

**ORDINANCE NO. 05-01**  
**AN ORDINANCE AMENDING THE**  
**LAS VEGAS CULTURAL HISTORIC DISTRICTS ORDINANCE 84-1**

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**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Historic District and Landmark Act provided for in Chapter 3, Article 22, NMSA 1978, and Section 3-17-1, NMSA 1978. The provisions of this Ordinance are adopted in acceptance of and accordance with said Act and Statute; and

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Comprehensive Zoning Ordinance of the City of Las Vegas provided for in Chapter 12, Article I and Section 12-11-11, CH – Cultural Historic Overlay Zone. The provisions of this Ordinance are adopted in acceptance of and accordance with said Article and Section; and

**WHEREAS**, the City of Las Vegas contains many structures, landmarks and areas that embody a sense of time and place unique to the City, or which exemplify or reflect the cultural, social, economic, political, or architectural history of the nation, the State of New Mexico, and the City;

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO THAT THE LAS VEGAS CULTURAL HISTORIC DISTRICTS ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:**

## **20-1-1 TITLE**

This Ordinance (Chapter 20, Sections 20-1-1 through 20-1-43 is called and shall be cited as the “Las Vegas Cultural Historic Districts Ordinance “ for the City of Las Vegas, New Mexico.

## **Historic Preservation**

### **20-1-2 PURPOSE**

The purpose of this Ordinance is to promote as a matter of public policy the preservation, protection and enhancement of the Las Vegas Cultural Historic Districts and landmarks hereby created, or any such districts, properties or sites which may be designated hereafter, is of public necessity, and is required in the interest of prosperity, civic pride and general welfare of the people.

1. Providing a mechanism to designate, preserve, protect, enhance and perpetuate those structures, properties, sites and landmarks which reflect outstanding elements of the national, state, regional and/or local cultural/natural heritage;
2. Fostering civic pride and respect in the community’s future;
3. Maintaining and improving property values;
4. Protecting and enhancing the community’s attraction to tourists and visitors;
5. Promoting such structures, properties, sites and landmarks for the education and general welfare of the community;
6. Promoting harmonious, orderly, and effective growth and development while maintaining cultural/natural integrity;
7. Promoting and encouraging continued private ownership and utilization to the extent the above objectives can be attained under such policy;
8. Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas and neighborhoods and thereby preventing future urban blight.

### **20-1-3 DEFINITIONS**

Unless specifically defined below, words or phrases in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- 1. Alteration** – Any act or process that changes one or more of the exterior architectural features of a building or structure, including, but not limited to, the erection, construction, reconstruction or removal of any building or structure or part thereof. An alteration shall also include changes to an existing exterior sign; the construction and installation of a new exterior sign; or, the erection of new wireless telecommunications facilities, as defined by 1996 Telecommunications Act. The City’s professional staff may approve alterations that are considered to be routine by the Design Review Board and appear on a list prepared by the Design Review Board.
- 2. Appropriate** – Any act or work in keeping with the historic character of a property and which changes respect and are in keeping with its original appearance and any later alterations that have since acquired significance. New construction is built in an appropriate way when its designs blends with and compliments the adjacent historic buildings and structures. The design guidelines of the Design Review Board provide information on how to build or do work in an appropriate way.
- 3. Area** – A specified geographic area associated with landmarks and Cultural Historic Overlays Districts of the City of Las Vegas.
- 4. Board** – The Design Review Board (refer to Section 20-1-4) Hereafter referred as the Board.
- 5. Board of Adjustment** – A seven member board appointed by the Mayor and City Council to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrative officials in the enforcement of this Ordinance, and may reverse, affirm, or modify any administrative action related thereto. (Refer to Section 12-6-1 and 12-6-3).
- 6. Certificate of Approval** – A certificate issued by the Board indicating that plans, as approved, are appropriate for alteration, erection, construction, removal, or demolition of a landmark or of a building structure within a “CH” district as as defined within this Ordinance.

- 7. Certificate of Economic Hardship** – A certificate issued by the Board based on economic hardship authorizing an alteration, construction, removal, or demolition of a landmark or of a building or structure within a “CH” District as defined in this Ordinance.
- 8. City Council** – The City Council of the City of Las Vegas.
- 9. City Staff** – The Community Development Director or his/her designee and the Community Development staff.
- 10. Community Development Director** – The person or his/designee responsible for administration of the Zoning Ordinance, the Las Vegas Cultural Historic Districts Ordinance and historic preservation.
- 11. Construction** – The act of erecting, reconstructing, removing, or altering in any manner any building or structure or part thereof or the erection of a new or accessory structure on a lot or parcel of property.
- 12. Cultural Historic Overlay District** – An area designated as a “Cultural Historic District” (CH) by Ordinance of the City Council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.
- 13. Demolition** – Any act or process that destroys in part or in whole, a landmark or a structure within a historic district.
- 14. Demolition by Neglect** – Failure to maintain, repair or secure a historic building, structure or landmark or the loss of structural integrity of a historic building, structure, or landmark by failure to maintain, repair, or secure same.
- 15. Design Guidelines** – A written standard of appropriate activity whose intent is to preserve the historic and architectural character of a structure or area within a historic district.

**16. Exterior Architectural Appearance** – The architectural character and general composition of the exterior of a structure including, but not limited to, the type and texture of building materials and the type, design, size, scale, and character of all roofs, walls, windows, doors, light fixtures, signs, and appurtenant elements.

**17. Historic Buildings and Structures** – (1) Any building or structure designated by the City of Las Vegas as a landmark or as a part of a “CH” district or (2) any building or structure individually listed or within a historic district on the National Register of Historic Places or the State Register of Cultural Properties.

**18. Landscape, Landscaping** – The modification or ornamentation of a land form including, but not limited to, altering the plant cover and/or the physical elements thereof.

**19. Landmark** – A structure or site that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Las Vegas pursuant to procedures prescribed herein.

**20. Ordinary Maintenance and Repairs** – Any act or work that keeps a building or structure in good condition and unimpaired. Ordinary maintenance and repairs that are undertaken from time to time and that do not change the exterior appearance of the building or structure except through the elimination of the usual and expected effects of deterioration, Ordinary maintenance and repairs are defined by a list prepared by the Design Review Board and may be undertaken without a Certificate of Approval or staff approval. Such maintenance and repair is subject to the acquisition of a building permit.

**21. Owner of Record** – The person, corporation, or other legal entity listed as owner on the records of the San Miguel County’s Clerk’s Office.

**22. Painting** – An applied coating of paint or stain to the exterior of a structure.

**23. Planning and Zoning Commission** – A seven member board appointed by the Mayor and City Council to review the zoning, planning and platting of the City, to investigate any problems relating thereto and to make recommendations to the City Council. Refer to Sections 3-6-1 and 3-6-3 Ordinance No. 98-4.

**24. Property/Site** – Land, buildings, and structures in City-designated historic districts or land buildings and structures individually designated by the City as historic including an archeological site.

**25. Public Nuisance within “CH” Districts** – Any existing structure, property, building, site or incidental appurtenance which is not properly maintained:

a. Causing the appearance and condition of the building or structure to fail to present a safe and maintained streetscape to a passerby;

b. Causing a significant portion of the exterior facade to exhibit peeling paints, damaged stucco, or other deteriorated exterior visible surfaces;

c. Including windows and/or doors that are boarded up in ill-fitting manner rather than cut to fit the window or door opening;

d. Causing roof leaks threatening interior electrical components, or creating damp interior conditions which promotes mold, mildew and/or threatens the safety of adjacent structures, the host structure, or the safety and health of the public;

e. Creating a condition within a building, property, site, structure, accessory structure or incidental appurtenance that because of its state of disrepair creates a condition that would be substantially offensive and annoying to the surrounding community and that can cause injury, damage, harm fire or inconvenience to the community in the use or enjoyment of surrounding property taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated;

f. Causing any building foundation to be structurally dangerous and to compromise the stability of the building; or

g. Inviting vandalism, graffiti, damage to the building, unlawful entry by persons which affects the overall maintenance of the structure, property, building and site allowing rodents or other vermin to infest area, or which in any manner affects the public’s safety, the adjoining property, its owners or the immediate property owner, in any existing structure, property buildings, site or incidental appurtenance.

**26. Public Nuisance Violation within “CH” Districts** – Any circumstance that falls under the description of “Public Nuisance within “CH” Districts as set forth under paragraph 25 above and which is subject to Section 20-1-35 of the City of Las Vegas ordinances and/or Section 12-12-4 of the City of Las Vegas Zoning Ordinance.

**27. Removal** – Any change of location or position of a structure.

**28. Repair** – Any change that is not construction, removal or alteration.

**29. Shall** – Is mandatory.

**30. Structure** – Anything constructed or erected which requires permanent or temporary location on or in the ground, including but not limited to buildings of all types, fences, gazebos, advertising signs, billboards, backstops for baseball courts, radio and television antennae, wireless telecommunications towers, including supporting towers and swimming pools. A structure shall include a trailer placed on a lot, other than on that is temporary there and being used to help in a construction project. A structure shall include such things as manufactured houses, mobile homes, acequias, agricultural terracing, archeological features (above or below ground) or similar features.

#### **20-1-4 COMPOSITION OF DESIGN REVIEW BOARD**

**1. CREATION.** There shall be and hereby is established a Design Review Board (hereinafter Board) to administer the provisions of this Ordinance.

**2. MEMBERS.** The Board shall consist of seven (7) members and advisory members as needed. All Board members must have demonstrated an interest in historic preservation and be residents of the City of Las Vegas. The City Manager or his/her designee shall also serve as a non-voting ex-officio member. Of the seven regular members of the Board, at least two of the members shall be preservation-related professional members in the fields of architecture, historic architecture, architectural history, archeology, planning, real estate, design, building trade, landscape architecture, law or finance, to the extent that these professionals are available in the community.

**3. APPOINTMENTS.** The seven (7) members shall be appointed by the Mayor with the consent and approval of the City Council. Advisory members may be



recommended by the Board to the Mayor and City Council for appointment. In making the appointments to the Board, the Mayor shall give consideration as to the individual qualifications of the candidates, including their interests, experience and knowledge in community, cultural and natural traditions and demonstrated interest in historic preservation.

**4. TERM.** The members of the Board will serve as follows:

Four (4) for three (3) years; three (3) for two (2) years. The number of appointed terms is unlimited.

**5. VACANCIES.** In the event a vacancy occurs during the term of a Board Member, the Mayor, with the consent and approval of the City Council, shall make an appointment to fill the un-expired term. Vacancies on the Board shall be filled within ninety (90) days.

**6. COMPENSATION.** Members shall serve without pay.

**7. OFFICERS.** Officers shall consist of at least the chairperson and vice-chairperson elected by the Board. Each shall serve for one (1) year and be eligible for re-election. The Community Development Director or his/her designee will act as the non-voting ex-officio Board's Secretary.

**8. MEETING NOTICE.** The Board shall meet at reasonable regular times at places fixed by the Board. There shall be at least four (4) meetings per year held at regular intervals in a public place advertised in advance and open to the public. All meetings held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of the Board. All actions of the Board shall be subject to the Open Meetings Act (Sections 10-15-1 through 10-15-4, NMSA 1978)

**9. MINUTES.** Written minutes shall be kept of all meetings of the Board. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken. All minutes shall be open for the public inspection. Minutes shall not become official until approved by the Board.

**10. ANNUAL INFORMATIONAL MEETING.** The Board shall set aside at least one (1) regular meeting annually for informational or educational purposes to be attended by

Historic Preservation Division staff pertaining to the work and functions of the Board or to historic preservation.

**11. VOTING.** A majority of four (4) members shall constitute a quorum. Any action taken shall require the affirmative vote of a majority of the Board. Board members are required to abstain from voting on any action in which their financial interest or those of their immediate families are directly involved. Advisory and ex-officio members shall not have a vote.

**12. LEGAL COUNSEL.** When called upon by the chairperson or a majority of the Board members, the City Attorney shall attend Board meetings and/or render legal advice to the Board.

**13. MEETING ATTENDANCE.** Any Board member who has missed three (3) consecutive, regularly scheduled meetings without due cause may be deemed to have forfeited their seat on the Board.

**14. STAFF.** The Board shall prepare a list of routine alterations that may receive immediate approval from its City staff without consideration at a Board meeting provided the applicant complies with the design guidelines of the Board. The staff shall report on the approvals given at each meeting of the Board. Working with the chairperson, the staff shall assist through meetings, letters and other procedures the coordination of the work of the Board with the other departments, boards and commissions of City government.

## **20-1-5 DUTIES, POWERS AND JURISDICTION OF THE DESIGN REVIEW BOARD**

The Board has jurisdiction over land, landscaping, buildings and structures in City-designated cultural historic districts; and, land, landscaping, buildings and structures individually designated by the City as historic. The property owner has the right to appeal a decision of the Design Review Board to the Board of Adjustment. The following are the duties and responsibilities of the Board:

**1.** To issue or deny Certificates of Approval prior to the issuance of any permit pertaining to the erection, alteration, removal or demolition of those exterior features of buildings and other structures subject to public view from any public street, right-of-way or public place.

- 2.** To review and act upon applications for Certificate of Approval requesting alterations, demolition, or new construction within historic districts, or for the alteration or demolition of designated landmarks in accordance with all provisions of the Ordinance.
- 3.** To advise the City Planning and Zoning Commission, the City Council, the City Building Official, and any other public agencies on zoning changes, public improvements, and other matters involving historic areas, landscapes, and landmarks lying within the City of Las Vegas. The comments shall be given in accordance with the procedures in Section 20-1-33 of this Ordinance.
- 4.** To propose from time to time to the City Planning and Zoning Commission and the City Council the designation of local landmarks and districts lying within the City of Las Vegas as historic landmarks or districts.
- 5.** To recommend to City Council, in unison with the Planning and Zoning Commission, appropriate streets or portions of streets, within "CH" Districts to be set aside for walk areas. The City Council may set aside areas recommended, provided that three-fourths (3/4) of the property owners adjoining the street or portion of the street affected have given consent thereto. Such walk areas shall be closed to vehicular traffic and any improvements made by the City in the public right-of-way within the walk area shall be for pedestrian purposes. No walk area shall be set aside unless there is adequate space available, for parking for those who will make use of the area. The Planning and Zoning Commission's recommendation to the City Council shall include a statement of the availability of parking spaces.
- 6.** To conduct surveys of historic areas and landmarks for the purpose of determining those of cultural/natural significance. To maintain and periodically revise a register of cultural/natural historic areas and landmarks and to classify information with respect to national, state, regional or local significance.
- 7.** To make recommendations to the Planning and Zoning Commission concerning the establishment of an appropriate system of markers for such historic areas and landmarks.
- 8.** To make recommendations concerning the preparation and publication of maps, brochures, and descriptive material about the community's cultural/natural historic areas and landmarks.

- 9.** To advise owners and/or residents of cultural historic areas and landmarks regarding techniques for and resources available for preservation, protection, enhancement and perpetuation based on the Secretary of the Interior's Standards for Rehabilitation.
- 10.** To inform owners of property within the historic districts of published materials available and related to preservation matters which may be in the form of guidelines, handbooks, pamphlets, brochures, and Internet services.
- 11.** To conduct an educational program with respect to historic districts and landmarks within its jurisdiction.
- 12.** To undertake programs of information, research, or analysis relating to any matters under its purview.
- 13.** To assist and encourage any person(s), or organization(s) who desires to preserve, protect, enhance, and perpetuate cultural/natural historic areas and/or landmarks.
- 14.** To identify historic buildings and structures that are being neglected by their owners and tenants; to recommend and encourage the securing and stabilizing of these historic buildings and structures; and, to meet with owners and tenants in order to find ways to improve the condition of these neglected buildings and structures.
- 15.** To work with the State Historic Preservation Division on the coordination of the City's history preservation program with the program and plans of the Division to assist in the local compliance with federal and state historic preservation laws and regulations.
- 16.** To promote public interest in the foregoing purposes by carrying on public relations programs; and to encourage and assist in the establishment of educational cultural/natural programs, tours and events.
- 17.** To adopt regulations and restrictions for the purpose of preserving, protecting and enhancing designated historic areas and landmarks, relating to the erection, alteration and demolition of those exterior features of buildings and other structures subject to public view from any public street, right-of-way or other public place.
- 18.** To prepare an annual report of the Board's activities, which shall be sent to the State Historic Preservation Office. Such report shall include, at a minimum, the

number of cases reviewed, new designations made, progress on survey activities, resumes for commission members, and attendance records. Reports shall be submitted within sixty (60) days after the end of the fiscal year for the local government.

**19.** To act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation.

**20.** To adopt its own procedural regulations and make these public.

### **20-1-6 SURVEYS AND RESEARCH**

The Board shall sponsor an ongoing survey and research efforts in the City of Las Vegas to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Board may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. Before the Board nominates any landmark for designation, it shall first develop a plan and schedule for completion of a survey of the City of Las Vegas to identify potential landmarks. The Board shall then systematically identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

1. The potential landmarks in one identifiable neighborhood or district geographical area of the City of Las Vegas;
2. The potential landmarks associated with a particular person, event, or historical period;
3. The potential landmarks of a particular architectural style or form, or of a particular architect, engineer, builder, designer, or craftsman; or,
4. Such other criteria as may be adopted by the Board to assure a systematic survey and nomination of all potential landmarks within the City of Las Vegas.

### **20-1-7 NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS**

Nominations for "CH" zoning shall be made for landmarks and Historic Districts to the Board and may be submitted by a member of the Board, owner of record of the nominated property or structure, the City Council, or any other person or organization.

## **20-1-8 CRITERIA FOR CONSIDERATION OF NOMINATION**

The Board shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, or area has the integrity of location, design, material, and workmanship to make it worthy of preservation or restoration and meets one or more of the following criteria:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;
2. Its location as a site of a significant local, county, state or national event;
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
4. Its embodiment of distinguished characteristics of an architectural style or form valuable for the study of a period, type, method of construction, or use of indigenous materials;
5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the neighborhood, community, county, state or country;
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
7. Its embodiment of design elements that make it structurally or architecturally innovative or typical of the locale;
8. Its unique location or singular physical characteristic that make it an established or familiar visual feature;
9. Its character as a particularly fine or unique example of a utilitarian structure, including, but limited to farmhouses, gas stations, or other commercial structures, with a high level of historical and architectural integrity or architectural significance; or
10. Its suitability for preservation or restoration.

## **20-1-9 REPORT AND RECOMMENDATION OF DESIGN REVIEW BOARD**

Within forty-five (45) days from receipt of a completed nomination in proper form, the Board shall adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in above Section 20-1-8 Criteria for Consideration of Nomination of the Ordinance. The resolution shall be accompanied by a report to the Planning and Zoning Commission containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
2. Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
3. In the case of a nominated landmark found to meet the criteria for designation:
  - a. The significant exterior architectural features of the nominated landmark that should be protected;
  - b. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness pursuant to the provisions of Sections 20-1-18 through 20-1-21 of this Ordinance;
4. In the case of a nominated historic district found to meet the criteria for designation:
  - a. The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;
  - b. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Section 20-1-18 through 20-1-21 of the Ordinance;
5. Proposed design guidelines for applying the criteria for review of Certificates of Approval to the nominated landmark or historic district.

6. The relationship of the nominated landmark or historic district to the ongoing effort of the Board to identify and nominate all potential areas and structures that meet the criteria for designation.
7. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district.
8. A map showing the location of the nominated landmark and the boundaries of the nominated historic district.

#### **20-1-10 NOTIFICATION OF NOMINATION**

The Planning and Zoning Commission shall schedule a public hearing on the nomination within forty five (45) days following receipt of a report and recommendation from the Board that a nominated landmark or historic district does or does not meet the criteria for designation. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail, return receipt requested, to the owner(s) of record, to the nominators, and to property owners within one hundred (100) feet adjoining the nominated landmark or historic district at least fifteen (15) days prior to the date of the hearing. Notice shall be published in a newspaper having a general circulation in the City of Las Vegas.

#### **20-1-11 PUBLIC HEARING**

Oral or written testimony concerning the significance of the nominated landmark or historic district shall be taken at the public hearing from any interested person concerning the nomination. The Board may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or historic district with the criteria set forth in Section 21-1-8, Criteria for Consideration of Nomination. The owner of any nominated landmark or of any property within a nominated historic district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine witnesses.

#### **20-1-12 DETERMINATION BY PLANNING AND ZONING COMMISSION**

Within forty (40) days following close of the public hearing, the Planning and Zoning Commission shall make a recommendation upon the evidence whether the nominated



landmark or historic district meets the criteria established in Section 20-1-8 and Section 20-1-9 above.

### **20-1-13 NOTIFICATION OF DETERMINATION**

Notice of determination of the Planning and Zoning Commission, including a copy of the report, shall be sent by regular mail to the owners of record of the nominated landmark and all property within the nominated historic district and to the nominator within seven (7) days following a determination by the Planning and Zoning Commission that the nominated landmark or historic district does or does not meet the criteria for designation. If the property or district meets the criteria, a copy of the resolution and report accompanied by the recommendation that the nominated landmark or historic district be designated shall be sent to the City Council.

### **20-1-14 APPEAL**

A determination by the Planning and Zoning Commission that the nominated landmark or historic district does not meet the criteria for designation may be appealed. The nominator or any owner of the nominated landmark or of the property within the nominated historic district may file within twenty (20) days following the date of the decision by the Planning and Zoning Commission, a written appeal to the City Council through the City Clerk.

### **20-1-15 ACTION BY CITY COUNCIL**

The City Council shall within sixty (60) days of receiving the recommendation from Planning and Zoning that the nominated landmark or historic district be designated or after receiving a written appeal of Planning and Zoning's recommendation reject the recommendation/written appeal by formal resolution or designate the landmark or district by an ordinance. The City Council may hold a public hearing before enacting either the resolution or ordinance providing notice and taking testimony in the same manner as provided in Section 21-1-10 Notification of Nomination and 20-1-11 Public Hearing above. Any resolution or ordinance should be accompanied by a written statement explaining the reason for the action of the City Council.

The Community Development Director or his/her designee shall provide a written notification of the action of the City Council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark and of all property within a nominated district, if any. The notice shall include a copy of the designation

ordinance or resolution passed by the City Council and shall be sent within seven (7) days of the City Council action. A copy of each designation ordinance shall be sent to the Board, the Planning and Zoning Commission, the Community Development Department and affected agencies and individuals.

### **20-1-16 THE DESIGNATION ORDINANCE**

Upon designation, the landmark or district or district shall be classified as “CH-Cultural Historic” The designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness: design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulations; minimum dwelling size; floor area; sign regulation; and parking regulation. The official zoning map of the City of Las Vegas shall be amended to show the location of the “CH-Cultural Historic” designations.

### **20-1-17 INTERIM CONTROL**

No building permit shall be issued by the Community Development Department for alteration, construction, demolition, or removal of a nominated landmark or structure within a nominated district from the date of the meeting of the Board at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than two hundred ten (210) days.

### **20-1-18 CERTIFICATE OF APPROVAL**

A certificate of approval shall be required before the following actions affecting the exterior appearance of any land, building, or structure within a “CH” district is undertaken:

1. Any construction, alteration, or removal requiring a building permit from the City of Las Vegas;
2. Any demolition in whole or in part requiring a permit from the City of Las Vegas;

3. Any construction, alteration, demolition, or removal affecting the exterior appearance; or
4. Landscaping and plantings in publicly owned-property.
5. See Section 20-1-33 for application to local, state federal, government agencies.

The Board shall not have review authority over paint colors used on designated buildings and structures except for the situation when an owner or tenant proposes to paint brick or masonry that has not been previously painted. The Board may advise owners and tenants on appropriate paint colors. The Board may prepare and distribute a list of paint colors appropriate for different types of buildings.

The Board shall not review landscaping plans involving privately owned property; but, it shall review landscaping plans to include open space, massing, and height and the planting and removal of trees involving public parks and other public property.

The Board shall adopt a policy setting forth routine repairs that may receive immediate approval from its professional staff without consideration at a Board meeting provided the applicant complies with the design guidelines of the Board. The staff shall report on these approvals at each meeting of the Board.

In making a decision on an application for a certificate, the Board should be aware of the importance of finding an appropriate way to meet the current needs of the applicant. The Board should recognize the importance of approving plans that will be reasonable and feasible for the applicant to carry out.

The Board may meet with the builders and other persons who work on changes to or the maintenance and rehabilitation of historic buildings and structures. The Board may meet with the persons who supply the materials used on historic buildings and structures.

### **20-1-19 APPLICATION FOR CERTIFICATES OF APPROVAL**

Every application as set forth in Section 20-1-18 for a demolition permit or a building permit with the accompanying plans and specifications affecting the exterior architectural appearance of a designated landmark or a property within a designated "CH" district shall be forwarded by the Community Development Department to the Board within thirty (30) days following receipt of the application. Except for pre-

approved alterations (see Sections 20-1-3 and 20-1-4 (14) the Community Development Department shall not issue a permit for any purpose until a Certificate of Approval or a Certificate of Approval or a Certificate of Economic Hardship has been issued by the Board.

Applications for review as set forth in Section 20-1-18 for construction, alteration, demolition or removal not requiring a building permit for which a Certificate of Approval is required shall be made on a form prepared by the Board and available at the Community Development Office. The Board shall consider the completed application at its next regular meeting.

The applicant shall provide, where applicable, scale drawings of the proposed work, photographs of the existing building, structure or site and adjacent properties and information about the buildings materials to be used. In its rules, the Board may prescribe additional material to be included in an application. An application for a Certificate of Approval shall not be considered complete and not be presented to the Board until all required data has been submitted.

The Board and the staff shall advise the applicant regarding compliance with this Ordinance and meet the requirements of the applicant and other public and private entities. Before applicants prepare their application, they may bring a preliminary proposal to the Board or staff for comments. When an application involves new construction, the applicant shall present preliminary plans for review and comment before the preparation of construction drawings of the project.

## **20-1-20 DETERMINATION BY DESIGN REVIEW BOARD**

1. The Board shall review applications for Certificates of Approval and approve, conditionally approve or deny them within forty-five (45) days of receipt of the application. The time may be extended with the concurrence of both the applicant and the Board. If the applicant does not agree to an extension, the Board may deny that application.

2. At its meetings, the Board shall hold a public hearing on each application for a certificate of Approval and may discuss the contents of the application, preservation guidelines and standards and other matters of concern related to the application. Notice of the hearing shall be given to the applicant. Public notice shall be given which includes the applications for consideration at the Board's meeting. The applicant or a representative of the applicant shall be present and may present the project and

answer questions of the Board. Other persons may present testimony to assist the Board in reaching a decision. A report from the staff on each application shall be given to the members of the Board five working days prior to the hearing.

3. The approval or conditional approval of the application shall include a statement of the reasons for the approval or conditional approval. The statement may include references to the preservation guidelines and standards. Written notices of the approval, conditional approval or denial of the application for a Certificate of Approval shall be provided to the applicant and the Community Development Department within seven (7) days of the determination and shall be accompanied by a Certificate of Approval in the case of an approval.

4. If the Board fails to act on a complete application within the 45 days of initial presentation to the Board at the initial public meeting, the application shall be deemed approved.

5. The Board is deemed to have acted if:

(a) The matter is tabled for any reason.

(b) The application is considered incomplete.

(c) There is no quorum available for action. However, should there be no quorum available for 2 consecutive meetings, then the Community Development Director or his designee shall be authorized to administratively review and grant approval, with or without conditions, of the application within ten (10) working days of submission, to him or her or his or her designee.

(d) The application is denied.

(e) The application is granted with or without conditions.

## **20-1-21 DENIAL OF A CERTIFICATE OF APPROVAL**

A denial of a Certificate of Approval shall include a statement of the reasons for the denial. The statement may include references to the preservation guidelines and standards used by the Board in reaching its decision. The Board shall make recommendations to the applicant concerning changes, if any, in the proposed action that may cause the Board to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the Board. The applicant may re-submit an amended application after changing the parts of the application that do not comply with the recommendations of the Board, or re-apply for a Certificate of Approval. Refer to Section 20-1-26 below for appeal procedures.

## **20-1-22 STANDARDS FOR REVIEW**

In considering an application for Certificate of Approval, the Board shall be guided by the following general standards in addition to any design guidelines in the Ordinance designating the landmark or historic district and the Secretary of the Interior's Standards for Rehabilitation (Revised 1990):

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment or to use a property for its originally intended purpose.
  
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
  
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create an earlier time appearance shall be discouraged.
  
4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right. This significance shall be recognized and respected.
  
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
  
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  
7. The surface cleaning of the structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that damage the historic building material shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

## **20-1-23 REVIEW OF PROPOSED SIGNS**

The Board shall review proposed exterior signs affecting any landmark or within a “CH” district.

1. No sign permit shall be issued until the Board has approved the sign through a separate Certificate of Approval or a part of a Certificate of Approval covering a number of changes.
2. The Board shall developed sign guidelines for landmarks and property within a “CH” district after research on historic signs including their size, design, material and placement.
3. A proposed sign may include elements that do not comply with the City’s Sign Ordinance. The design review Board may approve such a sign when it is appropriate under its historic sign guideline.
4. The approval by the Board shall be submitted to City staff with a report stating the elements that the Board has approved.
5. City staff shall then issue a permit if the proposed sign complies with the regulations of the City’s Sign Ordinance all respects unless exempted by the Design Review Board.
6. Owners and tenants shall not place signs on their buildings until they have submitted their plans to the Board and received the Certificate of Approval.
7. The Board shall meet with the persons who make the signs displayed on buildings in the City so that the Board may present to them its guidelines.

## **20-1-24 CERTIFICATE OF ECONOMIC HARDSHIP**

Application for a Certificate of Economic Hardship shall be made to the Board on a form prepared by the Community Development Department. The Board shall schedule a public hearing concerning the application and provide notice in the same manner as in Section 20-1-10, Notification of Nomination, and any person may testify at the hearing concerning economic hardship in the same manner as provide by Section 20-1-11 Public Hearing Ordinance. Certificate of Economic Hardship is not applicable to situations occurring in section 20-1-29, Emergency Condition.

The Board may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application:

1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred in order to comply with the recommendations of the Board for changes necessary for the issuance of Certificate of Approval.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed construction, alterations, demolition, or removal; after any changes recommended by the Board; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developed, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;



6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
7. Remaining balance on any mortgage or another financing secured by the property and annual financing secured by the property and annual debt service, if any, for the previous two years;
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property; if an appraisal is not available the Board may require one;
9. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
10. Assessed value of the property according to the two most recent assessments;
11. Real estate taxes for the previous two years;
12. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
13. Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Board to a make determination as to whether the property does yield or may yield a reasonable return to the owners.
14. At the public hearing the Board may receive expert testimony and testimony on alternative plans. It shall discuss alternative plans before reaching a decision on an application.

## **20-1-25 DETERMINATION OF ECONOMIC HARDSHIP**

The Board shall review all of the evidence and information required of an application for a Certificate of Economic Hardship and all the material received from others and shall make a determination within forty-five (45) days of receipt of the application whether the denial of a Certificate of Approval has deprived or will deprive the owner of the property of reasonable use of or economic return on the property. The Board

may then grant a Certificate of Economic Hardship authorizing the work requested in the application or it may disapprove the granting of a Certificate of Economic Hardship. The approval or disapproval of a Certificate of Economic Hardship shall be accompanied by a statement of the reasons for the action. Written notice of the determination shall be provided in the same manner as required by Section 20-1-20 Determination by the Board.

#### **20-1-26 APPEALS**

A determination by the Board that an application for a Certificate of Approval or for a Certificate of Economic Hardship be denied shall be final, unless within twenty (20) days an appeal in writing is filed with the Board of Adjustment by either an applicant or an opponent. The filing of such an appeal within such time limit shall stay the effective date of the order of the Board until such time as the Board of Adjustment has acted on the appeal.

#### **20-1-27 DESIGN GUIDELINES ADOPTION**

The Design Guidelines for the Historic Districts of the City of Las Vegas, New Mexico, and subsequent revisions, amendments and additions thereto adopted by the Board are hereby adopted in their entirety by reference.

#### **20-1-28 SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS – ADOPTION**

The Secretary of the Interior's standards for Rehabilitation and Guidelines for Rehabilitating Historic Building (Revised 1990, as amended) and subsequent revisions, amendments and additions thereto adopted by the Secretary of the Interior are hereby adopted in their entirety by reference.

#### **20-1-29 EMERGENCY CONDITIONS: PROGRAM TO IDENTIFY AND ENCOURAGE THE SECURING AND STABILIZING OF HISTORIC BUILDINGS AND STRUCTURES**

Emergency conditions, including hazardous buildings, shall be handled in the following way:

**1. Conditions Dangerous to Life, Health or Property.** In the case where the Community Development Director or his/her designee is concerned that there are emergency conditions dangerous to life, health or property affecting a landmark or a property in a "CH" District and where the owner has refused to make the emergency repair that are needed, the Community Development Director or his/her designee shall immediately make that determination whether there are emergency conditions dangerous to life, health or property.

A. The determination shall be based on written reports and evidence from the fire inspector, the state building inspector or other recognized safety experts;

B. The Community Development Director or his/her designee shall promptly notify the chairperson of the Board or the person designated to act in place of the chairperson;

C. The Community Development Director or his/her designee shall seek the advice and approval of the Board and shall present the reports and evidence that such dangerous conditions exist and options to remedy the situation;

D. If the Board cannot meet in a timely manner, the Community Development Director or his/her designee may then order interim lifesaving measures, according to federal life safety code and other state and local regulations, without the approval of the Board;

E. When the dangerous conditions do not require demolition, the Community Development Director or his/her designee shall make every effort to carry out the intent of this Ordinance and to use the design guidelines of the Board when remedying the dangerous conditions; and,

F. The Community Development Director or his/her designee shall promptly notify the Board of the action taken and shall present complete information about the action taken at the next meeting of the Board.

**2. (Non Compliance refusal to make repairs) Conditions Dangerous to Life, Health or Property.**

In the case where the Community Development Director or his/her designee is concerned that there are emergency conditions dangerous to life, health or property affecting a landmark or a property in a "CH" District and where the owner has refused to make emergency repair that is needed, the Community Development

Director or his/ her designee shall notify the Municipal Code Enforcement Division to address issues in accordance with Section 20-1-36 Notice to abate.

**3. Non Life-Threatening Emergency Conditions.** In all situations involving emergency conditions that the Community Development Director or his/her designee has determined are not life-threatening, but require immediate action, the Supervisor may request the chairperson or the person acting for the chairperson to call a meeting of the Board within 72 hours so that the Supervisor may present information about the action to be taken. The meeting notice requirements of the Board shall not apply when a meeting is being held to inform the Board about a situation involving emergency conditions.

**4. Identifying and Encouraging the Securing and Stabilizing of Historic Buildings and Structures.** In order to prevent unnecessary demolitions, the City with assistance of the Board shall develop a program to identify and encourage the securing and stabilizing of historic buildings and structures that are being neglected by their owners and tenants. The City shall seek advice and assistance from private groups in order to save these neglected building and structures.

#### **20-1-30 MAINTENANCE; PREVENTION OF DEMOLITION BY NEGLECT**

**1. Ordinary Maintenance and Repairs.** The owner and the tenant of a landmark or a property in a “CH” District shall both be responsible for keeping in good repair: (a 1) all of the exterior portions of such buildings or structures; (b 2) and, all interior portions thereof which, if not maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

**2. Uniform Building Code.** The work of owners and tenants shall follow the Uniform Building Code as adopted by the City, and/or subsequent revisions of the building code thereof. Ordinary maintenance and repairs may be undertaken without a Certificate of Approval provided this work does not change the exterior architectural appearance of the landmark or the property within the “CH” district.

**3. Interpretation.** No provision in the Ordinance shall be interpreted to require an owner or tenant to undertake an alteration or to restore a building or structure to its original appearance.

**4. Maintenance List of Owners and Tenants.** Working with the Community Development Director or his/her designee, the Board shall prepare and distribute to owners and tenants a Maintenance List containing the elements of buildings and structures that must be checked regularly and protected in order to prevent a designated property from being demolished as a result of neglect.

**5. Ways to Improve the Condition of a Historic Building or Structure.** When an historic building or structure is in need of repair, the Board shall request a meeting with the owner and the tenant to discuss with them ways to improve the condition of the property. In accordance with the program developed by the City to identify and encourage the securing and stabilizing of neglected historic building and structures, the Board may request the assistance of private groups or individuals to act as intermediaries. The Board shall review with the Community Development Director or his/her designee and other City officials future steps required to preserve the threatened property. The Board shall then notify the City Council of its concerns and recommendations.

**6. Other Laws and Regulations.** The provisions of this Ordinance shall be in addition to all other provisions of the State of New Mexico and the City of Las Vegas laws and regulations requiring that buildings and structures be properly maintained and kept in good repair.

## **20-1-31 NATIONAL REGISTER OF HISTORIC PLACES AND STATE REGISTER OF CULTURAL PROPERTIES**

1. The staff of the Board shall prepare and distribute a map showing the properties on the National Register of Historic Places and the State Register of Cultural Properties. This map shall be used with a similar map of locally designated landmarks and "CH" districts. The Board shall develop unified procedures so that an owner or tenant will make a single presentation about proposed plans.

2. As part of its duties, the Board may direct the local review of new nominations to the National Register of Historic Places in accordance with federal, state and local laws and regulations or ordinances.

**20-1-32 COORDINATION WITH STATE HISTORIC PRESERVATION DIVISION:  
COORDINATION ON PREPARATION OF PLANS BY THE CITY.**

1. The City shall coordinate its historic preservation program with the program and plans of the State Historic Preservation Division. The Community Development Director or his/her designee shall report to the Design Review Board on the projects in Las Vegas that are to be submitted to the division for its review.

2. The Board shall assist in the local compliance with the requirements of federal and state laws and regulations including, but not limited to, the holding of required public hearings; the preparation of the record in each case, the analysis of whether there is a “prudent and feasible alternative” and the planning to preserve protect and to minimize harm to significant prehistoric sites or historic sites.

3. The City Council and City departments, boards and commissions shall coordinate the preparation of plans and projects with the Design Review Board to ensure the protection of publicly and privately owned historic property and to ensure that City owned historic property is preserved and is considered in the allocation of funding for capital improvements.

**20-1-33 APPLICATION FOR CERTIFICATE OF APPROVAL BY CITY DEPARTMENTS AND  
CITY BOARDS AND COMMISSIONS.**

Any person or persons, or any board, department, or bureau of the City of Las Vegas shall file an application for Certificate of Approval with the Community Development Department for presentation to the Board for the following:

A. Zoning Changes, Zoning amendments for public and/or private construction projects that are initiated for properties within the confines of the “CH” Overlay districts, (Application of Certificate of Approval required.)

B. Any construction project initiated for properties, buildings or structures or sites individually listed by the City, State or the National Resisters and owned or controlled by the City, State or Federal governmental agencies or any other public institutions. (Application of Certificate of Approval required.)

C. The Community Development Director or his or her designee shall work with the Chairperson of the Design Review Board to arrange meetings, letters and other

procedures that will coordinate the plans for projects to be initiated for those areas mentioned above.

D. See Section 20-1-18 for further application.

### **20-1-34 PROGRAM COMPLIANCE**

The Community Development Director or his/her designee shall work with the Board to develop a program to review proposed changes to designated property and to issue Certificates.

1. This program shall include:

A. the submission and approval of applications before work is started;

B. supervision of work in progress; and

C. evaluation of the completed work as it is described in the Certificate of Approval or the Certificate of Economic Hardship issued to the applicant by the Board.

2. The City Attorney shall assist the Board in insuring compliance with the Program.

### **20-1-35 PENALTIES**

Any person who undertakes or causes an alteration, construction demolition, removal, or the painting of previously unpainted brick or masonry or any nominated or designated landmark or property with a nominated or designated "CH" district, without a Certificate of Approval or a Certificate of Economic Hardship is committing a public nuisance violation within a "CH" district as described in 20-1-3 Definitions 25.

Whoever commits a public nuisance shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than Five Hundred Dollars (\$500.00). Every day each such violation shall continue to exist, shall constitute a separate violation.

## **20-1-36 NOTICE TO ABATE**

The provisions of this section shall be in the alternative to any other provision of this article.

1. Whenever a public nuisance as defined in this article is found to exist within any of the designated "CH" districts, any Municipal Code Enforcement Officer upon observing any violation of this Chapter, shall issue a notice directed to the owner of record of the property on which the nuisance occurs and/or the occupant of the property.
2. The notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by the owner or occupant or tenants. Said limit shall not be less than two (2) days or more than fifteen (15) days after service of notice.
3. Every person, including the owner, his agent, lessee or occupant of the property where such public nuisance exists, shall abate any public nuisance by the correction, or removal of the public nuisance within fifteen (15) days of being given notice, or by entering into a written agreement with the City for the correction or removal of the nuisance within said fifteen (15) days.
4. If an agreement is entered into within the fifteen (15) day period, the time limits of this section shall be stayed.
5. If the person so cited disagrees with the decision made by the City Manager or his designee, that person shall have the right to request, within fifteen (15) days of the initial notice, a hearing before the Design Review Board. If a request for hearing is made within the fifteen (15) day period, the time limits of these sections shall be stayed pending a decision by the Design Review Board.
6. The Notice may be served personally or by certified mail at the owner's or occupants last known address.
7. When a judgment is entered against the defendant in an action to abate the public nuisance, the defendant shall pay all court costs and reasonable attorney fees for complaint when the suit is not prosecuted exclusively by the City Attorney.



## **20-1-37 CONTENTS OF NOTICE**

1. The first notice will be in the form of a Violation Notice (red tag) which will be served personally or by certified mail, return receipt requested. The red tag will describe the violation, the location of the public nuisance, a statement of acts necessary to abate the nuisance, and issue a compliance date.
2. Owner will have the right to request an extension of time within which to comply with the Community Development Department by written agreement or to request a hearing by the Design Review Board.
3. If compliance or request for hearing is not met or requested by the stated date, a second, final notice will be a Pending Prosecution Notice and/or Notice of Abatement by the City. An inspection will be conducted at the end of the time limit stated in the Notice. If compliance is still not met, the City will proceed with the abatement of the nuisance or with the filing of a complaint in a court of law.

## **20-1-38 ABATEMENT BY CITY**

Upon the failure to abate by the person upon whom notice to abate a public nuisance was served pursuant to the provisions of section 20-1-37, the City may proceed to abate such public nuisance itself and shall prepare a statement of cost incurred in the abatement for payment by the legally responsible person.

## **20-1-39 CITY'S COST DECLARED LIEN**

Any and all costs incurred by the City in the abatement of a public nuisance under the provisions of this chapter shall constitute a lien against the property upon which such public nuisance existed. The lien shall be filed, proven, and collected as provided by law. Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate of interest until satisfied.

## **20-1-40 ALTERNATIVE METHOD OF ABATEMENT**

1. Except as herein provided, an action for the abatement of a public nuisance shall be governed by the general rules of civil procedure.
2. A civil action to abate a public nuisance may be brought by verified complaint in the name of the City, without cost, by any public officer or private citizen in the

Municipal court against any person who creates, performs, or maintains a public nuisance.

3. When a judgment is entered against the defendant in an action to abate the public nuisance, the defendant shall pay all court costs and reasonable attorney fees for complaint when the suit is not prosecuted exclusively by the City Attorney.

4. The City may file a criminal complaint for Public Nuisance in the appropriate Court pursuant to Section 30-8-1, NMSA 1978 as amended.

#### **20-1-41 FEES**

The Board may recommend to City Council an appropriate system of processing fees for the review of landmarks, Historic District nominations, Certificates of Approval, and Certificates of Economic Hardship. The proposed fee schedule is to be adopted by resolution.

#### **20-1-42 SEVERABILITY**

Should any section paragraph, clause or provision of this Ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

#### **20-1-43 REPEALER**

All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore, repealed. Specifically repealed are Sections 3-8-1 through 3-8-12 Las Vegas City Ordinances.

**PASSED, ADOPTED AND APPROVED this 16<sup>th</sup> day of March, 2005.**