



THE SAN MARCOS ASSOCIATION

P.O. Box 722

Cerrillos, NM 87010

<https://thesanmarcosassociation.org/>

May 16, 2023

Commissioner Hank Hughes, Santa Fe County District 5

Santa Fe County, New Mexico

hhughes@santafecountynm.gov - via email

Dear Commissioner Hughes:

The San Marcos Association (SMA) (<https://thesanmarcosassociation.org/>) is a non-profit community service organization (IRS Code 501(c)(4)), and a Registered Organization under Chapter 2 of the Sustainable Land Development Code of Santa Fe County. Our goals are to protect the rural, residential character of the area for which we advocate; to monitor development to see that it is consistent with that character and with applicable plans and ordinances of Santa Fe County; and to advocate on behalf of property owners/residents of the area in matters of public service, utilities and the general welfare of people.

This letter contains suggestions concerning the Nuisance Abatement Ordinance you and Commissioner Hansen recently presented. SMA feels strongly that some sort of ordinance is needed to make our neighborhoods safer and wants to ensure that its principal focus is on addressing properties where criminal and unlawful activity is occurring as opposed to circumstances (e.g., poverty, infirmity, illness, etc.) where the property owner needs assistance rather than condemnation. Further, SMA wishes to assist in ensuring that some sort of ordinance is passed. To those ends, and to highlight for the public the criminal activity focus, we have the following suggestions.

1. Insert an Index at the beginning of the Ordinance to help the public find the appropriate sections quickly.
2. Change Section 2A (Purpose) to highlight the emphasis on criminal and unlawful behavior. Include those terms, or equivalent ones, so that anyone reading this Ordinance understands from the outset that a principal function is to deal with law enforcement issues, not barking dogs, etc.
3. For the reasons stated in #2, we suggest moving the current Section 3B(8) to be first on this list.
4. Include an additional section, analogous to Section 4 and above it in the ordinance text, to list criminal behaviors (including but not limited to) that would trigger this Ordinance. As currently written, it is not clear what sorts of unlawful activity would constitute a “nuisance.” This might also be done by specifically referring to existing laws in NM Chapter 30, Criminal Offenses.
5. Place the current Section 7 (“Emergency Process ...”) before Section 5 (“Resolving Nuisances”). Add phrases such as “involving criminal offenses” and the like to this section to reiterate that “Emergencies” of a criminal nature are the focus of that section.

President – Dennis Kurtz

Vice-President – Janet McVickar

Treasurer – Gail Buono

Secretary – Laird Graeser

6. Add a Section or language providing for notification of existing and new property owners in Santa Fe County as to the existence of this ordinance – perhaps a link in their property tax bill, and/or a document provided as part of the real estate transaction.
7. Add a Section or regulation, or reference existing law, that provides for those who report issues with what they feel is a nuisance property, especially in the case of criminal activity, that identities of those reporters shall not be disclosed. One reason many of these properties ‘fly under the radar’ is that neighbors are afraid of retribution from owners and occupants if they complain and their name is publicized.

We thank you again for your work on this matter. SMA understands that there may be legal or legislative reasons for the wording and/or order of Sections in an ordinance like this, but hope our suggestions are helpful. For the purposes of this letter, we have listed our suggestions without a great deal of elaboration. Should you have questions about any of them please do not hesitate to contact us. The San Marcos Association will provide all the assistance it can and looks forward to helping you pass an effective and enforceable ordinance.

Sincerely,



Dennis Kurtz, President
The San Marcos Association

Jeff Young, Santa Fe County Attorney – via email
Estevan Sanchez, Santa Fe County Assistant Attorney – via email
Olivia Romo, Communications Coordinator, Santa Fe County – via email
Brittney Montoya, Acting Constituent Liaison, District 5 – via email