Article 1.1

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DIVISION I: GENERAL PROVISIONS

§ 30-3 SHORT TITLE.
This article shall be known as the "Uniform Housing Code," may be cited as such, and will be referred to herein as "this code."

§ 30-4 PURPOSE.
The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the occupancy level and maintenance of all residential and non-residential buildings and structures within this jurisdiction.

§ 30-5 SCOPE.

(A) Application.

(1) The provisions of this code shall apply to all buildings or portions thereof used or designed to be used or intended to be used for human habitation. Such occupancies in existing buildings may be continued as provided in §§30-136 and 30-721, except such structures as are found to be substandard as defined in this code.

(2) Where any building or portion thereof is used, or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

(3) Every rooming house shall comply with all the requirements of this code for dwellings.

(B) Alteration. Existing buildings which are altered, enlarged or repaired shall be made to conform to this code insofar as the new work is concerned and in accordance with §§30-136 and 30-721.

(C) Relocation. Residential buildings or structures moved into or within this jurisdiction shall comply with the requirements of this code and all LCMC Building Codes, including §§30-136 and 30-721.

§ 30-6 DEFINITIONS.
For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter and article or as specified in the LCMC Building Codes, including §§30-136 and 30-721. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the masculine. All citations and references to other codes, ordinances, statutes or regulations thereto shall be construed to include any amendments or modifications thereof.

**APARTMENT HOUSE.** An apartment house is any building or portion thereof which contains three or more dwelling units.

**APPROVED.** Approved, as to materials, types of construction, equipment and systems, refers to approval by the Building Official as the result of investigation and tests conducted by him/her, or by reason of accepted principles or tests by recognized authorities or scientific organizations.

**BUILDING CODE.** Building Code is the Uniform Building Code promulgated by the International Code Council (ICC), as adopted by this jurisdiction.

**DEPARTMENT.** The department is the Community Development Department, or the Department that may be subsequently charged with the responsibility of the enforcement of this code.

**DIRECTOR.** The Director is the legally designated head of the Department that may be subsequently charged with the responsibility of the enforcement of this code.

**DWELLING.** A dwelling is any building or portion thereof which contains not more than two dwelling units.

**DWELLING UNIT.** A dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family.

**EFFICIENCY DWELLING UNIT.** Efficiency dwelling unit is a dwelling unit containing only one habitable room and meeting the requirements of LCMC Building Codes, including §§30-136 and 30-721.

**HABITABLE SPACE (ROOM).** Habitable space is a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

**HEALTH OFFICER.** Health Officer is the legally designated head of the Environmental Health Department of this jurisdiction or his designated representative.

**HOTEL.** A hotel is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**HOT WATER.** Hot water is hot water supplied to plumbing fixtures at a temperature of not less than 110° F.
INSPECTOR. The inspector is the Building and/or Housing Inspector or any subsequently titled position, including Las Cruces Code Enforcement, charged with the responsibility of making inspections to enforce the provisions of the Housing Code adopted by this jurisdiction.

MAYOR. The Mayor or his designated representative.

MECHANICAL CODE. Mechanical code is the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction.

MOTEL. A motel shall mean hotel as defined in this code.

NUISANCE. The following shall be defined as nuisances:

1) Any nuisance known at common law or in equity jurisprudence.

2) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any:
   (a) abandoned wells, shafts, basements or excavations;
   (b) abandoned large appliances;
   (c) structurally unsound fences or structures;
   (d) lumber, trash, fences or debris;
   (e) abandoned or partially destroyed vehicles;
   (f) pooled oil accumulation;
   (g) ponds or pools of stagnant water;
   (h) all diseased animals running at large;
   (i) carcasses of animals not buried or destroyed within 24 hours after death;
   (j) exposed accumulation of decayed or unwholesome food or vegetable matter;
   (k) accumulations of manure, refuse or other debris; and
   (l) privy vaults and garbage cans which are not rodent free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors.

3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

4) Overcrowding a room with occupants.

5) Insufficient ventilation or illumination.

6) Inadequate or unsanitary sewage or plumbing facilities.

7) Any violation of the housing standards and licensing requirements set forth in this code.
(8) Any violation of Chapter 18, et. seq.

(9) Any violation of Chapter 11, et. seq., that is deemed to present a threat or danger to public safety by the Fire Marshall or Fire Chief.

RELOCATION AGENCY. Community Development or Housing Authority or agency designated by the City.

RELOCATION COSTS.

RENTAL AGREEMENT. Any written or oral agreement allowing occupancy of all or a portion of a residential building by a resident.

RESIDENT. One or more people entitled under a rental agreement to occupy all or a portion of a residential building to the exclusion of others and who actually reside(s) at such location.

RESIDENTIAL BUILDING. A residential building is a building or portion thereof designed or used for human habitation.

ROOMING HOUSE. Rooming house is any building or portion thereof, containing not more than five guest rooms, which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A rooming house shall comply with all the requirements for this code for dwellings.

STRUCTURE. A structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUPERFICIAL FLOOR AREA. Superficial floor area is the floor area that is obviously or apparently used for habitable space.

VACANT BUILDING. A dwelling, dwelling unit, efficiency dwelling unit, habitable space, residential building, or structure lacking the continuous habitual presence of human beings who have a legal right to be on the premises for a period of 90 days or longer but excluding property under a listing agreement with a real estate agent licensed in New Mexico.

DIVISION 2: SPACE AND OCCUPANCY STANDARDS

§ 30-6 ROOM DIMENSIONS.

(A) Ceiling Heights.

(1) Habitable space shall have a ceiling height of not less than seven (7) feet, except as otherwise permitted in LCMC Building Codes, including §§30-136 and 30-721. Kitchens, halls, bathrooms and toilet compartments shall have a ceiling height of not less than 7 feet measured to the lowest part of the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.
(2) If any room in the building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

(3) If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

(B) **Floor Space.**

(1) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 45 square feet of floor space for each occupant thereof.

(C) **Width.**

(1) No habitable room other than a kitchen shall be less than 7 feet in any dimension. Kitchens shall have a clear passageway of not less than three (3) feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(2) Each water closet stool shall be located in a clear space not less than 30 inches in width and clear space in front of the water closet stool of not less than 24 inches shall be provided.

(D) **Exception.** Nothing in this Chapter shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

(1) The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

(2) The unit shall be provided with a separate closet.

(3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

(4) The unit shall be provided with separate bathroom containing a water closet, lavatory and bathtub or shower.

§ 30-7 LIGHT AND VENTILATION.

(A) **Natural Light and Ventilation.**
(1) All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the floor area of such rooms with a minimum of 10 square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of operable exterior openings with an area not less than 1/20 of the floor area of such rooms with a minimum of 1½ square feet.

(2) All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of operable exterior openings with an area of not less than 1/20 of the floor area of such rooms with a minimum of 5 square feet.

(B) Origin of Light and Ventilation.

(1) Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

(2) Exception.

(a) Required windows may open into a roofed porch where the porch:

i. Abuts a street, yard, or court;

ii. Has a ceiling height of not less than 7 feet; and

iii. Has the longer side at least 65 percent open and unobstructed.

(b) A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.

(3) For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(C) Mechanical Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided in all guest rooms, dormitories, habitable rooms and public corridors. In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system connected directly to the outside shall be provided.

(D) Hallways. All public hallways, stairs and other exit ways shall be illuminated at any time the building is occupied with light having intensity of not less than 1 foot candle at floor level. Exit signs where required must be in accordance with LCMC Building Codes, including §§30-136 and 30-721.

§ 30-8 SANITATION.
(A) **Dwelling Units.** Every dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower.

(B) **Kitchen.** Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

(C) **Fixtures.**

   (1) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

   (2) All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(D) **Water Closet Compartments.** Water closet compartments in dwellings shall be finished with approved nonabsorbent materials. Bathroom floor surface shall be maintained to be reasonably impervious to water.

(E) **Bathroom or Shower Accessories.** All accessories such as grab bars, towel bars, paper dispensers and soap dishes and the like, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

(F) **Showers.** Showers in all occupancies shall be finished to a height of not less than 70 inches above the drain inlet. Materials other than structural elements used in such walls shall be of a type which is not adversely affected by moisture.

(G) **Room Separations.** Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

(H) **Installation and Maintenance.** All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with all applicable laws.

**DIVISION 3: GENERAL REQUIREMENTS**

**§ 30-9 STRUCTURAL REQUIREMENTS.**

(A) **General.** Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

(B) **Shelter.** Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.
(C) Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Building Code.

§ 30-10 MECHANICAL REQUIREMENTS.

(A) Heating and Ventilation.

(1) Heating.

(a) Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68°F at a point 3 feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with §§30-136 and 30-721 of the LCMC Building Code, and all other applicable laws.

(b) Unvented fuel-burning heaters shall not be permitted. All heating devices or appliances shall be of an approved type, and installed per the manufacturers specifications.

(2) Electrical Equipment.

(a) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

(b) Every habitable room shall contain at least two supplied electric convenience outlets or one such convenience outlet and one supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one supplied electric light fixture.

(3) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by LCMC Building Codes, including §§30-136 and 30-721 such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

§ 30-11 EXITS.

(A) General.

(1) Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

(2) All buildings or portions thereof shall be provided with exits, exit ways and appurtenances as required by LCMC Building Codes, including §§30-136 and 30-721.

(3) Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.
(4) All escape or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. Where windows are provided as a means of egress or rescue they shall have a finished sill height not more than 44 inches above the floor.

§ 30-12 FIRE PROTECTION.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by City Code, LCMC Building Codes, including §§30-136 and 30-721 for the appropriate occupancy, type of construction and location on property; and shall be provided with the appropriate fire-extinguishing systems or equipment required by the chief of the fire department or his deputy.

DIVISION 4: SUBSTANDARD BUILDINGS

§ 30-13 SUBSTANDARD BUILDING DEFINED.

Any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions set forth in this code or LCMC Building Codes, including §§30-136 and 30-721, to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and declared a SUBSTANDARD BUILDING.

§ 30-13.1 INADEQUATE SANITATION.

INADEQUATE SANITATION shall include but not be limited to the following:

(A) Lack of, or not properly operative water closet, lavatory, bathtub or shower in a dwelling unit.
(B) Lack of, or not properly operative water closets, lavatories and bathtubs or showers in a motel.
(C) Lack of, or not properly operative kitchen sink.
(D) Lack of hot and cold running water to plumbing fixtures in a motel.
(E) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
(F) Lack of adequate heating facilities.
(G) Lack of, or improper operation of required ventilating equipment.
(H) Lack of minimum amounts of natural light and ventilation required by this code.
(I) Room and space dimensions less than required by this code.
(J) Lack of required electrical lighting.
(K) Dampness of habitable rooms because of faulty weather protection.
(L) General dilapidation or inadequate maintenance.
(M) Lack of connection to required sewage disposal system.
(N) Infestation of insects, vermin or rodents as set forth in Chapter 18 of this code.

§ 30-13.2 STRUCTURAL HAZARDS.

STRUCTURAL HAZARDS shall include but not be limited to the following:

(A) Deteriorated or inadequate foundations.

(B) Defective or deteriorated flooring or floor supports.

(C) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(D) Members of walls, partitions or other vertical supports that spilt, lean, list or buckle.

(E) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

(F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle.

(G) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(H) Fireplaces or chimneys which list, bulge or settle.

(I) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(J) Every inside and outside stair, every porch, and every appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon.

(K) Every interior wall and ceiling is free of holes and large cracks. Every interior wall and ceiling is free of loose plaster and other structural material, the collapse of which might constitute an accident hazard. Plaster, paint, and all other surface materials are of such character as to be easily cleanable and are reasonably smooth, clean, and tight.

§ 30-13.3 NUISANCE.

A NUISANCE shall include:

(A) Unlicensed vacant buildings;

(B) Buildings that have broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief;

(C) Buildings that are Commissioned up, partially destroyed, not properly secured or partially constructed or incomplete after the building permit authorizing its construction has expired;

(D) Buildings whose maintenance is so out of harmony and conformity with the maintenance and quality of adjacent or nearby properties as to cause substantial diminution in the enjoyment, use or property value of such adjacent or nearby properties; and
(E) Buildings in an unsecured state that are not securely fenced or adequately lighted to prevent access to trespassers, criminals or others unauthorized to enter for the purpose of committing a nuisance or unlawful act or that constitutes an attractive nuisance for children.

§ 30-14.4 HAZARDOUS WIRING.

HAZARDOUS WIRING shall include all wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

§ 30-14.5 HAZARDOUS PLUMBING.

HAZARDOUS PLUMBING shall include all plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphon between fixtures.

§ 30-14.6 HAZARDOUS MECHANICAL EQUIPMENT.

HAZARDOUS MECHANICAL EQUIPMENT shall include all mechanical equipment, including vents, except that conformed with all applicable laws in effect at the time of installation and which has been maintained in a good and safe condition.

§ 30-14.7 FAULTY WEATHER PROTECTION.

FAULTY WEATHER PROTECTION shall include but not be limited to the following:

(A) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways.

(B) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(C) Broken, rotted, split or buckled exterior wall coverings or roof coverings.

§ 30-13.8 FIRE HAZARD.

A FIRE HAZARD shall include any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

§ 30-13.9 FAULTY MATERIALS OF CONSTRUCTION.

FAULTY MATERIALS OF CONSTRUCTIONS shall include all materials of construction except those which are specifically allowed or approved by this code and the Building Code, and which have been adequately maintained in good and safe condition.

§ 30-13.10 INADEQUATE MAINTENANCE.

INADEQUATE MAINTENANCE shall include any building or portion thereof which is determined to be an unsafe building in accordance with LCMC Building Codes, including §§30-136 and 30-721.
§ 30-13.11 INADEQUATE EXITS.

(A) **INADEQUATE EXITS** shall include all buildings or portions thereof not provided with adequate exit facilities as required by this code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(B) When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

§ 30-13.12 INADEQUATE FIRE-PROTECTION OR FIREFIGHTING EQUIPMENT.

**INADEQUATE FIRE-PROTECTION** or **FIREFIGHTING EQUIPMENT** shall include all buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code and the Chief of the Fire Department, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

DIVISION 5: ADMINISTRATION AND ENFORCEMENT

§ 30-14 ENFORCEMENT.

The City Manager, or her/his designee, is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, she/he shall have all the powers specified herein.

§ 30-14.1 NOTICES AND ORDERS OF THE CITY MANAGER.

(A) **General.**

(1) Commencement of Proceedings. Whenever the City Manager has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, they shall commence proceedings to cause the repair, rehabilitation, vacation, demolition or securing of the building.

(2) Notice and Order. The City Manager shall issue a notice and order directed to the owner of the building as indicated by the county assessor’s records and where appropriate the occupant of the building. The notice and order shall contain:

(a) The street address and a legal description sufficient for identification of the premises upon which the building is located.

(b) A statement that the City Manager has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of this code.
(c) A statement of the action required to be taken as determined by the City Manager.

i. If the City Manager has determined that the building or structure must be repaired, the order shall provide that all required permits be secured therefor and the work physically commenced within such time, not to exceed 30 days from the date of the order, and completed within such time as the City Manager shall determine is reasonable under all the circumstances.

ii. If the City Manager has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the City Manager to be reasonable.

iii. If the City Manager has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the City Manager shall determine reasonable, not to exceed 30 days from the date of the order; that all required permits be secured therefor within 60 days from the date of the order, and that the demolition be completed within such time as the City Manager shall determine is reasonable. Failure to comply with the order to demolish the building or structure within such time as the City Manager shall determine reasonable, not to exceed 30 days from the date of the order, will result in a Resolution of Condemnation being presented to the Governing Body on a specified date pursuant to NMSA 1978 §3-18-5.

iv. If the City Manager has determined that the building or structure is a nuisance or an attractive nuisance; the order shall require the nuisance to be abated within such time the City Manager shall determine to be reasonable, not to exceed 30 days from the date of the order; where there has been a failure to comply with such order the City Manager shall proceed to obtain an appropriate court order to abate such nuisance. Any such abatement of the nuisance shall be accomplished and the cost thereof paid and recovered in the manner provided by this code.

(d) Statements advising:

i. That any person having any title or legal interest in the building may appeal from the notice and order or any action of the City Manager, excluding demolition, to the CITY COUNCIL, provided the appeal is made in writing as provided in this code, and filed with the City Clerk prior to the effective date of the order;

ii. That in the case of demolition the appeal procedure shall be as set forth in Section 3-18-5 NMSA 1978.

(3) Method of Service in Cases Other than Demolition.

(a) Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage
prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of the county or as known to the City Manager. If no address of any such person so appears or is known to the City Manager, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings and posted thereon.

(b) The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(4) Proof of Service. Proof of service of the notice and order shall be certified to by a written affidavit executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the City Clerk.

(B) Recordation of Notice and Order.

(1) If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the City Manager shall file in the office of the County Clerk a certificate describing the property and certifying:

(a) That the building is a substandard building; and

(b) That the owner has been so notified.

(2) Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the City Manager shall file a new certificate with the County Clerk certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

(C) Repair, Vacation, Securing or Demolition.

(1) Standards to be Followed. The following standards shall be followed by the City Manager (and by the City Council) in ordering the repair, vacation, demolition or securing of any substandard building or structure:

(a) If any building is declared a substandard building under this code it shall either be repaired in accordance with the current Building and Housing Codes or shall be demolished at the option of the building owner.

(b) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated.

(c) If the building or structure is open and determined to be an attractive nuisance and/or nuisance, a court order to secure the building or structure will be obtained as provided herein.
(D) Notice to Vacate.

(1) Posting. Every notice to vacate shall, in addition to being served, be posted at or upon each exit of the building, and shall be in substantially the following form:

DO NOT ENTER
SUBSTANDARD BUILDING
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.
Director of Community Development
City of Las Cruces

(2) Compliance. Whenever such notice is posted, the City Manager shall include a notification thereof in the notice and order issued by him reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to secure, repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Compliance filed with the county clerk. Any person violating this division (D)(2) shall be guilty of a misdemeanor.

§ 30-14.2.
(A) General.

(1) Form of Appeal.

(a) Any person entitled to appeal under this code may do so by filing at the office of the City Clerk/City Attorney a written appeal containing:

i. The names of all appellants participating in the appeal.

ii. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the appeal.

iii. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

iv. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

v. The signatures of all parties named as appellants and their official mailing addresses.

vi. The verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.
(b) The appeal shall be filed prior to the effective date of the order.

(2) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the City Clerk or his/her designee, shall present it at the next regular or special meeting of the City Council.

(3) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the City Council shall fix a date, time and place for the hearing of the appeal by the Council. Such date shall be not less than ten days nor more than 60 days from the date the appeal was filed with the City Clerk. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

(4) Appeal of Governing Body Action. Any person aggrieved by the finding of the Governing Body that a building, structure or premise is so ruined, damaged and dilapidated that it is such a menace to the public comfort, health, peace or safety so as to require the removal from the municipality of the building, structure, ruins, rubbish, wreckage or debris, may file a written objection with the City Clerk within ten days of the receipt of a copy of the Resolution of Condemnation, asking for a hearing before the Governing Body. After receiving a valid written objection the City Council shall hold a hearing as provided for in Section 3-18-5, NMSA 1978.

(5) Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions herein shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

(6) Scope of Hearing Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(7) Staying of Order Under Appeal. Enforcement of any notice and order of the City Manager issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

§ 30-14.3 PROCEDURES FOR CONDUCT OF HEARING APPEALS.

(A) Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Las Cruces City Council at ______ on the _____day of ______, 20____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by legal counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you."

(B) Conduct of Hearings.
(1) Disclosure. The City Council may require that the parties provide, prior to the hearing, a written statement of all issues to be addressed, a list of proposed witnesses, a brief statement of the nature of each witness' testimony, and copies of all documentary evidence to be introduced, which material shall be available for inspection and copying by all parties.

(2) Evidence.

(a) The Council shall afford all parties an opportunity to present oral or documentary evidence and argument on all issues involved, except that irrelevant, immaterial and unduly repetitious evidence shall be excluded. It is the policy of the Council that testimony and information presented during the hearing must have a direct and substantial bearing on the case at hand.

(b) The Council may impose reasonable limits on the number of witnesses heard and on the nature and length of the testimony or questioning.

(c) Hearsay testimony is admissible subject to the other limitations on admissibility contained in these rules.

(d) The Council shall base its decision on evidence of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The decision must be supported by at least some evidence which is admissible in a court of law.

(3) Hearing Procedure.

(a) The Chairperson of the Council shall act as the presiding officer at the hearing unless they are unavailable or wish to delegate this duty, in which case, the presiding officer shall be selected in accordance with Council procedure. The presiding officer shall:

i. Determine the admissibility of evidence and testimony;

ii. Make rulings on procedural issues; and

iii. Be responsible for the Council's written ruling in each case.

(b) Should an action of the presiding officer be challenged by another Council member, and should the presiding officer disagree with the challenge, the issue will be decided by a majority vote of the Council.

(c) Any interested parties shall be allowed to attend the hearing.

(d) The Council can recognize any agreements on facts and issues between the parties or decide that certain facts are not in dispute to define the issues to be heard.

(e) The Council may request the clarification of a complaint prior to a hearing; request that certain facts be examined initially to determine whether such facts exist as will support the allegations to be heard or make any other rulings, procedural, limiting, dispositive, or otherwise, which are in accordance with the law as applied to the facts at issue.
(f) In the absence of the Council's decision to proceed in a different manner, notice of which shall be given to the parties at least three days in advance of the hearing, the sequence of the hearing shall be as follows:

i. Opening statement of issues. The appellant and then the City Manager or their designee, will present statements of issues involved in the case and outline the case which will be presented.

ii. Appellant's presentation of its case. The appellant will first present its case to the Council unless the parties agree otherwise. Witnesses for the appellant will be called, sworn in, and questioned on their involvement in, or knowledge of the case. Following each witness' testimony, the City Manager will have the opportunity to cross-examine the witness. Council members will then have the opportunity to question the witness on matters related to their testimony. Follow-up or redirect questioning will be allowed at the discretion of the presiding officer. This procedure will be followed for each of the Appellant's respective witnesses.

(g) Presentation of the City Manager's case. This presentation shall follow the same format as presentation of the appellant's case.

(h) Rebuttal testimony. Following presentations of the Appellant's and City Manager's positions, rebuttal testimony will be allowed at the discretion of the presiding officer. Such testimony should be brief and specifically address the issues brought forth in the previous presentations.

(i) Closing statements. At the conclusion of the case presentations and rebuttal testimony, the parties will each make his or her closing statements. The closing statements should briefly review the issues presented and the desired outcome. The appellant will then have the opportunity to make a final statement, which shall be limited to issues brought forth in the City Manager's closing statement.

(j) Decision. All decisions of the Council shall be by majority vote.

(4) Quorum. A majority of the members of the Council shall constitute a quorum and no business shall be conducted unless there is a quorum present.

(5) Record. A record of the Council's proceedings shall be kept in the following manner:

(a) A full record of the hearing by sound recording or by a qualified court reporter which record shall be retained for at least one year after the final decision is issued;

(b) All documents or other items considered and received as evidence; and

(c) Any decision or opinion of the Council, including findings of fact.
§ 30-14.4 ENFORCEMENT OF THE ORDER OF THE CITY MANAGER OR THE PLANNING AND ZONING COMMISSION.

(A) Compliance.

(1) General. After any order of the City Manager or the Council made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a petty misdemeanor.

(2) Failure to Obey Order. If, after any order of the City Manager or the Council made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the City Manager may:

   (a) Cause such person to be prosecuted under division (A)(1) above; or

   (b) Institute any appropriate action to abate such nuisance.

(3) Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective, the City Manager shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

   DO NOT ENTER
   SUBSTANDARD BUILDING
   THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAD BEEN PROHIBITED BY THE CODE OFFICIAL

   It is a petty misdemeanor to occupy this building, or to remove or deface this notice.

   Director of Community Development
   City of Las Cruces

   (a) No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the City Manager have been completed and a Certificate of Compliance issued pursuant to the provisions of this Housing Code.

   (b) The City Manager may, in addition to any other remedy herein provided cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or, if the resolution of the Governing Body requires demolition, to cause the building to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code or in the manner provided in Section 3-36-1 through 3-36-6 NMSA 1978.

   (c) Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the City Manager may, at his discretion, grant an extension of time, not to exceed an
additional 120 days, within which to complete said repair, rehabilitation or demolition, if the City Manager determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The City Manager's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.

(d) Interference with Repair or Demolition Work Prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, demolished or secured under the provisions of this code, whenever such person is engaged in the work of repairing, vacating and repairing, demolishing or securing any such building pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

§ 30-15 PERFORMANCE OF WORK OR REPAIR, DEMOLITION, OR SECURING BUILDING.

(A) General.

(1) Procedure. When any work of repair, demolition or securing of building is to be done pursuant to this code, the City Manager, or his/her designee, shall cause the work to be accomplished by city personnel or by private contract under the direction of the City Manager. Plans and specifications therefor may be prepared by the City Manager, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary.

(2) Costs. The cost of such work shall be paid from the repair and demolition fund, and shall be a lien against the property involved, and a personal obligation of the property owner.

§ 30-16 REQUESTED INSPECTIONS; FEE.

(A) The city will inspect dwelling units for violations of this code prior to sale or refinancing of same upon request of the buyer or the owner.

(B) A requested inspection will be made upon payment of a fee of $50 for the first dwelling unit and $15 for each additional unit to offset the city's administrative costs including an inspection, inspection report, reinspection and issuance of Certification of Compliance with this code.

§ 30-17 RIGHT OF ENTRY.

(A) Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the City Manager has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the City Manager may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City Manager by this code, provided that if such building or premises be occupied, he/she shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the City Manager shall proceed to obtain a
search warrant or other appropriate legal authorization by filing a verified petition with the District Court. The petition shall:

1. Set forth the particular building, premises or portion thereof sought to be inspected;

2. State that the owner or occupant of the building, premises or portion thereof, has refused entry, or cannot be located in order to obtain right of entry;

3. State that inspection of the building, premises or portion thereof is necessary to determine whether it complies with the requirements of this code;

4. Set forth the particular provisions of this code sought to be enforced;

5. Set forth any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the building, premises or portion thereof which constitutes a violation of this code;

6. State that the City Manager is authorized by the city to make the inspection.

(B) When the City Manager shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the City Manager for the purpose of inspection and examination pursuant to this code.

§ 30-18 IDENTIFICATION.

Each inspector shall be furnished with an identification card signed by the City Manager or Chief of Police indicating his authority and must present same to other persons, during the performance of his duty.

§ 30-19 RESPONSIBILITIES OF OWNERS.

(A) Every owner remains liable for violations of duties imposed upon him by this code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

(B) Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building or on the premises containing two or more dwelling units.

§ 30-20 SUBSTANDARD BUILDINGS.

All buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be nuisances and shall be abated by repair, rehabilitation, demolition, removal or securing all accessible openings and entrances to building in accordance with the procedure as provided herein.
Any building that has been determined to be substandard and which has been abated by securing all accessible openings and entrances shall be repaired, rehabilitated, demolished or removed within 12 months of being secured. The failure to repair, rehabilitate, demolish or remove such building within 12 months shall be prima facie evidence that the building is a menace to the public comfort, health, peace or safety and should be condemned. At the first Governing Body meeting following the 12 month period the administration shall present the Governing Body with a Resolution of Condemnation as provided for in Section 3-18-5 NMSA 1978 and proceed with condemnation as provided for under that statute.

§ 30-21 REPORTING ILLEGAL ACTIVITY; COOPERATION.

(A) Las Cruces Code Enforcement shall notify Animal Control upon the discovery of violations of the Las Cruces Animal Control Ordinance.

(B) Las Cruces Code Enforcement may notify the Police Department upon the discovery of violations of the Noise Control Ordinance.

(C) Las Cruces Code Enforcement shall notify the department designated by the City Manager to enforce the Las Cruces Weed and Anti-Litter Ordinance and the Insect and Rodent Control Ordinance upon discovery of violations of those ordinances.

(D) Las Cruces Code Enforcement shall notify the Las Cruces Police Department upon discovery of suspected criminal activity.

(E) Las Cruces Code Enforcement shall coordinate its activities with the City Manager’s Initiatives for Neighborhood Quality, Quality of Life, Neighborhood Action Team, City Legal Department or any other relevant activity or city initiative as directed by the City Manager.

§ 30-22 VACANT BUILDING MAINTENANCE.

(A) The owner of a vacant building shall apply to the Las Cruces Community Development Department for and obtain a vacant building maintenance license 15 days prior to vacating the premises. The business maintenance license shall be renewed annually. The owner shall pay an annual fee to renew the business maintenance license. Las Cruces Code Enforcement shall establish the amount of the fee by regulation.

(B) Application for a vacant building maintenance license shall be made on a form provided by the Community Development Department and verified by the owner. The application shall disclose all measures to be taken to ensure that the vacant building will be kept weather tight and secure from trespassers, safe for entry by police officers and firefighters in times of emergency, and, together with its premises, free from nuisance and in good order.

(C) At the time of application, the owner shall arrange for inspection of the vacant building by the Community Development Department. If the owner fails or refuses to consent to and arrange for an inspection, the Community Development Department shall first obtain a search warrant from a court of competent jurisdiction to authorize inspection of the vacant building.

(D) The Community Development Department shall inspect the vacant building to determine the structural integrity of the vacant building; the repairs necessary to ensure its structural integrity;
that it will be safe for entry by fire fighters and police officers in time of emergency; and that the vacant building and its contents do not present a hazard to the public during the time that the building remains vacant.

(E) Las Cruces Code Enforcement and/or the Community Development Department shall issue any orders for work needed to:

1. Adequately protect the vacant building from intrusion by trespassers and from deterioration by the weather; and

2. Insure that allowing the vacant building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose any extraordinary hazard to police officers or fire fighters entering the vacant building in times of emergency.

(F) Within 45 days of the issuance of any orders, the owner shall bring the vacant building into compliance with any orders that may have been issued as conditions for the issuance of the license.

(G) The Community Development Department shall issue a vacant building maintenance license only after inspecting the building and concluding that the building complies with the Uniform Housing Code, and or, LCMC Building Codes, including §30-136 and 30-721. The City Manager is authorized to administer and enforce the Uniform Housing Code as provided in this Chapter if the vacant building does not comply with any other provisions of the Uniform Housing Code and or LCMC Building Codes, including §30-136 and 30-721. Las Cruces Code Enforcement and/or the Community Development Department shall have the authority to inspect the vacant building at any time.

(H) The owner shall notify the Community Development Department 15 days before a vacant building becomes inhabited so that Las Cruces Code Enforcement can inspect the vacant building prior to occupancy.

§ 30-23 PAYMENT OF RELOCATION COSTS.

(A) Whenever the City Manager orders that all or a portion of a residential building be vacated pursuant to this code, the owner of such residential building (the "owner") shall pay relocation costs for the residents of such residential building who reside at the residential building when the order to vacate is issued, subject to the provisions contained in (D) of this section. This requirement shall be applicable when any condition which is the basis for the order to vacate is within the control of the owner and the owner or his agent knew or should have known of the existence of the conditions that violate applicable codes, statutes, ordinances or regulations prior to the order to vacate. Notice of such conditions by a governmental agency responsible for the enforcement of a building, residential unit, housing or other appropriate code served on the owner or the owner's agent shall be proof that the owner knew of the conditions. Payment of relocation costs shall be made by the owner to the City or an agency designated by the City Manager to administer relocation (the "relocation agency") within 30 days after the owner's receipt of the relocation cost assessment issued by the relocation agency. Interest shall accrue on
any amount unpaid by the owner commencing 30 days after the date the City or the relocation agency first advances relocation assistance funds to the displaced resident. Interest accrual shall not be stayed during an appeal by the owner, but an owner who is successful on appeal shall not be liable for interest. Owners who, on appeal, are found to not owe relocation costs shall have payments they have made to the City or the relocation agency refunded to them without interest except for any interest actually paid by the owner.

(B) At the time the notice and order to vacate is served on the owner, in addition to other requirements of this code, notification shall be given to the owner that the owner may be required to pay the relocation costs of the displaced residents.

(C) At the time that a notice of an order to vacate is served on the owner of a property pursuant to this Chapter, a notice in substantially the following form shall be served on those residents known by name to the City Manager. Such notice shall be served by personal service or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested. As to residents unknown by name to the Mayor, service may be accomplished by posting such notice at the main entrances or at some other prominent place on or within the residential building. The notice shall be written in both English and Spanish. The notice shall be provided to the relocation agency on or before the day the notice to the residents is served or posted.

NOTICE TO RESIDENTS
YOU MUST MOVE FROM WHERE YOU ARE LIVING
BECAUSE YOU MUST MOVE YOU MAY BE ENTITLED TO MONEY

The City has found health and/or safety problems with the building where you live. The City has ordered this building to be closed.

City law may allow you to be paid, by your landlord, for the cost of moving and for some of your rent at a new location.

Please contact the City Manager’s Office at the following phone number and address, as soon as possible, for more information. If you wait more than 60 days you will lose your right to any money.

Phone Number:

Address:

(D) After notice to the owner and a hearing at which the owner shall have an opportunity to appear and present evidence, the City Manager shall be entitled to place a lien on the property on which the residential building that is the subject of a notice to vacate is located, and to recover costs paid by a relocation agency, if any, that are owed but have not been reimbursed by the owner provided the City Manager proves:

(1) The residents were parties to a rental agreement at the time the notice was served on the residents whose term had not expired;
(2) The residents had not been served with a valid notice of default under the rental agreement which would have entitled the owner to evict the resident;

(3) The residents did not cause or substantially contribute to the conditions that were the basis of the notice to vacate;

(4) The conditions that were the basis for the notice to vacate were not caused by fire, flood or other natural disasters;

(5) The failure to meet the requirements of this code was due substantially to the willful or grossly negligent acts or omissions of the owner;

(6) The resident was not in default for non-payment of rent;

(7) The basis of the notice to vacate is for a condition that was not caused by the resident's or any third party's illegal conduct without the owner's prior knowledge; and

(8) For an owner occupant of a mobile home who is renting a lot or parcel for use as a site for the location of the mobile home, the requirement to vacate was not caused by actions outside the control of the resident.

(E) The City Manager office shall, by regulation, establish a procedure for notice and an impartial evidentiary hearing prior to any determination that an owner must repay relocation costs. The owner shall be entitled to appeal the assessment of relocation costs by the relocation agency pursuant to the appeal provisions of this code. Such appeal shall be filed within 30 calendar days of the owner's receipt of the relocation cost assessment from the relocation agency. The filing of an appeal shall not stay the relocation process.

(F) The City Manager may promulgate regulations governing the administration of this section, including but not limited to eligibility for relocation costs, the amount and method of payment of relocation costs, the criteria replacement units must meet.

(G) No action taken pursuant to this section shall affect the rights of residents and owners in any civil litigation. Nothing is this section shall be construed to change the obligations and rights of owners and residents as required in the Uniform Owner-Resident Relations Act, §§ 47-8-1 et seq. NMSA 1978.

(H) There is created in the City Treasury the "Relocation Assistance Fund" that shall be used solely for the purpose of relocation cost payments, costs of administration and enforcement costs related to relocation costs. All relocation payments received by the relocation agency shall be deposited in the Relocation Assistance Fund. Remaining balances at the end of the fiscal year shall remain in the Relocation Assistance Fund and shall not revert to the general fund.

(I) A relocation agency may provide assistance in finding alternative housing for residents who are displaced and qualify for relocation assistance under this section.

(J) From the time that the city first notifies an owner of conditions that violate applicable codes, statutes, ordinances or regulations to the time that the relocation assistance payments are paid to
eligible residents or the time the conditions cited are corrected, the owner shall not evict, harass or intimidate any resident for the purpose of avoiding or diminishing application of this section. Included in this prohibition is the reduction of services to a resident or materially increasing or changing the obligations of any resident, including but not limited to rent increases, for purposes of attempting to have the resident vacate the residential building.

(K) The city shall be entitled to attorneys' fees and costs arising from any legal action to collect relocation costs assessed to owners.

§ 30-24 VIOLATIONS.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. The City Manager may, for any violation of this code, issue a citation in accordance with the provisions of this Chapter or LCMC Building Codes, including §§30-136 and 30-721 and/or take any other legal action at his disposal.

§ 30-25 PENALTY.

Any person violating any of the provisions of this Housing Code or failing or neglecting to comply with any orders issued pursuant to any section thereof shall be deemed guilty of a petty misdemeanor and such persons shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted. Upon conviction of any such violations such person shall be subject to the penalty provisions set forth in the Las Cruces Municipal Codes Chapter 1 Section 1-10, et seq. as amended.