leaves; wood and wooden objects; glass; bedding; crockery; construction materials; and other similar items and materials.

SCREENING means structures or plantings capable of concealing storage from sight by standing individuals at or near the property lines, which screening must be at least six feet in height, and shall include, but not be limited to, solid rock, stone, cement block, adobe, or other like material walls; solid wood fencing; chain link fencing with slates; and/or solid landscaping.

UNCULTIVATED PLANTINGS means vegetation that is not planted by, tended to, or supported by a person but grows wild and is overgrown, unkempt, or potentially hazardous.

UTILITY TRAILER means a vehicle without motor power designed for carrying property and for being drawn by a motor vehicle.

VERMIN means animals, including insects and parasitic animals, that are obnoxious to man.

VILLAGE means the City of Bayard, Grant County, New Mexico.

WATERCRAFT means any craft or vehicle specifically designed for use on water including, but not limited to, a boat, canoe, Jet Ski, pontoon, and other similar type craft.

WEED or **WEEDS** mean poison oak, poison ivy, or any noxious weed identified by the Noxious Weed Management Act, N.M.S.A. 1978 §§76-7D-1 through 76-7D-6 (1998), as a plant species not indigenous to New Mexico and targeted for management or control

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ORDINANCE 11-2

CREATING AND MAINTAINING PUBLIC NUISANCE UNLAWFUL

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because of its negative impact on the economy or the environment. In addition, for the purpose of this ordinance, weeds include uncultivated grasses and other herbaceous plants with a growth higher than twelve (12) inches or which present a fire hazard; provided however, that such plants are not a protected native New Mexico plant listed in N.M.S.A. 1978 §76-8-1 (1933), said list with identifying pictures are available from the Code Enforcement Officer and the Office of the Clerk of the City of Bayard.

1.03 Responsible Parties.

- A. Any person who causes, permits, facilitates, aids, or abets any violation of this ordinance or who fails to perform any act or duty required by this ordinance is subject to the enforcement provisions herein.
- B. Any responsible person, as that term is defined in this ordinance, shall be jointly and severally responsible for the violation, the prescribed sanctions, and the abatement of any violation of this ordinance.
- C. The owner shall be presumed to be the person having lawful control over the building, premises, or land. If there is more than one person as the record owner of the property, each such owner shall be presumed to be the person having lawful control over the building, premises, or land. This presumption shall not prevent the enforcement of the provisions of this ordinance against any person specified in subsection (A) or (B) above.

SECTION 2
PUBLIC NUISANCES

2.01 Public Nuisance Defined.

A public nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist that:

- A. Endangers or is injurious to the health, safety, or welfare of the public or has caused any discomfort, damage, or injury to the public; or
- B. Interferes with the exercise and enjoyment of public rights, including the right to use public property; or
- C. Is offensive to the sensibilities of reasonable persons; or
- D. By its perpetuation can reasonably be said to have a detrimental effect on any premises or person; or
- E. Creates an insanitary condition; or
- F. Creates a fire hazard; or
- G. Depreciates the enjoyment and use of property in the immediate vicinity to such an extent that is harmful to the welfare of the City of Bayard or the neighborhood community in which such condition exists; or
- H. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any public park, highway, street, alley, or public right-of-way in the Village; or
- I. In any way renders other persons insecure in life or the use of property; or
- J. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property; or
- K. Results in an attractive nuisance; or
- L. Creates or permits the existence or continuance of any of the specific nuisances identified in this Ordinance.

2.02 Specific Public Nuisances Declared.

The specific acts, omissions, places, and conditions provided in the following sections 2.03 through 2.21 of this ordinance are declared to be public nuisances, and a person is liable for violating any provision thereof by the following acts or omissions including, but not limited to, creating, erecting, maintaining, using, placing, depositing, causing, allowing, leaving, abandoning, or permitting to be or remain in or upon any private property, building, premises, land, or adjacent public

right-of-way or in or upon any public right-of-way, park, or other public place in the City.

2.03 Excessive Growth of Uncultivated Weeds, Grass, and Shrubs Prohibited.

It shall be unlawful to create or maintain an environment favorable to the harboring of vermin, creating a fire hazard, or harboring transient activity by allowing the growth of uncultivated weeds or grass in excess of twelve (12) inches in height, or uncultivated shrubs with a density of less than three (3) feet on center from each other on any premises, vacant land, or adjacent public right-of-way.

- A. Uncultivated natural growths in areas designated by the supervisor of the maintenance department as “natural area” are exempt from this provision.
- B. Provided further, the following are exempt from this prohibition and the person claiming the exemption has the burden of showing by the preponderance of evidence that the exemption applies:
 - (1) The use of native plant species for aesthetic reasons or to attract and aid wildlife.
 - (2) The use of various plant species for the enrichment and eventual stabilization of soil fertility or to offset and control any soil loss problems, either occurring or predicted.
 - (3) The planting of a particular plant species or group of species that will effectively out compete and replace a noxious or troublesome weed species without additional soil disturbance or application of herbicides.
 - (4) The planting of uncultivated plant species or group of plant species that are native or introduced and which are grown for consumption or business reasons.

2.04 Accumulation of Weeds or Other Vegetation Prohibited.

It shall be unlawful to collect, store, or accumulate any weeds or cut vegetation in or upon any building, premises, land, or adjacent public right-of-way., except as contained in a compost pile not to exceed two cubic yards or orderly stacked firewood cut in lengths of four feet or less.

2.05 Littering on Private Property Prohibited.

It shall be unlawful for any person to throw or deposit litter or detritus on any occupied or unoccupied premises, on any vacant land, and upon any adjacent public

right-of-way, notwithstanding such person may own or have some other interest in the premises or land; except that the responsible person may maintain authorized private receptacles for collection in such a manner that the litter will be prevented from being carried or deposited by the forces of the weather.

2.06 Littered Premises, Vacant Land, Adjacent Public Right-of-Way Prohibited.

It shall be unlawful to maintain a filthy, littered premises, vacant land, or adjacent public right-of-way, including, but not limited to: (i) storing any poisonous or hazardous material or thing, so as to allow access to it by any animal or person; (ii) storing of flammable material including, but not limited to, old rags, rope, cordage, rubber, boxes, or paper, including by properly licensed persons or businesses trading in such articles, unless such are in a building of fireproof construction; or (iii) storing outside a completely enclosed building items that constitute a threat to the public health, safety, or welfare, including, but not limited to, the following: medications, medical supplies, or medical devices; batteries; garbage; litter; debris; and detritus.

2.07 Littering in Public Places and Buildings Prohibited; Use of Receptacles.

It shall be unlawful to throw or deposit litter in or upon any public place or building except in available receptacles or when carried away, as provided below.

- A. Litter must be placed in public receptacles or in authorized private receptacles.
- B. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the weather upon any public place or private property.
- C. Where public receptacles are not provided, all litter shall be carried away from the public place or building by the person responsible for its presence and properly disposed of as provided in this ordinance.

2.08 Depositing Accumulated Litter onto Public or Private Right-of Ways and Gutters or Any Public Place Prohibited.

It shall be unlawful to sweep into or deposit on a public or private right-of-way, the gutter of any public or private right-of-way, or any public place the accumulation of litter from any public or private sidewalk, driveway, building, premises, or land.

2.09 Abandoned Personal Property in Public Right-of-Way Prohibited; Personal Property Not Properly Contained on Premises or Vacant Land Deemed Abandoned and Prohibited.

- A. Personal property, except for motor vehicles and recreational vehicles, left for any length of time on a public right-of-way, including the adjacent public right-of-way, shall be deemed abandoned and shall constitute a violation of this ordinance, unless placed in a container preapproved by the Code Enforcement Officer.
- B. Personal property, except for motor vehicles and recreational vehicles, left for any length of time on the public right-of-way, including the adjacent public right-of-way, as a result of an eviction or a forcible entry and detainer or unlawful detainer action shall be deemed abandoned and shall constitute a violation of this ordinance, unless placed in a container preapproved by the Code Enforcement Officer.
- C. Personal property, unless placed in a container preapproved by the Code Enforcement Officer, left on occupied or unoccupied premises for a period of twenty-four (24) hours shall be deemed abandoned and shall constitute a violation of this ordinance.
- D. Personal property, unless placed in a container preapproved by the Code Enforcement Officer, left for any length of time on vacant land shall be deemed abandoned and shall constitute a violation of this ordinance
- E. Persons leaving personal property, not placed in a container preapproved by the Code Enforcement Officer, shall contact the Code Enforcement Officer of the scheduled removal of said personal property. Removal must occur within twelve (12) hours of placement of the personal property for removal, after which the personal property shall be deemed abandoned and shall constitute a violation of this ordinance. It shall not be a defense to the violation of this ordinance that the responsible person did not notify the Code Enforcement Officer of the scheduled removal.
- F. The costs of abatement by the Village of the nuisance caused by abandoned personal property may be assessed against the owner of the property abutting the public right-of-way, including the adjacent public right-of-way, and/or against any responsible person.

2.10 Accumulation of Litter on Construction/Demolition Site Prohibited.

It shall be unlawful for the responsible person or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow the accumulation of any litter on the site before, during, or after completion of a construction / demolition project unless the litter is in a container preapproved by the Code Enforcement Officer.

2.11 Throwing Litter from Vehicles Prohibited.

It shall be unlawful for any person to throw or deposit litter while a driver or passenger in a vehicle, motorized or not. Each separate incident, even if occurring on the same day, shall constitute a separate violation.

2.12 Transporting Litter or Debris Without Being Securely Covered Prohibited.

Any person transporting any type of litter or other waste shall securely cover such litter and other waste to prevent any litter or waste from falling or blowing out of the transporting vehicle. Each incident of transporting a not securely covered load of litter or other waste, even if on the same day, is a separate violation.

2.13 Blighted, Deteriorated, Dangerous Premises Prohibited.

- A. It shall be unlawful to retain a blighted, dilapidated, deteriorated and/or dangerous premises, including any building, screening, or other manmade structure thereon, which by reason of age, fire, faulty construction, lack of proper repair, or any other cause is in such a condition that it constitutes an attractive nuisance or its condition endangers the life, health, safety, property, or welfare of the public because (i) its strength or stability is less than required by current state building codes, as determined by the state building inspector, or (ii) it is likely to burn or collapse in whole or in part.
- B. It shall be unlawful to leave any building, whether occupied or unoccupied, with a damaged and/or open door, window, or other opening that is not secured to prevent entry by persons and animals, including birds and vermin.
- C. It shall be unlawful to leave or permit to remain any unguarded, uncovered, unprotected, or abandoned excavation or naturally occurring holes, including, but not limited to, privies, vaults, sumps, pits, wells, or any other similar

conditions, which are not secure and which constitute a concealed danger or other attractive nuisance.

2.14 Unsecured Unfinished Buildings and Buildings Constructed Without Required Permit Prohibited.

- A. It shall be unlawful to leave unprotected and unsecure any building or structure where construction was commenced and the building is not yet complete or was left unfinished.
- B. It shall be unlawful to construct or modify any building without the required permits. This shall include any unauthorized work or non-compliant work taking place on private property or in the adjacent public right-of-way.

2.15 Certain Storage of Vehicle and Other Items Prohibited.

It shall be unlawful to maintain the unsheltered storage for seven (7) consecutive days or more of junk motor vehicles, apparently inoperable vehicles, and other objects such as appliances, machinery, implements, and/or equipment that can no longer be used or safely used for the purposes for which manufactured (hereinafter collectively referenced as “inoperable personal property objects”).

- A. Inoperable personal property objects shall not include personal objects in a storage area, repair shop, or other business enterprise where such objects are necessary to the operation of the business and the business is operated in a lawful place and manner, and in compliance with all applicable laws.
- B. The provisions of this section shall not apply to any junk motor vehicle in: (i) an enclosed building or an area in a backyard that is completely screened from view, provided the trunk locking mechanism is completely removed, or (ii) the premises of a business enterprise that is legally operated in the appropriate business zone pursuant to the zoning laws of the City of Bayard.
- C. The provisions of this section shall not apply to a motor vehicle that is forty (40) years old or older, that is intact, and is completely concealed with a weather-proof cover specifically made for that type of vehicle; provided, however, that the truck locking mechanism is completely removed.

2.16 Maintaining Unattended or Discarded Refrigerator or Container with Airtight Locking Device Prohibited.

It shall be unlawful to leave or permit to remain outside of any building, within any unoccupied or abandoned building, within any unsecured building, or any place exposed or accessible to children any unattended or discarded ice box, refrigerator, or other container, including that part of a motor vehicle with an intact trunk, that is, the locking mechanism has not been completely removed, any of which of the foregoing has an airtight door or lid, snap lock, or other locking device.

2.17 Parking Certain Vehicles in Front Yard Prohibited.

It shall be unlawful to park or store any recreational vehicle, utility trailer, or watercraft within the front yard of a single or multi-family dwelling, except as provided below.

- A. The City Council may grant an exemption (i) where there is no back yard access available and the side yard length or width does not allow parking in the side yard or does not allow parking in the side yard without the recreational vehicle, utility trailer, or watercraft protruding into the front yard; and (ii) when the said vehicle is parked only on the improved parking area of the front yard.
- B. This section of the ordinance does not prohibit the parking of a motor vehicle, as that term is defined in this ordinance, in the front yard, provided that the improved parking area does not exceed a maximum of fifty percent (50%) of the area of the front yard.

2.18 Parking Certain Vehicles on Public Right-of-Way for More than 72 Hours Prohibited.

- A. It shall be unlawful for the owner or any person having control of a recreational vehicle, utility trailer, and/or watercraft to allow the vehicle, or parts thereof, to remain parked or located upon the paved or unpaved portion of any public right-of-way within the City for a period of time in excess of seventy-two (72) hours; provided however, that traffic is not detoured or the parking of such recreational vehicle, utility trailer, and/or watercraft is not injurious to the public safety.

- B. It shall be unlawful for the owner or any person having control of a motor vehicle, as that term is defined in this ordinance, to allow the vehicle to remain parked or located upon the paved or unpaved portion of any public right-of-way within the Village for a period of time in excess of seven (7) days, provided however, that traffic is not detoured or the parking of such motor vehicle is not injurious to the public safety.
- C. Where the parking of a recreational vehicle, utility trailer, watercraft, or motor vehicle causes the detour of traffic or is otherwise injurious to the public safety, the Code Enforcement Officer or any law enforcement officer may immediately issue a citation as a Public Nuisance Vehicle and shall provide for the immediate removal of said Public Nuisance Vehicle..
- D. Where the parked vehicle does not cause the detour of traffic or is not otherwise injurious to the public safety, the Code Enforcement Officer or any law enforcement officer discovering an unauthorized parked recreational vehicle, utility trailer, watercraft, or motor vehicle or parts thereof shall attach to the vehicle a readily visible notification sticker, which shall contain the following information: (i) the date and time the sticker was attached; (ii) the identity of the officer; (iii) a statement that if the vehicle is not removed within twenty-four (24) hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; (iv) a statement that if the vehicle is not redeemed, the vehicle will be disposed of in accordance with state law; and (v) the address and telephone number where additional information may be obtained.
1. If the vehicle has current New Mexico registration plates, the Code Enforcement Officer or any law enforcement officer shall check the records to learn the identity of the last owner of record. That official shall make a reasonable effort to contract the owner by telephone in order to give the owner the information on the notification sticker.
 2. If the vehicle is not removed within 24 hours from the time the notification sticker is attached, the Code Enforcement Officer or any law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. For the purposes of this section, a place of safety includes the business location of a registered tow truck operator.

2.19 Discharge of Sewage Not Through Approved Systems Prohibited.

It shall be unlawful to discharge sewage, human excrement, or other detritus and wastes in any location or manner except through systems approved for the conveyance of such to approved public or private disposal systems, and which are constructed and maintained in accordance with the New Mexico Department of Environment regulations.

2.20 Maintaining Improperly Stored Manure Prohibited.

It shall be unlawful to store for any length of time animal waste, manure, or excreta in sufficient quantity that is not securely protected from flies and the elements, and which is likely to become putrid, offensive, and injurious to the public health, or which is kept or handled in violation of any City ordinance or New Mexico statute or regulation.

2.21 Premises Destroyed by Natural Causes; Efforts to Repair or Remove Required.

Any premises that has been destroyed or damaged because of natural disaster or disaster beyond the owner's control (e.g., fire, flood), within six (6) months after notice from the Code Enforcement Officer or a law enforcement officer, the owner shall be required to make substantial efforts to demolish, clean, remove, or make improvements to such premises to bring it within compliance with this ordinance.

SECTION 3
ENFORCEMENT, PENALTIES

3.01 Enforcement Authority.

- A. The Code Enforcement Officer or any law enforcement officer shall enforce the provisions of this ordinance. Enforcement may be facilitated by, but shall not be dependent upon, a complaint by a resident of the Village or other person to the Code Enforcement Officer or a law enforcement officer.
- B. For the purpose of this section, hereinafter the Code Enforcement Officer of the City of Bayard and any law enforcement officer shall be referenced either collectively or singularly as “enforcing officer.”

3.02 Rights of Entry by Enforcing Officer.

- A. The enforcing officer shall be and is hereby authorized to enter upon any premises within the corporate limits of the City of Bayard for the purpose of making necessary inspections and issuing notices, instructions, or citations for any suspected violations of the provisions of this ordinance.
 - 1. If the building or premises to be inspected is occupied, the enforcing officer shall first present proper credentials and request entry; if such building or premises is unoccupied, the enforcing officer shall first make a reasonable effort to locate the owner and request permission to enter.
 - 2. If the owner or occupant of any building or premises does not give consent to enter or the owner cannot be located after reasonable effort, the enforcing officer shall obtain an administrative search warrant from a court of qualified jurisdiction prior to entry, unless exigent circumstances exist as provided in subsection (B) below.
- B. Where exigent circumstances or an emergency exists on any private premises that might endanger the general health, safety, or welfare of the community, the enforcing officer shall have the right to enter such premises and thoroughly investigate the same immediately without permission, without making reasonable effort to locate the owner, and without obtaining an administrative search warrant.

3.03 Right of Enforcing Officer to Demand Evidence of Identity; Failure to Provide.

It shall be unlawful for a person to fail or refuse to provide evidence of his or her identity to the enforcing officer upon request, when such officer has reasonable cause to believe the person has committed a violation of this ordinance. Sufficient evidence of identity shall consist of a picture identification containing the person's full legal name, address, and date of birth.

3.04 Duty of Enforcing Officer to Maintain Record of Nuisances Investigated and Notify State Building Inspector.

- A. Where the enforcing officer investigates a suspected public nuisance, photographs and the report of the findings of inspection shall be made and filed with the Bayard Police Department and provided to the City Council of the City of Bayard.
- B. The enforcing officer shall request an inspection by the state building inspector if the public nuisance involves a building that appears structurally unsafe. The report of the state building inspector shall be a public record and shall be maintained with the report of the enforcing officer.

3.05 Citation – Authority to Issue.

The enforcing officer shall be empowered to issue citations and commence proceedings in the municipal court for any violation of this ordinance.

3.06 Each Day or Incident is a Separate Violation.

Each day in which a violation of this ordinance continues or each incident, as specified but not limited to violations for littering from a vehicle or transporting unsecured litter, shall constitute a separate violation of this ordinance.

3.07 Civil Penalty for Violation.

- A. Any person whom the court finds to be in violation of any provision of this ordinance shall be deemed responsible for the violation.
- B. Upon the court finding a person responsible for a violation of this ordinance the court shall impose a fine in an amount not less than twenty-five dollars (\$25.00) nor more than three-hundred dollars (\$300.00) for each violation. Each day a violation continues shall be a separate offense. Each incident, as specified in section 3.06, shall be a separate offense.

3.08 Alternative Enforcement Measures Authorized.

Nothing in this ordinance shall preclude the Code Enforcement Officer from seeking voluntary compliance with the provisions of this ordinance or from enforcing this ordinance through notices of violation, warnings, or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

3.09 Remedies Not Exclusive.

- A. Violations of this ordinance are in addition to any other violation established by law, and this ordinance shall not be interpreted as limiting the penalties, actions, or abatement procedures that may be taken by the Village of Santa Clara under existing laws, ordinances, or rules.
- B. Violations of this ordinance may be abated by injunctive or other equitable relief and the Mayor of the Village or the Code Enforcement Officer may maintain a civil complaint in the name of the Village to enjoin all persons from maintaining or permitting the nuisance and to abate the same. The imposition of a penalty does not prevent the simultaneous granting of this equitable relief.

SECTION 4
ABATEMENT

4.01 Abatement; Notices.

- A. The Code Enforcement Officer may compel any responsible person by order to abate any violations of this ordinance. Such abatement shall proceed independently of any citation authorized by this ordinance.
- B. All required written notices under this section shall be served on the owner and any lien holder of record by personal service or by mailing, United States Postal Service, certified mail, return receipt requested.

4.02 Responsible Person.

The person who is the record owner of the building, premises, or land at the time an order pursuant to this ordinance is issued and served, shall be responsible for complying with that order, and liable for any costs incurred by the City of Bayard therewith, notwithstanding the owner conveyed his interest in the property to another after such order was issued and served.

4.03 Emergency Abatement Findings and Procedure.

Where the Code Enforcement Officer determines that the nuisance requires immediate abatement, the Code Enforcement Officer shall notify, orally or in writing, the Mayor of the City of Bayard of such decision. Should the Mayor, upon referral and advice of the Code Enforcement Officer, concur with the Code Enforcement Officer that a public nuisance exists that violates a provision of this ordinance and that the public health, safety, or welfare may be in immediate danger, the Mayor shall order the nuisance abated, under one of the emergency abatement procedures below, and the Code Enforcement Officer shall at once take appropriate action to abate the nuisance.

- A. Notice to the responsible person is not required. However, following the abatement of the emergency, the Code Enforcement Officer shall immediately post on the building, premises, or land, whichever is applicable, a notice describing the action taken to abate the nuisance and shall, within a reasonable time send written notice to the responsible person, as provided in section 4.01, describing the emergency abatement action and the cost thereof, demanding payment. The cost of the emergency abatement shall be a lien upon the property.

- B. Where the Mayor finds that the situation reported does not present an imminent hazard to life or public safety but requires abatement in a shorter period than provided by this ordinance for a non-emergency abatement, the Code Enforcement Officer shall issue a written notice to the responsible person as provided in Section 4.01(B) with an order to abate the nuisance by taking a specified action and said notice shall clearly specify the limited time in which the nuisance must be abated.
1. The contents of said notice shall be as provided below in section 4.05.
 2. In the event the Code Enforcement Officer is unable to contact the responsible person within the limited response time set in the written notice, the Code Enforcement Officer may proceed to abate the nuisance under the provisions of subsection A above

4.04 Non-Emergency Abatement Findings and Procedure.

Where the Code Enforcement Officer determines that the public nuisance does not require immediate abatement, the Code Enforcement Officer shall provide notice of the finding of a public nuisance and required abatement to responsible persons as follows.

- A. The Code Enforcement Officer shall determine the identity of the owner of the premises or vacant land and any lien holder from the records in the Office of the Grant County Clerk.
- B. The Code Enforcement Officer shall cause written notice to be served on the owner and any lien holder of record as provided in section 4.01(B). If service of such written notice is unable to be perfected by any of the methods described in section 4.01(B), the Code Enforcement Officer shall (i) publish the abatement notice in a newspaper of general circulation in Grant County, once a week for two consecutive weeks, and (ii) leave a copy of the abatement notice with the occupant, if any, on the premises, upon which the Code Enforcement Officer determined existed a public nuisance, or if there is no occupant, the Code Enforcement Officer shall post a copy of the notice on such building or land in a prominent place.

4.05 Abatement Notice: Contents and Recording with Grant County Clerk.

- A. The abatement notice to the owner and lien holder, if any, shall contain the following information:
1. The legal description of the property and by street address or if none, by location to the nearest public way so as to be readily identified by the public
 3. A concise description of the problem and findings of the Code Enforcement Officer supporting the conclusion that a public nuisance exists.
 4. The required abatement action.
 5. A date for compliance, which shall be no less than fifteen (15) calendar days after the date notice to abate was served. Service shall be complete upon hand delivery or mailing.
 6. Notice that unless the owner abates the public nuisance as ordered by the Code Enforcement Officer, the Village of Santa Clara will abate the public nuisance and the owner shall be responsible for reimbursing the Village for its abatement costs.
 7. The estimated cost of such removal to the Village of Santa Clara if the owner or other responsible party does not comply with the abatement order.
- B. The Code Enforcement Officer may record the abatement notice in the Office of the Grant County Clerk. Upon compliance, the Code Enforcement Officer shall record a release thereof.

4.06 Abatement by Owner; Extension of Time.

- A. Within the time specified in the abatement notice, the owner shall cause the abatement of such public nuisance or be subject to the Village filing in municipal court a complaint charging violation of this ordinance as provided in section 5.
- B. The Code Enforcement Officer with the concurrence of the Mayor, upon written application by the owner within fifteen (15) days after the notice was served, may grant in writing additional time for the owner to abate the public nuisance, provided that such extension is limited to a specific time period not to exceed thirty (30) days.

- C. Upon good cause shown, the Code Enforcement Officer with the concurrence of the Mayor may grant one additional extension beyond the initial extension, but said extension shall be limited to an additional thirty (30) days, unless otherwise approved by the Board of Trustees for a longer period.

4.07 Abatement by City of Bayard Upon Failure of Another to Abate.

Upon failure of the duly notified owner or lien holder or other responsible person to abate a public nuisance within compliance time set in the written abatement notice, the City of Bayard may remove, abate, enjoin, or cause removal of the public nuisance.

4.08 Assessment of Costs of Abatement by City of Bayard.

- A. Should the City abate the nuisance, whether an emergency abatement or otherwise, the Clerk of the City of Bayard shall prepare a verified statement and account of the actual cost of the abatement action, legal fees, additional inspection, and other incidental costs.
- B. The amount in the verified statement and account shall be a lien upon the property where the violation of this ordinance occurred until paid. Said lien shall be recorded in the Office of the Grant County Clerk.
- C. A copy of the statement and account shall be served as provided in section 4.01(B).

4.09 Satisfaction of Assessment for Abatement.

- A. Sale of the property to satisfy an assessment obtained under the provisions of this section shall be made upon judgment of foreclosure and offer for sale.
- B. The Village may institute an action to enforce the lien in a competent court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity.
- C. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.
- D. A prior assessment or lien for the purposes provided in this section shall not be a bar to a subsequent assessment or lien for such purposes.

4.10 Assessment Runs with the Land and Accrues Interest; Personal Liability of Owner.

- A. An assessment imposed under this ordinance runs with the land until paid and is due and payable in equal annual installments.
- B. An assessment that is past due accrues interest at the rate by Federal Interest Index. The City of Bayard may foreclose after four (4) years.
- C. The person who is the owner of the property at the time the notice required under section 4 of this ordinance shall be personally liable for the amount of the assessment including all interest and other charges.

SECTION 5
COMPLAINT AND PENALTIES

5.01 Complaint in Municipal Court

In the event the owner, occupant, or any responsible person fails within the prescribed time to abate the nuisance, then the Code Enforcement Officer and any law enforcement officer shall file a complaint in the municipal court charging a violation of this ordinance. This complaint shall demand that the owner of the property, occupant of the premises, and/or any responsible person be held to answer to the court for the violation of this ordinance.

5.02 Penalty

Upon conviction by the municipal court of violating this ordinance, the owner shall be subject to civil penalty as provided in section 3.07. These penalties shall be in addition to payment of any Village costs for abatement.

SECTION 6
APPLICATION; CONSTRUCTION

6.01 Grace Period for Non-Compliance with Ordinance on Effective Date.

From the date of the effective date of this ordinance, buildings, premises, and land not then in compliance with this ordinance, shall have sixty (60) days to come into compliance. As to buildings, lands, and premises, all violations issued during the 60-day grace period will be taken under advisement and the responsible persons shall have the opportunity to abate the public nuisance by the end of the 60 days, at which time this ordinance shall be in full effect as to that particular building, premises, or land.

- A. The grace period shall not apply to emergency abatement orders.
- B. The grace period shall not apply to any other violations of this ordinance.

6.02 Repeal of Conflicting Ordinances, Resolutions.

Any ordinances previously issued by the City of Bayard or resolutions passed, and all parts thereof, that are in conflict with this ordinance are hereby repealed to the extent that such ordinances or resolutions conflict with this ordinance.

6.03 Severability of Provisions.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining provisions of this ordinance.