

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2022-12**  
**Vehicle Blight in Neighborhoods**


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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2022-12:**

1. On page 4, line 13 *strike* “on June 1, 2022” and *insert* in lieu thereof “thirty (30) days after adoption”.
2. On page 4, line 14 *strike* “June 1, 2022” and *insert* in lieu thereof “the date of adoption”

Respectfully submitted,



\_\_\_\_\_  
Renee Villarreal, Councilor



\_\_\_\_\_  
Michael J. Garcia, Councilor

Approved as to Form:



\_\_\_\_\_  
Erin K. McSherry, City Attorney

ADOPTED: \_\_\_\_\_ X \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_ 7/13/2022 \_\_\_\_\_



\_\_\_\_\_  
Kristine Mihelcic, City Clerk

**CITY OF SANTA FE, NEW MEXICO**  
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**Vehicle Blight in Neighborhoods**

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Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2022-12:

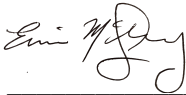
1. On page 3, line 12 *strike* "any" and *insert* "two or more"
2. On page 3, line 13 *after* "windshield" *insert* ", flat or missing tires,"; and *after* "wheels" *strike* "tires,"

Respectfully submitted,



Carol Romero-Wirth, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: \_\_\_\_\_ X \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: 7/13/2022



Kristine Mihelcic, City Clerk

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2022-12**  
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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2022-12:**

1. On page 7, line 22 *strike* “, including on a driveway or drive aisle,”
2. On page 7, line 23 *strike* “(street line)”
3. On page 7, line 25 *strike* “easement” and *insert* in lieu thereof “right-of-way”

Respectfully submitted,

*Jamie Cassutt*

[Jamie Cassutt \(Jul 22, 2022 13:51 MDT\)](#)

Jamie Cassutt, Councilor

Approved as to Form:

*Erin K. McSherry*

Erin K. McSherry, City Attorney

ADOPTED: \_\_\_\_\_ X \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: 7/13/2022

*Kristine Mihelcic*

Kristine Mihelcic, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2022-12

3  
4  
5 AN ORDINANCE

6 AMENDING SECTION 10-5.2 SFCC 1987 TO ADD AN ENFORCEMENT REFERENCE;  
7 AMENDING SECTION 10-5.3 TO ADD AND AMEND DEFINITIONS; REPEALING  
8 SECTION 10-5.4 REGARDING NOTICE; AMENDING SECTION 10-5.6 TO CLARIFY  
9 TO WHAT TYPES OF VEHICLES THE JUNK VEHICLE ORDINANCE APPLIES;  
10 AMENDING SECTION 10-5.8 TO UPDATE THE EFFECTIVE DATE OF THE  
11 ORDINANCE AND ALLOW A TWO-YEAR ASSESSMENT; AND AMENDING  
12 SUBSECTION 14-6.3(B) TO SPECIFY VEHICLE PARKING AND STORAGE  
13 REQUIREMENTS.

14  
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. Section 10-5.2 of SFCC 1987 (being Ord. No. 1997-10, § 2) is amended to  
17 read:

18 10-5.2 Purpose.

19 A. The governing body finds and declares pursuant to Section 3-18-17(A) NMSA  
20 1978, that junk vehicles which are located within the City of Santa Fe on any private lot, tract, or  
21 parcel of land or portion thereof, occupied or unoccupied, improved or unimproved and which are  
22 visible from any private or public place, including, without limitation, public rights-of-way, parks,  
23 public buildings and their grounds, and private business or commercial property open to the public  
24 in the normal course of business are detrimental to the health, safety, and welfare of the general  
25 public.

1           B.       Junk vehicles reduce the value of private property, invite vandalism, constitute fire  
2 hazards, and are attractive nuisances that pose a threat to the health and safety of children.

3           C.       Junk vehicles are detrimental to the economic welfare of the city by producing  
4 urban blight which is averse to the continuing economic development of the city.

5           D.       Junk vehicles are determined to be public nuisances and subject to enforcement  
6 and penalties outlined in the Nuisance Abatement Ordinance, Section 10-9 SFCC 1987.

7           **Section 2.   Section 10-5.3 of SFCC 1987 (being Ord. No. 1997-10, § 3) is amended to**  
8 **read:**

9           **10-5.3 Definitions.**

10          As used in this section:

11          *Collector* means an individual, association, corporation, partnership or other legal entity  
12 which buys or otherwise acquires, maintains, shows, restores, sells, dismantles, or otherwise  
13 disposes of special interest vehicles for reasons of historical interest.

14          *Junk vehicle* means any motor vehicle, other than a special interest vehicle that has one or  
15 both of the following characteristics for ninety (90) days or more:

16           A.       Inoperable and does not meet minimum legal requirements for operation on the  
17 public streets and highways of this state, pursuant to NMSA 1978 Section 66-3-901; or

18           B.       Has been continuously inoperable or has been wrecked, dismantled, partially  
19 dismantled, or abandoned.

20          *Occupant* means the individual, association, corporation, partnership, or other legal entity  
21 legally occupying the premises where there is a junk vehicle.

22          *Special interest vehicle* means a motor vehicle not less than thirty-five (35) years old which  
23 is being preserved or restored by a collector for its historical value.

24          *Inoperable* means extensively damaged including, but not limited to, having two or more  
25 of the following characteristics: a cracked or missing window or windshield, flat or missing tires,

1 or missing wheels, motor, or transmission.

2 **Section 3. Section 10-5.4 of SFCC 1987 (being Ord. No. 1997-10, § 4) is hereby**  
3 **repealed.**

4 **Section 4. Section 10.5-6 of SFCC 1987 (being Ord. No. 1997-10, § 6) is amended**  
5 **to read:**

6 **10-5.6 Applicability.**

7 This section shall not apply to any of the following situations:

8 A. A vehicle or part thereof which is completely enclosed within a building in a lawful  
9 manner where it is not visible from a street or other public or private property; or

10 B. A vehicle or part thereof which is stored or parked in a lawful manner on private  
11 property in connection with the business of a licensed vehicle dealer or junkyard; or

12 C. Up to one (1) inoperable special interest vehicle stored by a collector on their  
13 property, provided that such vehicle and the outdoor storage areas are maintained in such a manner  
14 that they do not constitute a health hazard and are screened from ordinary public view by means of  
15 a solid fence, a well-fitted car cover, or other means. A tarp, trees, or shrubbery are not considered  
16 appropriate means to screen a vehicle from public view; or

17 D. Any motor vehicle stored as the property of a member of the armed forces of the  
18 United States who is on active-duty assignment.

19 **Section 5. Section 10-5.8 of SFCC 1987 (being Ord. No. 1997-10, § 8) is hereby**  
20 **amended to read:**

21 **10-5.8 Effective date.**

22 Provisions of this section shall become effective thirty (30) days after adoption. Two years  
23 after the date of adoption, any member of the governing body may request an assessment of the  
24 changes made in 2022, which the city manager shall provide.

25 **Section 6. Subsection 14-6.3(B) of the Land Development Code (being Ord. No.**

1 2011-37, § 8 as amended) is amended to read:

2 **14-6.3 Multiple Principal Uses; Accessory Uses or Structures**

3 (B) **Permitted Accessory Uses and Structures**

4 (1) General Provision

5 In addition to the *principal* use or uses allowed by Chapter 14, land  
6 and *structures* may be used for *accessory* uses, including those specifically listed as  
7 permitted *accessory* uses in Table 14-6.1-1 or in this section.

8 (2) RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC,  
9 C-1, C-4, and HZ Districts

10 (a) The following *accessory* uses and *structures* are permitted in the  
11 RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC, C-1,  
12 C-4 and HZ districts:

13 (i) *home occupations*, as provided for in Subsection 14-  
14 6.3(D)(2);

15 (ii) noncommercial *greenhouses* and plant nurseries;

16 (iii) private *garages* ;

17 (iv) *utility sheds*, located within the *rear yard* only;

18 (v) children's play areas and play equipment;

19 (vi) private barbeque pits and private swimming pools;

20 (vii) *accessory dwelling units* as regulated in Subsection 14-  
21 6.3(D)(1);

22 (viii) other uses and *structures* customarily *accessory* and  
23 clearly incidental and subordinate to permitted or permissible uses  
24 and *structures*; and

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(ix) *accessory structures* of a permanent, temporary, or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts, and such other *accessory structures* that exceed thirty (30) inches in height from the average ground elevation.

(b) All *accessory* uses and *structures* allowed under Subsection 14-6.3(B)(2)(a) shall:

(i) not involve the conduct of *business* on the *premises*, except *home occupations*;

(ii) be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership; and

(iii) not be likely to attract visitors in larger numbers than would normally be expected in a single-*family residential* neighborhood.

(c) The following activities are prohibited within *residentially zoned districts*:

(i) Storage or parking, either continuous or intermittent, of commercial or industrial vehicles except for those vehicles that are authorized by a special use *permit* or other permitted *non-residential* use.

A. Commercial or industrial vehicles include:

- 1. vehicles requiring a commercial driver's license to operate;
- 2. tour buses or school buses;
- 3. concrete mixer trucks or concrete pumper trucks;
- 4. towing vehicles;



- 1 5. earthmoving or grading equipment;
- 2 6. trailers or tractors (except lawn trailers or
- 3 tractors)
- 4 7. motorized construction or agricultural
- 5 equipment;
- 6 8. cranes;
- 7 9. roll-off trash containers (except as
- 8 related to an active permit or as approved by the
- 9 environmental services division); or
- 10 10. any other vehicles designed by the
- 11 manufacturer for business purposes.

12 B. Commercial or industrial vehicles do not include:

- 13 1. recreational vehicles, boats, or trailers
- 14 that are used for personal purposes; or
- 15 2. passenger vehicles, pickup trucks, or
- 16 small trailers that are used for business purposes
- 17 related to a registered home occupation business.

18 (ii) Outdoor storage of construction materials, except in

19 connection with active construction activities on the premises;

20 (iii) Storage of mobile homes or commercial shipping

21 containers;

22 (iv) Using vehicles, tents, or other structures that do not

23 comply with this chapter or other applicable codes as dwellings;

24 (v) Storage of PODS® or similar style moving/shipping

25 containers for more than thirty (30) days;

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(vi) Parking any vehicle in the front yard setback, within three (3) feet from the front property line or blocking or obstructing, partially or fully, any sidewalk, public street, or other public right-of-way;

(vii) Parking any vehicle in the side or back yard without being screened from view from the public right-of-way, such as a by a wall or solid fence; covers or tarps are not an appropriate screening measure; or

(viii) Use of any vehicle as a receptacle for the storage of goods, materials, equipment, litter, or refuse other than those items considered to be a part of the vehicle or essential for its immediate use.

(3) R-10 through R-29 Districts

In addition to the list of *accessory* uses allowed in Subsection 14-6.3(B)(2), *greenhouses* and plant nurseries also are permitted as *accessory* uses in this district.

(4) AC District

The permitted *accessory* uses and *structures* for the AC district are the same as for the underlying zoning district.

(5) C-2 and I-1 Districts

The *accessory* uses and *structures* permitted in C-2 and I-1 districts include those that are:

(a) on the same *premises* and in connection with permitted *principal* uses and *structures*;

(b) *dwelling units* for occupancy only by *owners* or *employees of owners*, including live/work spaces, but not including *manufactured homes* or *recreational vehicles*;

(c) outdoor storage areas, subject to compliance with the standards

1 of Subsection 14-6.3(D)(3);

2 (d) *telecommunication facilities* as set forth in Subsection 14-  
3 6.2(E).

4 (e) other uses and *structures* that are customarily *accessory* and  
5 clearly incidental to permitted or permissible uses and *structures*.

6 (6) I-2 District

7 (a) The *accessory* uses and *structures* permitted in an I-2 district  
8 include those that are on the same *premises* as permitted *principal* uses  
9 and *structures* and only as required for the conduct of the operation, *dwelling*  
10 *units* for *owners* or *employees*, and other uses and *structures* incidental and  
11 subordinate to the *principal* use or *structure* and otherwise meeting the  
12 requirements of this district, except that *manufactured homes* or *recreational*  
13 *vehicles* are not permitted as *accessory* uses.

14 (b) This section does not apply to *telecommunication facilities* that  
15 are regulated pursuant to Section 14-6.2(E).

16 (7) Business and Industrial Park (BIP) District

17 (a) This paragraph does not apply to *telecommunication*  
18 *facilities* that are regulated pursuant to Section 14-6.2(E).

19 (b) The *accessory* uses and *structures* permitted in a BIP district are  
20 those that support the operation of a permitted *principal* use. Such uses may  
21 exceed the floor area of the permitted *principal* use. Examples of  
22 permitted *accessory* uses and *structures* for the BIP district include:

23 (i) *dwelling units* for owners, tenants or employees;

24 (ii) warehouses and storage buildings; provided that such

25 buildings shall be incorporated into the primary building design and shall

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be constructed of materials of comparable quality and appearance;

(iii) outdoor storage lots and yards; provided that areas for outdoor storage, trash collection and loading shall be fully screened and constructed of materials of comparable quality and appearance to the principal use structure; and provided further that materials stored in outdoor storage lots and yards shall not exceed the height of the enclosure; and

(iv) parking structures.

PASSED, APPROVED, and ADOPTED this 13<sup>th</sup> day of July, 2022.




ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELIC, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

*Bill No. 2022-12*

*Legislation/2022/Ordinances/2022-12 Blight and Neighborhoods*

**FISCAL IMPACT REPORT**

**General Information:**

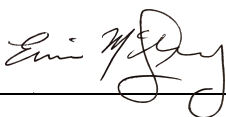
(Check) Bill:   X   Resolution: \_\_\_\_\_

Short Title(s): Vehicle Blight in Neighborhoods

Sponsor(s): Mayor Webber and Councilors Lindell, Garcia, and Romero-Wirth

Reviewing Department(s): City Attorney's Office  
\_\_\_\_\_

Staff Completing FIR: Pat Feghali Date: 4/5/22 Phone: \_\_\_\_\_

Reviewed by City Attorney:  Date: Apr 8, 2022

Reviewed by Finance Director:  Date: Apr 10, 2022

**Summary:**

The proposed amendments to Chapter 10-5, the "Junk Vehicle Ordinance" would make the following changes to City Code:

1. Update definition of "junk vehicle" to make it more clear; \_\_\_\_\_
2. Update definition of "special interest vehicle" to make it more clear; \_\_\_\_\_
3. Limit "special interest vehicles" to one vehicle per property; \_\_\_\_\_
4. Specify that tarps and trees/shrubs are not appropriate method of screening special interest vehicles; and \_\_\_\_\_
5. Tie the fines and fees to nuisance enforcement and penalties (\$100 per day) to simplify enforcement. \_\_\_\_\_
6. Two years after June 1, 2022, any member of the governing body may request an assessment of the changes made in 2022, which the city manager shall provide.

The proposed amendments to Chapter 14-6.3, "Multiple Principal Uses; Accessory Uses or Structures" would limit all parking of vehicles in front yard and driveway to within a 3-foot property setback to create a reasonable buffer between vehicles and the street and sidewalks.

**Departments Affected:**

Directly, Code Enforcement (Planning and Land Use Department) and Community Engagement. Indirectly, the City Attorney's Office, and the Parking Division.

**Consequences of Not Enacting Legislation:**

The City will continue to have difficulty addressing junk vehicles as public nuisances.

**Conflict, Duplication, Companionship, or Relationship to Other Legislation:**

None other than the code being amended.  
\_\_\_\_\_

**Performance and Administrative Implications:**

The proposed amendments will make Code Enforcement’s ability to address residential complaints about junk vehicles easier. The proposed amendments do not add any additional responsibilities to any department.

Fiscal Implications:

In the event of a nuisance violation and subsequent delinquent non-compliance, the City could collect up to \$100.00 per day, for up to 90 days, or \$9,000.00 total, per continuous violation; however, given the history of nuisance abatement, Constituent Services does not anticipate these fines significantly contributing to revenue.

**Fiscal Impact**

    X     Check here if no fiscal impact

**Expenditures**

<b>Expenditure Type</b>	<b>FYE 21</b>	<b>FYE __</b>	<b>FYE __</b>	<b>Require BAR (Y/N)</b>	<b>Recurring (R) or Non-recurring (NR)</b>	<b>Fund</b>	<b>3-Year Total Cost</b>
<u>Personnel and Benefits*</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Dues</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

\* This includes all staff time associated with executing the job functions of the proposed legislation.

**Expenditure Narrative:**

**No expenditures.**

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**Revenue**

<b>Revenue Type</b>	<b>FYE</b>	<b>FYE</b>	<b>FYE</b>	<b>Recurring (R) or Non-recurring (NR)</b>	<b>Fund</b>
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

**Revenue Narrative:**

**No revenue.**

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**Signature:** Patricia Feghali  
Patricia Feghali (Apr 11, 2022 07:49 MDT)

**Email:** pfeighali@santafenm.gov