



Ordinance No. 136

VILLAGE OF WILLIAMSBURG

ORDINANCE NO. 136

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES

WHEREAS, the Village of Williamsburg, New Mexico ("Village") has authority to define and abate nuisances and impose penalties upon a person who creates or allows nuisances to exist (see NMSA 1978, 3-18-5);

WHEREAS, the health, safety, welfare, and order of the Village will be served by adopting a nuisance ordinance.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Williamsburg as follows:

1. Title

This Ordinance shall be known as the "Village of Williamsburg Nuisance Abatement Ordinance."

2. Purpose

The purpose of this Ordinance is to help ensure that the Village of Williamsburg remains clean, orderly, and attractive for the benefit of its residents and visitors through the prohibition and abatement of littering, disturbing noise, and public nuisances.

3. Definitions

- a. "Antique vehicle" means a passenger car or truck which is at least 35 years old and is being preserved or restored for historical purposes or other such special-interest purposes.
- b. "Garbage" means all putrescible food or other organic wastes and other such worthless or offensive matter commonly generated by households and businesses, the accumulation of which may create a nuisance to public health or offensive to the senses; also referred to as "trash."
- c. "Hazardous waste" means any solid, liquid, semisolid, or gaseous material which may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- d. "Inoperable motor vehicle" means a motor vehicle which, by reasons of dismantling, disrepair, accident, or other cause is incapable of being propelled under its own power.



Ordinance No. 136

- e. "Junk trailer" means a trailer which has been continuously inoperable for at least one hundred twenty (120) days; or which has been wrecked; or which has been fully or partially dismantled for ten (10) days or more.
- f. "Junk vehicle" means a motor vehicle other than an antique or special interest vehicle which has been continuously inoperable for at least one hundred twenty (120) days; or which has been wrecked; or which has been fully or partially dismantled for ten (10) days or more.
- g. "Junk vessel" means a vessel which has been continuously inoperable for at least one hundred twenty (120) days; or which has been wrecked; or which has been fully or partially dismantled for ten (10) days or more.
- h. "Littering" means throwing, dropping, or discarding any solid waste in any public or private place within the Village of Williamsburg Incorporated area.
- i. "Motor Vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from batteries. This includes but is not limited to cars, trucks, vans, tractors, motorhomes, recreational vehicles, all-terrain vehicles, golf carts, motorcycles, and mopeds.
- j. "Outdoor storage" means the storage of any materials subject to the provisions of this Ordinance in a setting that is not entirely within an enclosed structure.
- k. "Person" means a human being or business entity.
- l. "Property" means any real property within the Village. When a portion of privately owned property abuts on a public right-of-way or easement, the responsibility of the person in control for purposes of this Ordinance shall extend to the center of the public alley or easement or back of street curb line, or edge of payment, or at the edge of dirt roads; however, this shall not restrict in any manner the maintenance of the right-of-way or easement by the Village.
- m. "Refuse" means non-putrescible solid waste such as cold ashes, wastepaper, rags, wooden, carboard or paper boxes, bottles, broken ware, tin cans, plastics, and similar residential and commercial waste materials; also referred to as "trash."
- n. "Rubbish" means waste or rejected material; anything worthless or valueless in its present form; garbage; trash.
- o. "Solid waste" means garbage, refuse, rubbish, trash, or yard waste.
- p. "Special interest/historic vehicle" means a motor vehicle of any age which, because of its significance, is being collected, preserved, restored, or maintained by a person as a leisure pursuit.



Ordinance No. 136

- q. “Trailer” means all non-automotive vehicles designed to be hauled by road and includes, but is not limited to, campers, concessions trailers, dry vans, flatbed trailers, horse trailers, livestock trailers, lowboys, and non-motorized recreational vehicles.
- r. “Vessel” means watercraft, other than a seaplane, normally used as a means of transportation on water. This includes sailboats, motorboats, paddleboats, and jet skis.
- s. “Weeds” means all plant growth at any stage of maturity which:
  - 1. Exceeds 12 inches in height, except healthy shrubs, healthy native vegetation, flowers, herbs, or produce for human consumption grown in a tended and cultivated garden; unless the vegetation by its density or location, constitutes a detriment to the health, benefit, and welfare of the public and community, or a hazard to traffic, or creates a fire hazard, or otherwise interferes with the removal of weeds.
  - 2. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
  - 3. Gives off unpleasant or noxious odors;
  - 4. Is dead or diseased.

This definition of “weeds” does not include indigenous vegetation which remains in an undisturbed state on undeveloped lots or large parcels of land.

- t. “Yard waste” means yard clippings, grass cuttings, yard cleanings, fallen trees, tree limbs, slash, leaves, or pine needles.
- 4. Littering
  - a. Littering is prohibited within the Village. This prohibition includes the throwing of or discarding of any solid waste or hazardous waste from a vehicle.
  - b. Open loads in vehicles. No person shall drive or move any truck or other vehicle with materials of any kind in an open bed unless the vehicle is so constructed, loaded, or secured as to prevent its load or contents from being inadvertently discharged from the vehicle.



Ordinance No. 136

5. Nuisances Generally

In the interests of the health, safety, and welfare of the residents and visitors to the Village, the following property conditions are declared to be public nuisances, and it shall be unlawful for any owner or occupant of real property to create, allow, or maintain any of these conditions.

- a. Unsanitary or hazardous premises, consisting of, but not limited to:
  1. Solid waste or hazardous waste
  2. Wastewater, stagnant water, sewage, or any conglomeration of residue thereof that emits odors or serves as a feeding or breeding place for flies, insects, spiders, rodents, or other vermin;
  3. Weeds, brush, or other wild, uncontrolled growth of vegetation; or
  4. Dead animals, except for household pets properly buried at a depth of three (3) feet or more.
- b. Any building or other structure which is in such a dilapidated condition that it is unfit or structurally dangerous for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or that presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- c. Any condition that is a vacant, accessible building; buildings with broken or missing windows or doors; excavations; dilapidated walls or fences; wood piles other than stacked firewood; debris; or other materials or conditions creating a public hazard.
- d. The outdoor storage of salvage materials, junk, abandoned, or unused furniture, appliances, sinks, toilets, cabinets, or other household fixtures.
- e. The outdoor storage of junk vehicles, junk vessels, or junk trailers are subject to the exceptions specified in Section 6 below.
- f. The outdoor storage of motor vehicle parts, vessel parts, trailer parts, discarded or broken equipment or tools, or used or damaged lumber.



Ordinance No. 136

- g. All disagreeable or noxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of odors and stenches.
  - h. Dense smoke, noxious fumes, gas, soot, or cinders in such quantities as to escape the property and unreasonably affect other properties or people.
  - i. Any Building, structure, or other place or location where any activity in violation of local, state, or federal law is conducted, performed, or maintained. Examples of unlawful activity includes but is not limited to prostitution, manufacture, use, or distribution of controlled substances, and gambling.
6. Exceptions a. The prohibition on outdoor storage of certain motor vehicles, vessels, trailers, and their parts does not apply to:
- 1. A motor vehicle, vessel, or trailer or part thereof which is stored or parked in a lawful manner in accordance with an approved site plan on private property in connection with the business of a licensed motor vehicle, vessel, or trailer dealer or junkyard;
  - 2. An inoperable antique vehicle or special interest/historic vehicle stored by a person on that person's property or by agreement with the property owner, provided that the vehicle and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view and view from adjoining properties by means of a solid fence, trees, shrubbery, landscaping, or combination thereof or other appropriate means; or
  - 3. Any motor vehicle in operable condition specifically adapted or constructed for racing.
7. Enforcement
- a. The Village, Village Mayor or any law enforcement officer shall enforce the provisions of this Ordinance. Enforcement may be facilitated by, but shall not be dependent upon, a complaint by a resident of the Village or other person to the Village or a law enforcement officer.



Ordinance No. 136

1. For the purpose of this section, hereinafter the Village, Village Mayor and any law enforcement officer enforcing this Ordinance shall be referenced either collectively or singularly as “enforcing officer.”
  - b. Methods of Enforcement. The enforcing officer shall enforce this Ordinance by any of the following methods, which shall be utilized at the enforcing officer’s discretion according to the severity of the violation and the potential for abatement:
    1. Written warnings and an opportunity to cure;
    2. Filing complaints in Magistrate Court; and
    3. Service of notices to abate public nuisances.The use of one of the above methods of enforcement does not preclude the use of another method.
  - c. Responsible Party. Complaints may be filed and notices to abate may be served against any person who violates any provision of this Ordinance as well as any person responsible for the property upon which a violation of this Ordinance occurs, including:
    1. Owners of the real property or their agents; or
    2. Occupants of the real property exercising actual control thereon.
  - d. Separate Violations. Each day in which a violation of this Ordinance continues shall constitute a separate violation of this Ordinance.
  - e. Penalty.
    1. Upon the Magistrate court finding a person responsible for a violation of this Ordinance, the court shall impose a fine in an amount not less than fifty dollars (\$50.00) nor more than five-hundred dollars (\$500.00) for each violation and order the immediate abatement of any ongoing violation.
  - f. Abatement of Public Nuisances.
    2. Notice to abate public nuisance issued by an enforcing officer shall consist of of the following:



Ordinance No. 136

- a. A description of the public nuisance on the premises.
  - b. Instructions for abating the public nuisance.
  - c. Instructions for appealing the enforcing officer's finding of a public nuisance.
3. Service of Notice. Notice to abate a public nuisance shall be served on the owner, occupant, or agent in charge of the premises. If service cannot be made within the Village, a copy of the Notice will be posted on the premises and published once either by posting in six public places or printing in the newspaper of general circulation.
  4. A notice of violation warning for any offense governed by this subchapter shall also serve as a warning notice to the violator that subsequent offenses, within a 12-month period, shall result in a court citation in lieu of additional notices of violation.
  - g. The reasonable costs incurred by the Village in removing any building, structure, ruins, rubbish, wreckage, debris, or other conditions constituting a public nuisance shall constitute a lien upon against the material so removed and against the lot or parcel of land from which it was removed.
  - h. Once the removal has taken place and the reasonable costs of removal incurred by the Village can be calculated, the Village Clerk shall prepare a "Notice of Lien" for the filing in the office of the County Clerk which shall contain the following information:
    1. The number of the ordinance under which the lien is established;
    2. The fact that a lien is established;
    3. The general purpose of the lien;
    4. The name of the owner of the property against which the lien is established as determined from the records of the county assessor;
    5. A description of the property against which the lien is established;




Ordinance No. 136

6. The amount of the lien; and
  7. If the lien is for more than one period of time, the date for which the lien is Established.
  - i. Following the recording of the Notice of Lien, the Governing Body may declare the full amount due and payable and proceed with foreclosure proceedings on the subject property in the manner provided in NMSA 1978, Sections 3-36-1 through 3-36-6.
  - j. If the lien is paid off at any time prior to foreclosure, including any accrued interest, the Village Clerk shall release the lien in the manner specified in NMSA 1978, Section 3-36-3
8. Amendments and Repealer
- a. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining provisions of this Ordinance.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Williamsburg, New Mexico, this 12th day of March 2026.

  
Deb Stubblefield, Mayor

  
Majorie E. Powey, Mayor Pro-Tem

  
Geraldine (Jerry) McCauley, Trustee

  
Boaz Easley, Trustee

  
Guillermo Hernandez, Trustee

Attest:

  
Amanda B. Cardona, Village Clerk