

# VILLAGE OF RUIDOSO

**AGENDA INDEX  
REGULAR COUNCIL MEETING  
JANUARY 14, 2025 AT 1:00 PM**

**313 Cree Meadows Dr. Ruidoso  
NM, 88345**

## CALL TO ORDER

### MOMENT OF SILENCE/INVOCATION AND PLEDGE OF ALLEGIANCE/SALUTE TO THE STATE FLAG.

Invocation

Pledge of Allegiance

Salute to the State Flag: "I Salute the Flag of the State of New Mexico, the Zia Symbol of Perfect Friendship Among United Cultures."

## ROLL CALL

### APPROVAL OF AGENDA.

### CONSENT REGULAR ITEMS.

1. Approval of Governing Body Minutes  
December 10, 2024 - Regular Meeting  
January 7, 2025 - Workshop Meeting
2. Approval of Certificate of Records Destruction No. 2025-01
3. Approval of Request to Schedule Public Hearing February 11, 2025, for Planning Commission Case RZ 2024-317-Rezone Request from R-1 Single-Family Residential District to C-2 Community Commercial District for 25943 and 25933 US Highway 70, Section 36, T11S, R13E, Tracts 3 and 4.
4. Approval of Request to Schedule Public Hearing February 11, 2025, For Ordinance 2025-01, An Ordinance Amending the Village of Ruidoso Municipal Code Chapter 54 Land Use, Article II Zoning, Division 3 District Regulations, Section 54-106 Short-Term Residential Rental Overlay Zone and Appendix A Fees, Fines and Penalties.
5. Approval of Ratification of Amendment to Memorandum of Understanding (MOU) between the Village of Ruidoso as the Fiscal Agent for the Lincoln County/Ruidoso DWI Program and the Village of Ruidoso as the Administrative Authority for the Ruidoso Police Department for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.
6. Approval of Adoption of Resolution 2025-02 a Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program.

7. Approval of T-Hangar Agreement between The Village of Ruidoso, Sierra Blanca Regional Airport and Casey Pritchard, for T-Hangar Bravo 10 beginning January 15th, 2025.
8. Approval of Task Order RFP#2021-007P-11-Amendment 4 River Well (H-1979-S3) Rehabilitation and H-1979-S13 Clean Out and Pumping Test with John Shomaker & Associates Inc. for an Extension of Time from September 2024 to June 2025.
9. Approval of Task Order RFP #2022-006P-MCA-01-Amendment 4 Eagle Creek Wellfield Phase III with Molzen Corbin & Associates, Inc. for an Extension of Time from October 2024 to March 2025.
10. Approval of Task Order RFP #2022-006P-MCA-08 – Amendment 1 Sanitary Sewer Collection System Infiltration and Inflow Study with Molzen Corbin & Associates, Inc. for an Extension of Time from December 2024 – December 2025 and Changing Name of Village Contact.

**PUBLIC INPUT. (LIMITED UP TO THE FIRST HOUR OF THE MEETING)**

**MAYORAL REPORTS AND PRESENTATIONS.**

1. Presentation of New Employees and Promotions
2. Presentation of Employees and Department of the Quarter

**Employee of the Quarter 4 (October-December):**

**Public Safety: Simon Haase - ACO**

**Public Works/Infrastructure: Richard Butler - RWWTP**

**Community Services: Amanda Castillo - Library**

**Administrative: Christy Coker - Purchasing**

**Department of the Quarter 4 (October-December): Finance**

3. Introduction of Tim Duckworth, Ruidoso Midtown Association Executive Director
4. Update on Village of Ruidoso Fiber Project - Johnny Montoya
5. Introduction of Todd Barranger, Spirit Golf Management - Lessee of The Links Golf Course

**VILLAGE MANAGER REPORT.**

1. Village Manager's Report
2. Update on Ice Skating Rink
3. Update on Country Club Property

**REPORTS FROM MUNICIPAL OFFICIALS.**

**PUBLIC HEARINGS.**

1. Public Hearing for the Adoption of the Chapter 54 Land Use Code of Ordinances Rewrite, Proposed Ordinance 2024-08

## **REGULAR ITEMS.**

1. Discussion and Possible Action on Adoption of Resolution 2025-03 a Resolution Adopting the 2023 Combined Utility Master Plan to Include Appendices A-E.
2. Discussion and Possible Action on Change Order No.2 with D&R Tank for Water Storage Tank Rehabilitation Re-Bid ITB #2024-001B, Requesting Quantity Adjustments and Decreasing the Contract Amount by \$137,782.19, Including NMGRT.
3. Discussion and Possible Action on Amendment #1 with Souder Miller & Associates for Construction Phase, Construction Observation, and Closeout Phase Services for the Country Club Water Line Replacement in the Amount of \$202,479.39 Including NMGRT.

## **CLOSED SESSION.**

- Discussion of limited personnel matters. § 10-15-1.H.2, NMSA 1978.
- Discussion subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Village of Ruidoso is or may become a participant. §10-15-1.H.7, NMSA 1978.
- Discussion of the purchase, acquisition, and/or disposal of real property and/or water rights by the Village of Ruidoso. § 10-15-1.H.8, NMSA 1978.

Any action taken as a result of the closed session will be brought back into open session.

## **ADJOURN.**

I certify that notice has been given in compliance with 2025-01. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk if a summary or other type of accessible format is needed.

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 1.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Jini S. Turri, Village Clerk

**Meeting Date:** January 14, 2025

**Re:** Approval of Governing Body Minutes

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### **Item Summary:**

Approval of Governing Body Minutes  
December 10, 2024 - Regular Meeting  
January 7, 2025 - Workshop Meeting

### **Financial Impact:**

None

### **Item Discussion:**

Approval of Governing Body Minutes  
December 10, 2024 - Regular Meeting  
January 7, 2025 - Workshop Meeting

### **Recommendations:**

To Approve Governing Body Minutes  
December 10, 2024 - Regular Meeting  
January 7, 2025 - Workshop Meeting

### **ATTACHMENTS:**

Description

Regular Meeting Minutes December 10, 2024

Workshop Meeting Minutes January 7, 2025

**VILLAGE OF RUIDOSO  
GOVERNING BODY, REGULAR MEETING  
313 CREE MEADOWS DRIVE, RUIDOSO, NEW MEXICO 88345  
DECEMBER 10, 2024**

**CALL TO ORDER**

Mayor Lynn D. Crawford, called the Regular Meeting of the Governing Body, Village of Ruidoso to order at 1:00 p.m. by calling for a Moment of Silence, the Pledge of Allegiance and Salute to the State Flag. Councilors Hooker, Lutterman, Jackson, Salas, Cory and Eby were recorded present in person. Municipal employees present were Ronald L. Sena, Village Manager; Jini S. Turri, Village Clerk; Yvonne Vigil, Deputy Clerk; Adam Sanchez, Public Works Director; Matthew Baird, Parks and Recreation Director; Steve Minner, Deputy Police Chief; Anthony Montes, Community Center Manager; Dianne Staab, Library Manager; Eddie Ryan, Manager of Events and Strategic Partnerships; Zachary J. Cook, Village Attorney; Randy Koehn, Water Production Manager; Robin Parks, Staff Accountant II; Stephanie Warren, GIS Coordinator/Planner; Cheryl Gerthe, HR Director; Judi Starkovich, Finance Director; Ashlie Carbajal, Water Resource Manager; Alex Koenig, Community Development Director; Diana Free, HR Administrative Asst.; Johanna Quintana, HR Generalist; Josh Long, Streets Manager; Elaine Sanchez, Fire Dept. Office Manager; Cade Hall, Fire Chief; Joe Kasuboski, Fire Chief; Isaac Garcia, RWWTP Director; Dick Cooke, Forestry Director; Christy Coker, Purchasing Agent; Vyanca Vega, Capital Projects Manager; Chrysanti Jones, Short Term Rental Admin Asst II; Jerry Parson, General Services Manager; Robin Bryant, Solid Waste Office Manager; David Tetreault, Parks & Rec Assistant Director; Frank Potter, Municipal Judge; Gina Corliss, Executive Admin Asst; and Amber Word, Community Center Coordinator. There were approximately 5 visitors in attendance.

**APPROVAL OF AGENDA.**

Councilor Jackson moved to approve the agenda and allow the Mayor to move items as necessary, Councilor Hooker seconded and the motion carried with a roll call vote of all "ayes".

**CONSENT REGULAR ITEMS.**

Councilor Cory moved to approve the Consent Regular Items as presented, Councilor Hooker seconded the motion and the motion carried with a roll call vote of all "ayes".

1. Approval of Governing Body Minutes  
November 12, 2024 - Regular Meeting  
December 3, 2024 - Workshop Meeting
2. Approval of Certificate of Records Destruction No. 2024-005
3. Approval of Purchase of Two (2) Vermeer VX50-800 GAL Hydrovac Trailers Utilizing Sourcewell Contract #16371 from Vermeer Mountain West in the Amount

of \$180,097.52.

4. Approval of EMS Fund Application for the Ruidoso Fire Department in the Amount of \$100,995.00.
5. Approval of Award of RFP #2025-003P to HUB International for Insurance Broker Services.
6. Approval of Request to Schedule a Public Hearing on January 14, 2025, for the Adoption of the Chapter 54 Land Use Code of Ordinances Rewrite.

### **PUBLIC INPUT.**

Mary Benevidez, residing at 215 Grove requested that speed bump be placed on Grove Drive and also expressed her concerns of the toxins being dropped into the air by planes.

### **MAYORAL REPORTS AND PRESENTATIONS.**

1. Presentation of New Employees and Promotions

Mayor Crawford presented:

New Employees:

Joachim Hees III – Parks & Rec – Maintenance Tech – DOH 11/18/24  
Vyanca Vega – Finance – Capital Projects Coordinator – DOH 11/18/24  
Hansen Kazhe – Solid Waste/Heavy Equip Operator/Driver – DOH 11/18/24  
Gina Corliss – Executive Administrative Assistant – DOH 11/18/24  
Rhonda Maag – RCC – Administrative Assistant – DOH 12/2

and

Promotions:

William Green- Promoted to Fire Captain effective 12/15/2024  
Justin Mize- Promoted to Fire Captain effective 12/15/2024  
Quade Hall- Promoted to Fire Lieutenant effective 12/15/2024  
Jeff Miles- Promoted to Fire Lieutenant effective 12/15/2024

2. Recognition of Village Employees who Obtained their Commercial Driver's License through ENMU's 5 Week Class A CDL Program

Mayor Crawford recognized the following employees who received their CDL's:

Jay King  
Lance Dale  
Heman Nunez

3. Presentation of Retirement Plaque to Joe Kasuboski for his Service to the Village of Ruidoso as Emergency Manager and Fire Chief from October 2017 through December 2024

The Mayor presented to Joe Kasuboski a retirement plaque for his years of service as Fire Chief for the Village.

4. Presentation of Retirement Plaque to Charlie Chavez for his Service to the Village

of Ruidoso as Solid Waste Operator/Driver from October 1999 through December 2024

The Mayor presented a retirement plaque to Charlie Chavez for his years of service in the solid waste department for the Village.

5. PROCLAMATION: Declaring "Christmas in the Mountains" a Poem written by Frank Potter as the Official Christmas Poem for the Village of Ruidoso

The Mayor presented a proclamation to Frank Potter recognizing "Christmas in the Mountains" a poem written by Mr. Potter, as the official Christmas poem for the Village.

### **VILLAGE MANAGER REPORT.**

1. Village Manager's Report

Ronald L. Sena, Village Manager, gave his monthly managers report.

2. Update on Lead and Copper Rule Revisions

Ashlie Carbajal, Water Resource Manager, presented to Council the process for Lead and Copper Rule reporting and stated that the date for reporting has been extended to 2027 for initial inventory.

3. Update on Elk Meadows

Richard Ashton partner with Mesa Developers, LLC, updated the Council on the Elk Meadows Project stating that financing for the project is in place with an approximate closing date in February, 2025. Construction will begin immediately following closing and will take approximately 16 months to complete.

4. Demonstration of Rentalscape Short Term Rental Software

Rob Piskorowski, representing Deckard Technologies presented a demo of the software, Rentalscape, that the Village will begin implementing for the tracking and management of short term rentals within the Village.

### **REPORTS FROM MUNICIPAL OFFICIALS.**

Councilor Salas recognized all of the programs offered to Village of Ruidoso citizens and expressed his thanks to Parks & Recreation and Village staff for all their dedication and hard work.

Councilor Lutterman recognized the success of the Christmas tree lighting event and the pre-event dinner held at the Community Center. Councilor Lutterman also stated that the school athletic programs appreciation for services provided by the Village fire and police departments during school events.

Councilor Eby recognized December 7, Pearl Harbor Day and the impact it made in history. Councilors Jackson and Hooker echoed what was said by all.

### **PUBLIC HEARINGS.**

1. Public Hearing for Ordinance 2024-07, an Ordinance Authorizing the Issuance of the Village of Ruidoso, New Mexico General Obligation (GO) Bonds, Series 2024,

in the Aggregate Principal Amount of \$1,500,000.00 for the Purpose to Enlarge, Improve, and/or Extend the Production and Distribution Components of the Village's Water System Providing that the Series 2024 Bonds will be Payable from Ad Valorem Taxes Levied on all Taxable Property within the Village.

Mayor Crawford opened the Public Hearing stating that the purpose of the Public Hearing was for the consideration of adoption of Ordinance 2024-07. Chris Muirhead with Modrall Spering presented to Council that the Ordinance was for the purpose of issuance of general obligation bonds for the Village's water system. Mayor Crawford asked for public comments, there being none Mayor Crawford closed the Public Hearing. After further discussion between all, Councilor Cory made a motion to approve and adopt Ordinance 2024-07, Councilor Lutterman seconded the motion and upon a roll call vote of Councilor Cory voting "aye", Councilor Lutterman voting "aye", Councilor Eby voting "aye", Councilor Salas voting "aye", voting "aye" , Councilor Jackson voting "aye" and Councilor Eby voting "aye" the motion passed.

### **REGULAR ITEMS.**

1. Discussion and Possible Action on Adoption of Resolution 2025-01, a Resolution Establishing an Annual Schedule of Governing Body and Boards/Commission Meetings and Determining Reasonable Notice for Public Meetings of the Village of Ruidoso.

There was discussion led by Councilor Salas to amend the Resolution to reflect regular council meetings be held on the second Tuesday of each month at 9:00 a.m. as opposed to the current time setting of 1:00 p.m. After discussion between all, Councilor Salas made a motion to change the time of the meeting from 1:00 p.m. to 9:00 a.m. Councilor Lutterman seconded the motion and upon vote of Councilor Salas voting "aye"; Councilor Lutterman voting "aye; Councilor Eby voting "nay"; Councilor Hooker voting "nay", Councilor Jackson voting "nay" and Councilor Cory voting "nay" the motion failed.

Councilor Hooker made a motion to approve and adopt Resolution 2025-01 as written, Councilor Jackson seconded the motion and upon a roll call vote of Councilor Hooker voting "aye", Councilor Jackson voting "aye", Councilor Lutterman coting "aye", Councilor Eby voting "aye", Councilor Cory voting "aye" and Councilor Salas voting "nay" the motion passed.

2. Discussion and Possible Action on Agreement between the Village of Ruidoso and the Ruidoso Jockey Club Inc., to Operate a Full Service Restaurant at 118 Lakeshore Drive, Alto, New Mexico.

Councilor Jackson made a motion to approve the agreement, Councilor Salas seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

3. Discussion and Possible Action on Agreement with HUB International for Insurance Broker Services, Awarded via RFP #2025-003P.

Councilor Eby made a motion to approve the agreement, Councilor Jackson seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

4. Discussion and Possible Action on Adoption of Resolution 2024-45, a Resolution



Amending the Village of Ruidoso Personnel Policy Chapter 16 Section 7 Dress and Appearance.

Councilor Lutterman made a motion to approve the resolution, Councilor Hooker seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

5. Discussion and Possible Action on Award of High Loop Water System Improvements Project (ITB#2025-003B) to J&H Services Inc. for the Installation of Approximately 18,535 Linear Feet of 6-inch C900 PVC Waterline, Hydrants, Gate Valves, Combination Air Valves, and Related Appurtenances Required to Replace the Existing Asbestos-Cement Waterline.

Councilor Hooker made a motion to approve the award, Councilor Jackson seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

6. Discussion and Possible Action on Agreement with J&H Services Inc. for the Installation of Approximately 18,535 Linear Feet of 6-inch C900 PVC Waterline, Hydrants, Gate Valves, Combination Air Valves, and Related Appurtenances Required to Replace the Existing Asbestos-Cement Waterline on the High Loop Water System Improvements Project, Awarded via (ITB#2025-003B) in the amount of \$6,295,867.39 Including NMGRT.

Councilor Jackson made a motion to approve the agreement, Councilor Lutterman seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

7. Discussion and Possible Action on Award of ITB#2025-004B, Alto Lake Disc Golf Course, to Dynamic Dookie Corp.

Councilor Lutterman made a motion to approve the award, Councilor Eby seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

8. Discussion and Possible Action on Contract with Dynamic Dookie for Alto Lake Disc Golf Course, Awarded via ITB #2025-004B in the Amount of \$129,825.00 Including NMGRT.

Councilor Lutterman made a motion to approve the contract Councilor Jackson seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

9. Correction of the Record to Reflect that the Correct Statewide Price Agreement Number for the Agreement with Cutler Repaving Inc. for Pavement Resurfacing Project Approved by Governing Body on November 12, 2024, is 30-80500-23-17018.

Councilor Cory made a motion to approve correction of the record, Councilor Jackson seconded the motion and upon vote of all in attendance voting "aye" the motion passed.

**CLOSED SESSION.**

Councilor Jackson made a motion to recess into:

- Discussion of limited personnel matters. § 10-15-1.H.2, NMSA 1978.
- Discussion subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Village of Ruidoso is or may become a participant.

§10-15-1.H.7, NMSA 1978.

- Discussion of the purchase, acquisition, and/or disposal of real property and/or water rights by the Village of Ruidoso. § 10-15-1.H.8, NMSA 1978.

Councilor Salas seconded and the motion carried with a roll call vote of all "ayes".

Mayor Lynn D. Crawford recessed the Regular Meeting and entered into Closed Session at 3:39 p.m.

Present in closed session were members of the Governing Body, Ronald L. Sena, Village Manager; Zach Cook, Village Attorney; Jini S. Turri, Village Clerk; Michael Martinez, Deputy Manager and Adam Sanchez, Public Works Director.

Mayor Lynn D. Crawford adjourned the Closed Session and reconvened the Regular Meeting at 4:41 p.m.

Councilor Jackson moved to certify that matters discussed in the closed session were limited only to those specified in the motion for closure, Councilor Hooker seconded and the motion carried with a roll call vote of all "ayes".

Any action taken as a result of the closed session will be brought back into open session.

**ADJOURN.**

There being no further business to come before the Governing Body, Mayor Lynn D. Crawford adjourned the Regular Meeting at 4:45 p.m.

**MINUTES ARE DRAFT UNTIL APPROVED:**

Minutes were passed and approved on this 14th day of January, 2025.

**APPROVED:**

\_\_\_\_\_  
Lynn D. Crawford, Mayor

**ATTEST:**

\_\_\_\_\_  
Jini S Turri, Village Clerk

**VILLAGE OF RUIDOSO  
GOVERNING BODY, WORKSHOP MEETING  
313 CREE MEADOWS DRIVE  
RUIDOSO, NM 88345  
JANUARY 7, 2025**

Mayor Crawford called the Workshop Meeting of the Governing Body, Village of Ruidoso to order at 8:00 a.m. Councilors Jackson, Lutterman, Cory, Eby and Hooker were recorded present in person. Councilor Salas was recorded absent. Municipal employees present in person were Ronald L. Sena, Village Manager; Jini S. Turri, Village Clerk; Yvonne Vigil, Deputy Clerk; Ashlie Carabajal, Water Resource Manager; Alex Koenig, Community Development Director; David Tetreault, Assistant Parks and Recreation Director; Adam Sanchez, Public Works Director; Cade Hall, Fire Chief; Eddie Ryan, Manager of Events and Strategic Planning; Austin Meuli, Assistant Fire Chief; Matthew Baird, Parks and Recreation Director; Stephanie Warren, GIS Coordinator/Planner; Randy Koehn, Water Production Manager; and Steven Minner, Police Chief. There was no Legal Council present. Municipal employees present via Zoom were Robin Parks, Staff Accountant II; Anthony Montes, Community Center Manager; Dick Cooke, Forestry Director; Ann Lowery, Police Department Administrative Assistant; and Amber Word, Community Center Coordinator.

1. Discussion on Ratification of Amendment to Memorandum of Understanding (MOU) between the Village of Ruidoso as the Fiscal Agent for the Lincoln County/Ruidoso DWI Program and the Village of Ruidoso as the Administrative Authority for the Ruidoso Police Department for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Consent Item for the January 14, 2025 Regular Council Meeting.

2. Discussion on Adoption of Resolution 2025-02 a Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Consent Item for the January 14, 2025 Regular Council Meeting.

3. Discussion on T-Hangar Agreement between The Village of Ruidoso, Sierra Blanca Regional Airport and Casey Pritchard, for T-Hangar Bravo 10 beginning January 15th, 2025.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Consent Item for the January 14, 2025 Regular Council

Meeting.

4. Discussion on Change Order No.2 with D&R Tank for Water Storage Tank Rehabilitation Re-Bid ITB #2024-001B, Requesting Quantity Adjustments and Decreasing the Contract Amount by \$137,782.19, Including NMGRT.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Regular Item for the January 14, 2025 Regular Council Meeting.

5. Discussion on Amendment #1 with Souder Miller & Associates for Construction Phase, Construction Observation, and Closeout Phase Services for the Country Club Water Line Replacement in the Amount of \$202,479.39 Including NMGRT.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Regular Item for the January 14, 2025 Regular Council Meeting.

6. Discussion on Task Order RFP#2021-007P-11-Amendment 4 River Well (H-1979-S3) Rehabilitation and H-1979-S13 Clean Out and Pumping Test with John Shomaker & Associates Inc. for an Extension of Time from September 2024 to June 2025.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Consent Item for the January 14, 2025 Regular Council Meeting.

7. Discussion on Task Order RFP #2022-006P-MCA-01-Amendment 4 Eagle Creek Wellfield Phase III with Molzen Corbin & Associates, Inc. for an Extension of Time from October 2024 to March 2025.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Consent Item for the January 14, 2025 Regular Council Meeting.

8. Discussion on Task Order RFP #2022-006P-MCA-08 – Amendment 1 Sanitary Sewer Collection System Infiltration and Inflow Study with Molzen Corbin & Associates, Inc. for an Extension of Time from December 2024 – December 2025 and Changing Name of Village Contact.

After brief discussion, it was the general consensus of the Village of Ruidoso Governing Body to list this item as a Consent Item for the January 14, 2025 Regular Council Meeting.

## **ADJOURNMENT**

There being no further business to come before the Governing Body, Mayor Crawford adjourned the workshop meeting at 8:54 a.m.

## **MINUTES ARE DRAFT UNTIL APPROVED ON:**

Passed and approved on this 14th day of January, 2025.

**APPROVED:** \_\_\_\_\_  
Lynn D. Crawford, Mayor

**ATTEST:** \_\_\_\_\_  
Jini S. Turri, Village Clerk

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 2.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Jini S. Turri, Village Clerk

**Meeting Date:** January 14, 2025

**Re:** Approval of Certificate of Records Destruction No. 2025-01

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**Item Summary:**

Approval of Certificate of Records Destruction No. 2025-01

**Financial Impact:**

None

**Item Discussion:**

Certificate of Records Destruction No. 2025-01

**Recommendations:**

Approval of Certificate of Records Destruction No. 2025-01

**ATTACHMENTS:**

Description

Certificate of Records Destruction 2025-01



## **CERTIFICATE OF RECORDS DESTRUCTION NO. 2025-01**

Village of Resolution 2021-39 Municipal Records Retention Policy Guidelines, authorizes the destruction of certain records that have reached their retention date.

Per Resolution 2021-39, the following records will be destroyed by shredding through the services of Vital Records Control (VRC) a bonded, certified and secured records destruction company.

**See Attachment "A"**

Approval for destruction of noted records was approved by the Governing Body of the Village of Ruidoso on the 14th day of January, 2025.

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Lynn D. Crawford – Mayor

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Jini S. Turri, MMC, Village Clerk

## Attachment "A"

<b>Records No.</b>	<b>Record Series Name</b>	<b>Description</b>	<b>Retention Period</b>	<b>Dept.</b>
18.03.002	Accounts Receivable	Receipts for Convention Center Rentals & Services 2009-2010, 2012, 2014-2019	3 Years after Audit Report	Finance
18.12.006	Criminal Case Files – Non DWI	Citations/Parking Citations/Criminal Complaints & Warrants 2018-2020	3 years after Case is Closed	Municipal Court



# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 3.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Alex Koenig, Community Development Director  
Stephanie Warren, GIS Coordinator/Planner

**Meeting Date:** January 14, 2025

**Re:** Approval of Request to Schedule Public Hearing February 11, 2025, for Planning Commission Case RZ 2024-317-Rezone Request from R-1 Single-Family Residential District to C-2 Community Commercial District for 25943 and 25933 US Highway 70, Section 36, T11S, R13E, Tracts 3 and 4.

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### **Item Summary:**

Approval of Request to Schedule Public Hearing February 11, 2025, for Planning Commission Case RZ 2024-317-Rezone Request from R-1 Single-Family Residential District to C-2 Community Commercial District for 25943 and 25933 US Highway 70, Section 36, T11S, R13E, Tracts 3 and 4.

### **Financial Impact:**

None

### **Item Discussion:**

Request to Schedule Public Hearing February 11, 2025, for Planning Commission Case RZ 2024-317-Rezone Request from R-1 Single-Family Residential District to C-2 Community Commercial District for 25943 and 25933 US Highway 70, Section 36, T11S, R13E, Tracts 3 and 4.

### **Recommendations:**

To Approve Request to Schedule Public Hearing February 11, 2025, for Planning Commission Case RZ 2024-317-Rezone Request from R-1 Single-Family Residential District to C-2 Community Commercial District for 25943 and 25933 US Highway 70, Section 36, T11S, R13E, Tracts 3 and 4.

### **ATTACHMENTS:**

Description  
Case Report



Village Hall – 313 Cree Meadows Drive, Ruidoso, New Mexico 88345

**Case Report – Rezone Request #RZ-2024-317**

**Subject Property:** 25943, and 25933 US Highway 70

**Present Zoning:** R-1 Single-Family Residential District

**Requested Zoning:** C-2 Community Commercial District

**Legal Description:** Section 36 T11S R13E Tracts 3 and 4

**Applicant:** Remington Johnson on behalf of Steve Dyer

**Hearing Date:** January 7, 2025

**Property Size (Approx.): 25943 US HWY 70:** 65854 sq. ft.(1.5 acre) **25933 US HWY 70** 405,849 sq. ft. (9.3 acre)

**Property Dimensions (Approx.):**

**25943 US HWY 70 Width:** 367.2' **Length:**183.5'

**25933 US HWY 70 Width:** 1041.25' **Length:**841.35'

**Applicable Sections of Village Code:**

- Sec. 54-65. – Rezoning
- Sec. 54-92.- R-1 Single-Family Residential District
- Sec. 54-100.–C-2 Community Commercial District
- Sec. 54-148.- Recreational Vehicle Parks

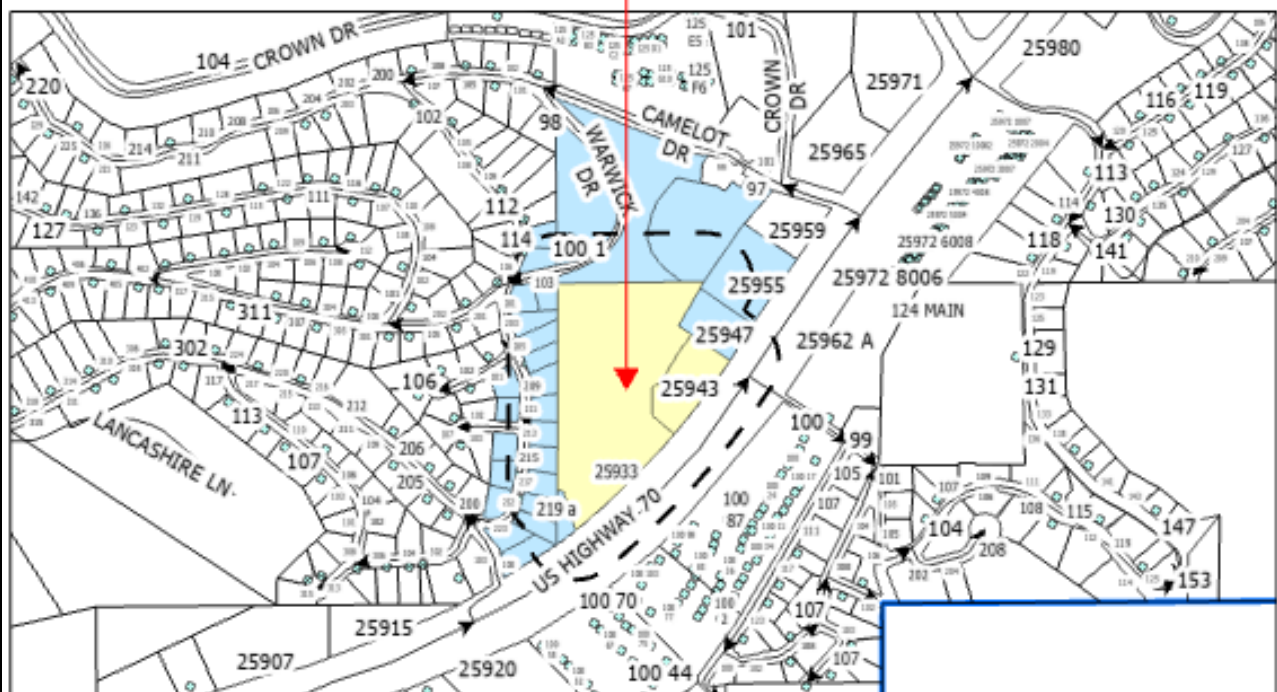
**I. REQUEST:** The applicants are petitioning to rezone from the R-1 Single-Family Residential District to the C-2 Community Commercial District for the properties located at 25943 and 25933 US Highway 70, Section 36 T11S R13E Tracts 3 and 4. The applicants intend to continue the property's development of a Recreational Vehicle Park, which currently exists on the properties.

## II. NOTIFICATION AREA MAP

### Planning Case RZ 2024-317

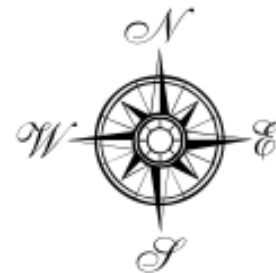
The Community Development department has received a petition to rezone properties located at 25934 and 25933 US Highway 70, from R-1 Single-Family Residential District to C-2 Community Commercial District to support the properties current development of a Recreational Vehicle Park, known as Section 36 T11S R13E Tracts 3 and 4.

Notifications are sent to property owners within 200' of the request and are shown as blue lots on the map below.



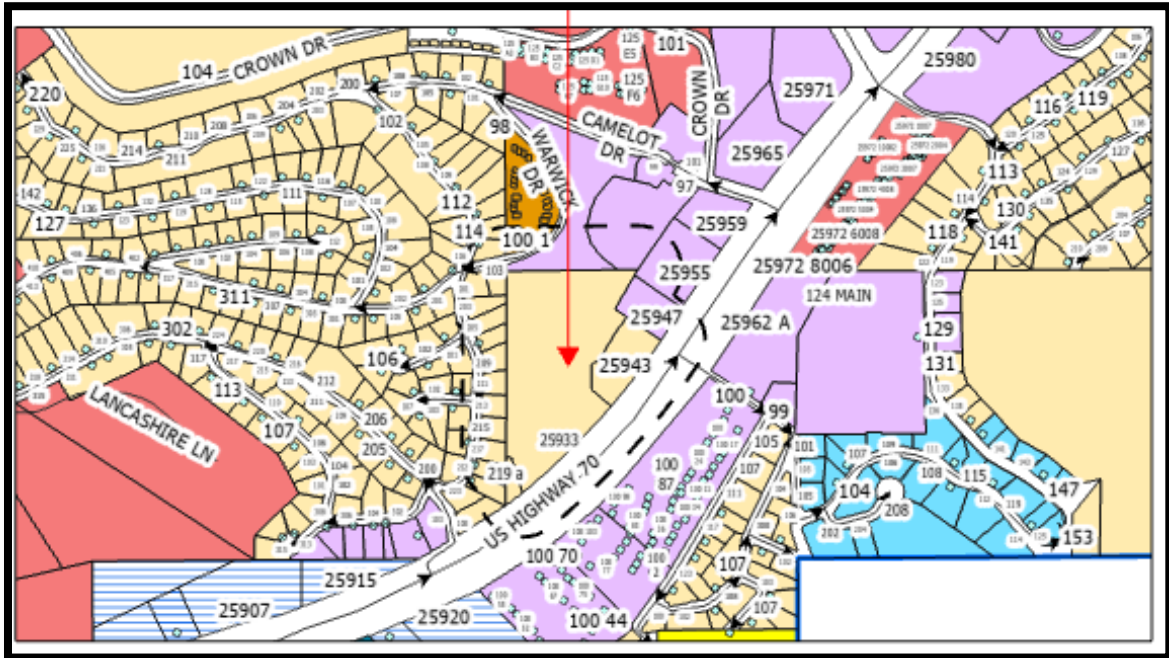
### Legend

-  25933 HWY 70 Buffer
-  Applicant
-  Properties within 200' of Applicant
-  Parcels
-  VOR\_Boundary
-  Address
-  Roads\_Layer



### III. CURRENT ZONING AND SURROUNDING AREA

Direction	Zoning	Existing Land Use
North	C-2	Commercial/Motel
East	C-2	Commercial/Outdoor Storage Units
South	C-2	Commercial/Mobile Home Park
West	R-1	Residential



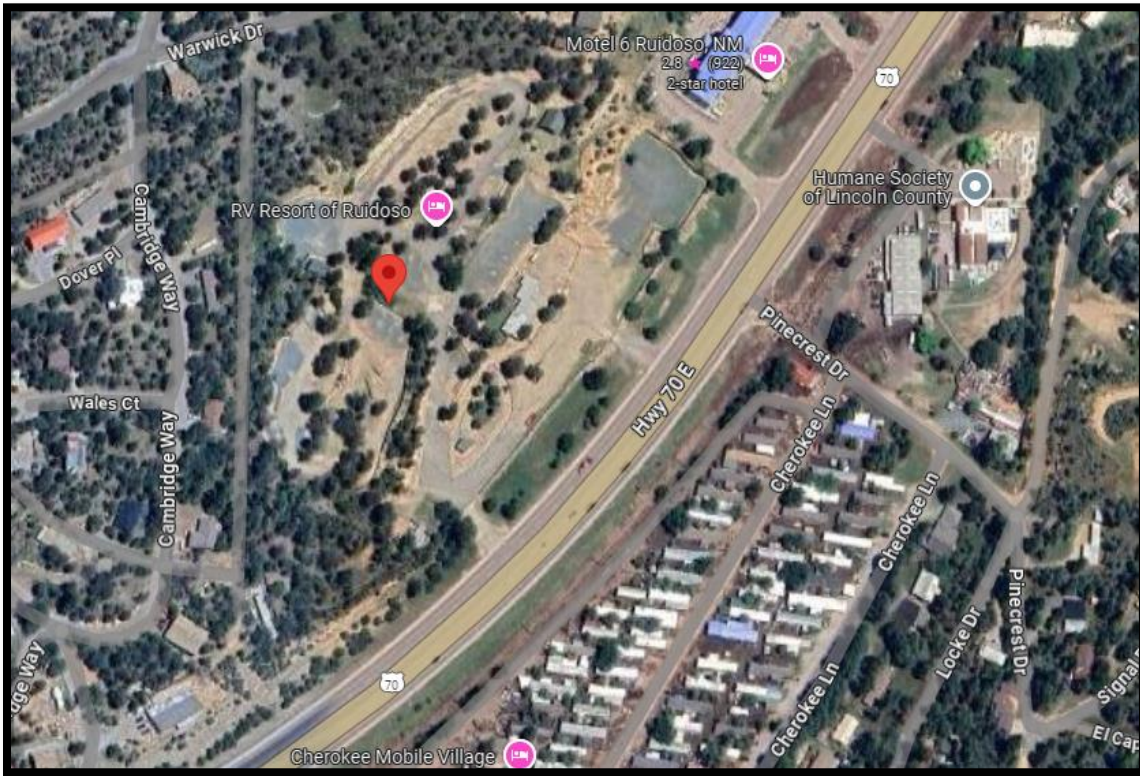
VOR.DBO.Zoning\_Districts

#### ZONING

- AR-1 Agricultural Residential District
- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Midtown Commercial District
- C-4 Heavy Commercial District
- I-1 Industrial District
- M-1 Low-Density Mobile Home District
- M-2 Medium-Density Mobile Home District
- PUD Planned Unit Development District
- PUD-C Planned Unit Development Commercial District
- PUD-M Planned Unit Development Mixed District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 High-Density Residential District

#### IV. SITE DATA

##### Aerial View from Google Maps



##### Street View from Google Maps





## V. ANALYSIS

### Sec. 54-65. Rezoning.

(a) Generally; initiation. In accordance with the provisions of state statutes, the council may from time to time change the zoning of parcels of land within the village. **These changes in zoning classification are for the purpose of meeting the land use needs of the residents of the village in conformance with the village comprehensive plan.** **Rezoning may be initiated by the council, by the planning commission, or by petition of the person whose property would be affected by the rezoning.**

(b) Application. An application for rezoning shall be made on a form provided by the planning administrator. The application shall indicate the legal description of the property, the present zoning classification, and the recommended use of the property by the village comprehensive plan. The applicant shall present evidence to the planning administrator of ownership or type of controlling interest in the property (e.g., option to purchase). This application shall be completed and submitted along with the established fee to the planning administrator at least 30 days prior to the public hearing by the planning commission.

(c) Public hearing requirements.

(1) **No rezoning may be adopted until public hearings have been held on the matter by the planning commission and by the council.**

(2) Notice of any public hearing shall be accomplished as set forth in section 54-40.

(d) **Hearing and recommendation by planning commission. A rezone not initiated by the planning commission shall be referred to the planning commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral or written statements from the applicant, the public, village staff and its own members. The application may not be postponed more than two meetings in succession. The planning commission shall notify the council, in writing, of its recommendation.**

(e) Hearing and decision by council. The council may, at its next regular meeting after receipt of the report and recommendation of the planning commission, set a date for a public hearing on the rezoning request or, by majority vote of all members of the council, act to deny the planning commission's recommendation for rezoning and thereby retain current zoning. A rezone which has been recommended

for denial by the planning commission shall not be reviewed by the council except upon written request by the applicant. During the scheduled public hearing on the matter, the council may approve or disapprove the request for rezoning by ordinance, or postpone the request. The application may not be postponed more than two meetings. If approved, the planning administrator shall revise the official zoning map accordingly. A vote of a majority of all members of the council shall be required to reverse the recommendation of the planning commission.

(f) Protests. If there is a written protest against a change in the zoning classification of a parcel of land, signed by the owners of 20 percent or more of the area of lots included in the proposed change, or of those within a distance of a 100-foot radius, the change shall not be approved except upon the affirmative vote of a majority of all of the members of the council.

(g) Resubmittal of application. Application for a zoning district change which has been rejected by the planning commission and/or village council for a parcel of land shall not be resubmitted or reconsidered for a period of one year after it has been acted upon at a public hearing of the planning commission, except that application may be made for a different zoning district change on the same parcel of land six months after a previous action has been taken; provided that such application for a different zoning district change shall be permitted only on payment of a double fee.

(Code 1985, § 10-2-5; Ord. No. 2008-11, 10-14-08)

**Sec. 54-92. - R-1 single-family residential district.**

(a) *Purpose; maximum density.* The purpose of the R-1 single-family residential district is to provide for the development, at a low density, of single-family detached dwellings and directly related complementary uses. The district is intended to be strictly residential in character with a minimum of disturbance due to traffic or overcrowding.

(b) *Principal permitted uses.* Principal permitted uses in the R-1 district are:

- (1) Single-family dwellings.
- (2) Public parks.

(c) *Conditional uses.* Conditional uses in the R-1 district are:

- (1) Day care centers. A minimum of 35 square feet per child shall be provided within the day care facility for indoor activity and at least 50 square feet of fenced-in outdoor play space per child shall be provided on site. Fenced-in outdoor play space shall not include driveways, parking areas or land unsuited for children's play space by virtue of the usage or natural features. A state license shall be obtained prior to commencement of operation of a day care facility.
- (2) Electrical substations, gas regulating stations, water pump stations, water towers and lift stations.
- (3) Public buildings.
- (4) Churches.
- (5) Schools.

(6) Radio, television or microwave transmitting towers, except as otherwise allowed herein as accessory uses.

(7) *Two family dwellings*. Provided the following conditions are met:

a. One of the dwellings is owner occupied as their primary residence.

1. When second dwelling is for long term monthly rental.

b. The use is for generational housing, long term monthly rental or care provider.

c. Parking shall be provided at the rate of one space for the second dwelling, plus two spaces for the resident owner. All parking shall be provided on site and shall be landscaped to maintain residential character of the property.

d. Shall comply with 3 (a) of the Ruidoso Code for two family dwellings.

(e) *Development requirements*.

(1) Development requirements for the R-1 district are as follows:

a. Subject to subsection aa. below, minimum lot area: 10,000 square feet. See [section 54-66](#) for lots less than 10,000 square feet.

1. Resubdivision. Resubdivision of previously subdivided or platted land shall be as provided herein. The provisions of this subsection shall apply to any land, regardless of size, identified as a lot, tract or similar term and described by lot or tract number or letter, block number or letter, street address or similar means.

a. Reserved.

b. The planning commission and village council shall consider the size of adjoining lots, the effects of the resubdivision on those adjoining lots, the availability of village utilities and the capacity to provide utility service to the newly created lots, and other pertinent factors in determining the actual sizes of the lots to be allowed. Adjoining lots shall include those lots separated from the subject lots by a street or alley.

c. The provisions herein shall not apply to:

d. Tracts of land described only by metes and bounds;

e. Those cases where all of the land in a previously platted subdivision is owned by a single person and an application for replat of the entire subdivision is submitted pursuant to subsection [54-284\(d\)\(1\)](#).

f. Nothing herein shall be construed to prevent the replatting of smaller lots into larger lots or otherwise replatting contiguous or adjacent lots where there is no increase in the number of lots after the replat as otherwise provided by this Code.

b. Minimum lot width: 75 feet.



- c. Minimum lot depth: 100 feet.
- d. Minimum front setback: 20 feet.
- e. Minimum side setback: 10 feet.
- f. Minimum corner side setback: 20 feet. Street side(s)
- g. Minimum rear setback: 20 feet.
- h. Maximum height: 35 feet.

**Sec. 54-100. - C-2 Community Commercial District.**

(a) *Purpose*; The purpose of the C-2 community commercial district is to provide for low-intensity retail or service outlets which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and should be located in areas which are served by arterial street facilities.

(1) Merchandise which is offered for sale may be displayed beyond the confines of a building in any C-2 district, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies.

(2) All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a 100 percent opaque wall or fence not less than six feet tall. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street, or within any required interior side or rear setback.

(a.1) *Additional districts*. There are created additional sub-districts within the C-2 district, identified as C-2a through C-2f, as may be designated on the official zoning map after notice and hearing, and which are subject to the C-2 provisions herein, provided that additions or exceptions to the C-2 provisions may be made by ordinance from time to time for specific sub-districts.

(b) *Principal permitted uses*. Principal permitted uses in the C-2 district are as follows, subject to the provisions of subsection (c) of this section (conditional uses):

- (1) Antique stores and arts and craft stores.
- (2) Art studios or galleries.
- (3) Retail bakeries.
- (4) Barbershops.
- (5) Beauty parlors.
- (6) Hotels and motels, and cabin rental, detached or semidetached, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.

- (7) Candy and ice cream stores.
- (8) Cannabis retailer.
- (9) Cannabis testing and research laboratory.
- (10) Drugstores, variety stores, and notion and soft goods stores.
- (11) Professional offices.
- (12) Public buildings.
- (13) Self-service laundries and cleaning pickup stations.
- (14) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.
- (15) Banks, savings and loans and other financial institutions.
- (16) Clubs and meeting facilities.
- (17) Entertainment, recreational, health and exercise facilities.
- (18) Essential public services and utility installations.
- (19) Hospitals and medical clinics.
- (20) Hotels, motels, cabin rentals, bed and breakfasts and other such lodging establishments.
- (21) Professional offices.
- (22) Radio and television studios, printing and publishing houses and other such media production facilities.
- (23) Rental stores.
- (24) Restaurants, bars and package liquor sales.
- (25) Retail sales and services.
- (26) Schools and instructional centers.
- (27) Service establishments.
- (28) Animal hospitals, clinics and kennels, provided the establishment and animal runs are completely enclosed in a building.
- (29) On-site cannabis consumption premise.

(f) *Setbacks and height.* Setback and height requirements for the C-2 district are as follows:

(1) *Minimum setback from property lines.* The minimum building setbacks from property lines shall be as follows:

a. Building setbacks:

1. Front: 20 feet.

2. Interior side and rear: 10 feet.
3. Corner side: 15 feet. Street side(s)
4. Residential district boundary: Same as the adjoining residential district.

b. Parking lots:

1. Front: 4 feet.
2. Interior side and rear: 3 feet.
3. Corner side: 4 feet.
4. Residential district boundary: 3 feet.

(2) *Maximum height.* Maximum height of structures shall be 35 feet.

(c) *Conditional uses.* Conditional uses in the C-2 district are:

(7) Overnight campgrounds, which shall be developed in accord with [section 54-148](#).

(g) *Lot width and lot area.*

(1) The minimum lot width shall be 100 feet, except that corner lots shall have a minimum width of 150 feet.

(2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

**Sec. 54-148. - Recreational vehicle parks.**

(a) *Conditional use permit required; occupancy of recreational vehicles.* A conditional use permit is required for all recreational vehicle park developments and is intended to provide for the development of recreational vehicle parks at standards consistent with the health, safety and welfare of the village. Recreational vehicle parks are permitted by conditional use permit only in C-2 districts. Recreational vehicles, as defined in [section 54-31](#), when used for living purposes, shall be located solely in recreational vehicle parks.

(b) *General requirements.*

(1) *Access; minimum area.* Recreational vehicle parks shall abut and have access from major arterial streets and shall be a minimum of two acres.

(2) *Utilities.* Water, sewer, electricity, telephone and other necessary utilities shall be available at the recreational vehicle park, and placement shall be approved by the planning commission.

(3) *Driveways.* Access and interior driveways shall be designed to increase ease of access, increase privacy and provide safety. Placement shall be approved by the planning commission.

(4) *Density of spaces.* The density of spaces in any recreational vehicle park shall not exceed 20 spaces per acre.

(5) *Setbacks.* Setbacks shall be the same as for other permitted uses in a C-2 district.

(c) *Development standards.*

(1) *Size of spaces.* Spaces for recreational vehicles shall be a minimum of 1,500 square feet, with minimum dimensions of 30 feet by 50 feet.

(2) *Pads.* Recreational vehicle pads shall be a minimum of 14 feet by 35 feet, and shall be paved with asphalt or other all-weather surface.

(3) *Setbacks within spaces.* Setbacks within the recreational vehicle space shall be a minimum of eight feet in the front, and five feet in the side and rear.

(4) *Landscaping.* A landscaping concept plan shall be approved by the planning commission for all areas not covered by structures or paved.

(5) *Screening.* Screening of the perimeter of a recreational vehicle park by a wall and/or other approved landscaping shall be required.

(6) *Arrangement of spaces and accessways.* Private accessways and individual space arrangements shall be designed to accommodate frequent movement of recreational vehicles.

a. Interior streets shall be a minimum of 20 feet for one-way traffic and 27 feet for two-way traffic, and shall be paved with asphalt, concrete or crushed rock.

b. The street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible.

(7) *Recreational area.* There shall be active recreational area for tenants, comprising not less than seven percent of the gross site area, which shall not include required setback areas.

(8) *Community building.* There shall be a community building which shall provide for recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers and a laundry. No dry cleaning shall be permitted in the recreational vehicle park. The community building may not be included as part of the required recreational area.

(9) *Refuse collection facilities.* Adequate refuse collection facilities shall be provided, constructed and maintained in accordance with all village health regulations, and shall be screened and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

(10) *Lighting.* Lighting shall be provided to illuminate accessways and walkways for the safe movement of vehicles and pedestrians at night.

(11) *Sewage disposal.* An approved means for emptying sewage holding tanks shall be provided.

(12) *Expansion of existing parks.* Expansion of existing recreational vehicle parks shall be in accordance with provisions of this section.

(13) *Caretaker's residence.* One mobile home may be placed in the recreational vehicle park for use by a caretaker.

(Code 1985, § 10-5-18)

## VI. Comprehensive Plan

### Private Campgrounds<sup>19</sup>

- **Along the River RV Park.** 127 Hwy 37, Alto; [alongtheriverrv.com](http://alongtheriverrv.com); 575-336-4444
- **Apple Tree RV Park.** 593 E US 70, Ruidoso Downs; 575-378-4995
- **Arrowhead RV Park.** 25999 US 70, Ruidoso; [arrowheadmotelandrv.com](http://arrowheadmotelandrv.com); 888-547-6652
- **Bonito Hollow RV Park & Campground.** 221 Hwy 37, MM1 Alto; [bonitohollow.com](http://bonitohollow.com); 575-336-4325
- **Circle B RV Park.** 26514 US 70, Ruidoso Downs; [circlebrv.com](http://circlebrv.com); 575-378-4990
- **Deer Crossing RV Park (Adult 55+).** 27680 Don Mauricio, San Patricio; [deercrossingrvpark.com](http://deercrossingrvpark.com) 575-653-4838
- **Eagle Creek RV.** 159 Ski Run Road, Alto; [eaglecreekrvresort.com](http://eaglecreekrvresort.com); 575-336-1131
- **Eagle Lake Campground & RV Park.** County Road 532 (Ski Run Road); 575-464-3904
- **Hall's Hideaway RV Park.** 525 Gavilan Canyon, Ruidoso; 888-329-1220
  
- **Horseman's Bunkhouse.** 417 Harris Lane, Ruidoso Downs; 575-802-3810
- **Lazy Days RV.** 26536 US 70, Ruidoso Downs; 575-378-8068
- **Little Creek RV Park.** 290 State Hwy 220, Alto; 575-336-4044; [littlecreekrvpark.com](http://littlecreekrvpark.com)
- **Mama Bear RV Park.** 214 W Smokey Bear Boulevard, Capitan; 575-354-2394
- **Midtown Mountain Campground.** 302 Mechem Drive, Ruidoso; 575-964-8555; [midtownmountaincampground.com](http://midtownmountaincampground.com)
- **Mountain High RV Park.** State Hwy 48 Alto; [mthighrv.tripod.com](http://mthighrv.tripod.com); 575-336-4236
- **Pine Ridge RV Campground.** 124 Glade Road, Ruidoso; 575-378-4164
- **Rainbow Lake RV Resort.** 806 Carrizo Canyon Road, Ruidoso; [rainbowlakecabinandrv.com](http://rainbowlakecabinandrv.com); 575-630-2267
- **Recreation Village (Adult 55+).** 717 E. White Mountain Drive, Ruidoso; [recreationvillagervpark.com](http://recreationvillagervpark.com); 866-608-2267
- **Riverside RV Park.** 298 Gavilan Canyon Road, Ruidoso; [riversidervparkruidoso.com](http://riversidervparkruidoso.com); 575-257-3428
- **Ruidoso Motorcoach Ranch.** 358 NM 220, Alto; [ruidosomotorcoachranch.com](http://ruidosomotorcoachranch.com); 575-336-4556
- **RV Resort.** 26039 US 70 Ruidoso; [rvresortofruidoso.com](http://rvresortofruidoso.com); 575-257-2600
- **Sands Motel & RV.** 1400 Central Avenue, Carrizozo; 575-648-2989
- **Seeping Springs Trout Lake & RV.** 110 Seeping Springs Road, Ruidoso Downs; [seepingspringsfishing.com](http://seepingspringsfishing.com); 575-378-4216
- **Shadow Ridge RV Park.** 16 US 70, Ruidoso; 575-257-2320
- **Silver Leaf RV Park.** 26610 US 70, Ruidoso Downs; 575-378-1855
- **Stone Mountain RV Resort.** 510 Hwy 37, Nogal; [ruidoso-rv-park-campground.com](http://ruidoso-rv-park-campground.com); 575-354-0698
- **Twin Spruce RV Park.** 621 US 70, Ruidoso; [twinsprucervpark.com](http://twinsprucervpark.com); 575-257-4310

**The Planning Commission has the following options:**

1. **Recommend Approval** of the rezoning petition to the Village Council, with reasons stated in the motion, to conduct a Public Hearing for a final decision and approval.
2. **Require modifications** to the rezone petition and have it returned for Planning Commission review at the next meeting.
3. **Recommend Denial** of the rezoning petition to the Village Council, with reasons stated in the motion, to conduct a Public Hearing for a final decision.

Approval of rezoning requires a **2/3 majority vote** of those members of the Planning Commission present. The reasons for either approval or rejection must be stated in the findings of fact and motion.

**VII. STAFF RECOMMENDATIONS**

The determination of appropriateness for granting or denying a petition to rezone rests only on the consistency with applicable statutes, codes, and policies and with the Commission’s analysis of the impacts on the surrounding properties and the community at large.

Upon review of the application and the proposed development, Staff finds that the rezoning petition appears consistent with the Village Code. The properties are currently developed, and the current zoning on the property is not suited toward the existing development of the Recreational Vehicle Park. The property is currently being sold; new owners need to correct the zoning deficiency for the development to ensure that no unforeseen issues arise with obtaining commercial loans. It has been found that the development does cross lot lines; Staff recommends having the approval to include a condition of requiring a replat to combine both tracts. No additional approvals will be required to use the Recreational Vehicle Park unless there is an expansion or significant change made to the business operations.

Staff recommends approval based on the following findings:

1. Staff finds that in accordance with §54-65(a) “Rezoning” Changes in zoning classification are for the purpose of meeting the land use needs of the residents of the Village in conformance with the Village Comprehensive Plan. The recommendation to the Village Council is necessary for the reasonable use thereof.
2. Staff finds that the granting of this rezoning would not adversely impact the health, safety, welfare, or neighborhood character and is therefore in accord with §54-65 of the Village Code.
3. Staff finds that the proposed zoning change is adjacent to the R-1 Single-Family Residential District.

**Suggested Motion:**

“Based upon the foregoing findings of fact per §54-65, §54-92, §54-100 and §54-148 of the Village Code, I move to **RECOMMEND APPROVAL TO THE VILLAGE COUNCIL** the requested zoning reclassification for Case #RZ-2024-317 based upon the facts and findings stated within the case report.”

Prepared & Submitted by: *Stephanie J. Warren*  
GIS Coordinator/Planner

# # #

By signing below, the Owner/Applicant agrees to comply with all the conditions adopted by the Planning and Zoning Commission ("the Commission") at its hearing on this application. The Owner/Applicant further agrees that no changes to the plans as presented to the Commission will be made without prior approval from village staff or the Commission. Failure to comply with the application as approved by the Commission may result in Court action or revocation of approval.

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Owner/ Applicant

Date

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 4.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Alex Koenig, Community Development Director,  
Micheal Martinez, Deputy Village Manager,  
Chrysanti Jones, Short-Term Rental Administrative Assistant II

**Meeting Date:** January 14, 2025

**Re:** Approval of Request to Schedule Public Hearing February 11, 2025, For Ordinance 2025-01, An Ordinance Amending the Village of Ruidoso Municipal Code Chapter 54 Land Use, Article II Zoning, Division 3 District Regulations, Section 54-106 Short-Term Residential Rental Overlay Zone and Appendix A Fees, Fines and Penalties.

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### **Item Summary:**

Approval of Request to Schedule Public Hearing February 11, 2025, For Ordinance 2025-01, An Ordinance Amending the Village of Ruidoso Municipal Code Chapter 54 Land Use, Article II Zoning, Division 3 District Regulations, Section 54-106 Short-Term Residential Rental Overlay Zone and Appendix A Fees, Fines and Penalties.

### **Financial Impact:**

None.

### **Item Discussion:**

Request to Schedule Public Hearing February 11, 2025, For Ordinance 2025-01, An Ordinance Amending the Village of Ruidoso Municipal Code Chapter 54 Land Use, Article II Zoning, Division 3 District Regulations, Section 54-106 Short-Term Residential Rental Overlay Zone and Appendix A Fees, Fines and Penalties.

### **Recommendations:**

To Approve Request to Schedule Public Hearing February 11, 2025, For Ordinance 2025-01, An Ordinance Amending the Village of Ruidoso Municipal Code Chapter 54 Land Use, Article II Zoning, Division 3 District Regulations, Section 54-106 Short-Term Residential Rental Overlay Zone and Appendix A Fees, Fines and Penalties.

### **ATTACHMENTS:**

Description





# VILLAGE OF RUIDOSO

## ORDINANCE 2025-01

### AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES CHAPTER 54, LAND USE; ARTICLE II- ZONING; DIVISION 3-DISTRICT REGULATIONS; SECTION 54-106 – SHORT-TERM RESIDENTIAL RENTAL OVERLAY ZONE.

**WHEREAS**, THE Governing Body of the Village of Ruidoso is updating the Short-Term Residential Rental Overlay Zone to reflect the current applicable building codes; and

**WHEREAS**, The Governing Body of the Village of Ruidoso has determined that these amendments are necessary; and

**WHEREAS**, The Planning Commission and the Governing Body have conducted a duly advertised public hearing to consider this ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Village of Ruidoso that Chapter 54, Article II, Division 3, Section 54-106 is hereby amended by the addition of new text and modification or deletion of existing text as follows:

The <del>strike out</del> language is to be removed, and the additions to the section are bold and underlined.
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#### **Sec. 54-106. Short-term residential rental overlay zone.**

- (a) Purpose of zone. The Governing Body of the Village of Ruidoso finds and declares as follows:
- (1) Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to seasonal visitors.
  - (2) Short-term residential rentals are not commercial but are strictly a residential use of the property under the Village of Ruidoso Municipal Code.
  - (3) The provisions of this section are necessary to prevent a burden on village services and impacts on residential neighborhoods posed by short-term residential rentals.
- (b) Applicability of requirements. This overlay zone applies to all non-commercial residential property within the village regardless of the zoning district. These requirements of section 54-106 shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as a hotel, motel or commercial cabin rental located on a single lot or a group of contiguous lots within a commercial zoning district. These requirements do apply to individual dwelling units on non-contiguous property owned and operated by a hotel, motel or commercial cabin rental owner.
- (c) Definitions. For purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:
- (1) Local contact person means an owner, representative of the owner or local property manager who lives in the Village of Ruidoso or within proximity of the village limits such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this section and take remedial action.

- (2) Managing agency or agent means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or a person, firm or agency owning the residential unit.
- (3) Operator means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgagee in possession.
- (4) Owner means as defined in section 1-2 of this Code.
- (5) Remuneration means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.
- (6) Rent means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature, without any deductions therefrom whatsoever.
- (7) Short-term residential rental means a dwelling unit or ~~one~~ bedroom within a dwelling unit including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons. **Each bedroom rented shall be considered a single booking.**
- (8) Sleeping unit as defined by the International Building Code, 2015, and as amended, means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
- (9) Third-party internet listing service means an internet-based (or online) marketplace that connects owners of short-term residential rentals to potential renters by way of a website and in exchange for a service fee. Third-party listing agent shall not mean local contact person or managing agency or agent as defined in this chapter.

**(10) Short-Term Rental Occupant(s) a transient person or group of transient persons in which lodging is provided and offered for compensation.**

- (d) Short-term residential rental permit required. No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Village of Ruidoso. Short-term residential rental permits are issued to the owner for a period of one year and are non-refundable. **A permit shall not be issued until the application is verified for compliance and the property has passed a compliance inspection by the Village of Ruidoso staff.**
  - (1) Nothing contained within this section shall be construed to abridge the ability of bona fide neighborhood covenants and/or deed restrictions to be more restrictive than the regulations within this section. Such covenants and deed restrictions shall not be enforceable by the Village but remain the responsibility of property owners to ensure compliance within the applicable neighborhood.
- (e) Application for short-term residential rental permit. The dwelling unit owner or managing agency shall apply to the village for a short-term residential rental permit and supply, at a minimum, the following information:
  - (1) The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.
  - (2) The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the agent, representative or local contact person for the owner of the residential rental.
  - (3) The maximum number of occupants and vehicles that the dwelling unit can accommodate.

- a. ~~The parking calculation shall be based upon a minimum of one off-street parking space provided per sleeping unit. Properties offering a single-room rental must also meet parking requirements as set forth in section 54-141 (e) (1) a.~~ **A minimum of one off-street parking space is required for each four persons of permitted occupancy. Properties offering single-room rentals must provide a minimum of one parking space for each room available for rental.**
- b. ~~The occupancy per sleeping unit shall be determined by the floor area of each sleeping unit, number of restrooms per dwelling unit, infrastructure suitable to service the occupants and shall be in accord with habitable and occupancy codes contained within the duly adopted Code or successor as required per section 22-31(a).~~ **no more than 2 persons per bedroom of the dwelling unit.**

(4) An application fee of \$50.00 per year.

~~(5)~~ **(4)** Compliance inspections are required on all short-term permits **and shall be inspected annually.** ~~The inspections are valid for biennial (every two years), and the fee is \$40.00.~~

After a permit is **reviewed for compliance** ~~issued the compliance~~ an inspection will be conducted by Village of Ruidoso staff ~~no later than 30 days.~~ **at a time scheduled by the property owner, agent, or representative.**

If the property is not in conformance with the compliance requirements at the time of the inspection, a correction notice will be issued, and a reinspection fee may be assessed ~~of \$40.00~~ if the inspector is required to return.

The compliance inspection shall meet the following requirements:

- a. An ABC type fire extinguisher(s) minimum of 3 lbs. maximum of 5 lbs. to be mounted at points of egress which lead to a public way, with at least one provided per floor and minimum one per dwelling unit with at least two per dwelling unit if greater than 1,000 square feet, top of the extinguisher to be mounted at a height not lower than 48 inches and not greater than 60 inches from the floor. Extinguishers must be inspected and maintained according to state requirements and must properly display the inspection history of the device.
- b. Approved (and working) smoke alarms installed as per manufacturer's instructions in every room used for sleeping and in the vicinity of each room used for sleeping, in compliance as required per section 22-31(a) of this Code and on every level of the home, including the basement.
- c. Every sleeping room and living area with access to a primary means of escape shall provide a clear, unobstructed path of travel to the outside. Sleeping areas must meet the requirements of egress as defined by the International Building Code and in compliance with the International Fire Code. All sleeping areas must have windows no less than 20 inches wide by 24 inches tall, the height of the window from the floor cannot be more than 44 inches. Any means of egress with more than 20 feet from egress to ground must provide an emergency ladder or steps.
- d. ~~Where approved, an open fire permit in accordance with section 42-42 of the Village of Ruidoso Code of Ordinances shall be posted at, or immediately adjacent to the primary entrance to the building.~~ Outdoor cooking appliances shall be properly maintained and notification visibly posted for their permissive use in accordance with section 42-42. Indoor fireplaces shall be properly maintained and inspected by a qualified person as necessary. **Any property being used as a short-term rental will be restricted from obtaining a fire-pit permit and any outdoor burning will be prohibited at all times.**
- e. Authority for code compliance inspection. By submitting application, the owner authorizes the Ruidoso Fire Department, the village code enforcement officer or other designated village

employee or representative to conduct a code compliance inspection of the residence at intervals deemed appropriate by the village, or if deemed necessary when it is alleged or suspected that a violation of this section may exist or have occurred.

**f. A NOAA-approved emergency notification device shall be provided in each unit and placed in clear view.**

~~(6)~~ Owner/agent authorization.

~~(7)~~ **(6)** Business registrations and taxes. **is not required if**

~~Business registrations are \$35.00 and are required for anyone conducting business within the Village of Ruidoso.~~

~~If an owner rents, lists, or books their property with a managing agency, a business registration is not required.~~

~~If a property owner rents, lists, or books their property without a managing agency, a business registration is required.~~

~~(8)~~ **(7)** Notification to adjacent property owners shall be required for all short term rental permits.

~~The notification fee is \$25.00. The staff of the Village of Ruidoso will notify all property owners within 200 feet of the permitted property notifying the intent to use their home as a short term rental, and the name and number of the local contact person.~~

~~Managing agent may opt out to perform this task by certifying compliance with the notifications. If the managing agent opts out to perform this task, the \$25.00 fee will not be charged~~

**The Village shall send a postcard to all property owners in the Village limits on August 1 and February 1 of each year notifying them of the availability of information regarding the location and contact information for all permitted short-term rental properties in the Village. This information will be maintained on either the Village website or on a third-party website.**

~~(9)~~ **(8)** The owner or managing agent/agency shall attest that they have met these requirements in each property registered as part of the initial rental registration and each successive renewal registration. The form utilized to attest to these requirements shall be part of the registration form provided by the village and be authenticated by a notary public. **Managing agents shall be required to supply a copy of the contract showing the address of the dwelling unit and the property owners signature on an annual basis.**

(f) Application renewal or update. Prior to the expiration of the permit or when there is a change to the information contained in the permit regarding ownership, changes in the structure or parking area, or contact person, a new permit application shall be submitted. A transfer fee of \$10.00 **as set forth ins Appendix A shall be assessed for property owners transferring the permit from a Managing agency to themselves a compliance inspection and reinspection fee will be assessed at the time of transfer. If a property is transferred from one Managing Agency to another a new permit and inspection will be required.**

**(g) Discontinuation of use as a short-term rental property. Should the dwelling unit owner intend to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the Village and the permit will be closed. Should the property owner decide to resume the use of the property as a short-term rental, a new permit must be obtained from the Village.**

~~(g)~~ **(h)** Fees. Fees are set forth in appendix A to this Code. ~~The initial application fee sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.~~

~~(h)~~ **(i)** Review of application and issuance of permit.

- (1) The village shall complete review of the initial permit application within fifteen business days. Renewals notifications of all permits shall occur 90 days prior to renewal. Such permits that are active at the time of this ordinance adoption shall not need to be prorated if extending their expiration to coincide with the new renewal date.
- (2) Once the application review is complete, the village shall notify the applicant of the decision of whether or not to issue the permit based on compliance with this section. If approval is granted, the village will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within 30 days after the ~~applicable first day of August~~ **permit's expiration date** shall subject the owner to payment of a late permit renewal penalty fee.
- (3) An application for permit or renewal application shall be denied if:
  - a. All applicable fees and taxes have not been paid, including lodgers' taxes as provided under chapter 78, article II of the Village of Ruidoso Code of Ordinances; or
  - b. Outstanding property nuisance or building code violations exist on the property; or
  - c. The applicant has not met the fuels management certification requirements of section 42-80, or as amended, of the Village of Ruidoso Code of Ordinances; or
  - d. The owner of the property is not compliant with subsection (h)(6)(5) herein and has exceeded the number of adjudicated citations afforded under that subsection.
- (4) The Village of Ruidoso recommends all property owners to purchase short-term rental insurance.
- (5) Failure to comply with any provision of chapter 78 of the Village of Ruidoso Code of Ordinances may result in a ~~revocation~~ **suspension** of the permit for a ~~12-month time period~~ at the discretion of the ~~planning director~~ **Community Development Director until the delinquent taxes are paid in full. There shall be no short-term rentals allowed during the time of suspension.**
- (6) ~~If the dwelling unit owner plans to discontinue short term residential rental of the property, a statement to that effect shall be filed with the village and the permit will be revoked.~~

**(7) — Permit Revocation Process:**

- ~~a. In the event that two or more citations for violations of village ordinances at a specific short term dwelling unit result in convictions in the Village of Ruidoso Municipal Court within a 12-month time period, or in the event that three or more citations for violations of village ordinances issued at a specific short term dwelling unit result in convictions in the Village of Ruidoso Municipal Court within a 36-month time period, the planning director shall revoke the permit of a period of 12 months. After that time, the property owner may reapply for a new short-term rental license after paying all applicable fees. A warning letter shall be sent to the property owner after the first conviction. Violations shall also be subject to section 1-6 of the Code for each conviction.~~
- ~~b. Notwithstanding the provisions of section 541-106(h)(6)a. above, citations issued within a 24-hour period at the same short term dwelling unit that result in more than one conviction in the Village of Ruidoso Municipal Court shall be counted as only one conviction.~~

**(+) (i)** Tenant notification requirements. Each short-term residential rental unit shall have a clearly visible and legible notice posted by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:

- (1) A copy of the short-term residential rental permit.
- (2) The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which that party can be reached on a 24-hour, seven days a week basis.
- (3) The maximum number of occupants three years of age and older permitted to stay in the unit.

- (4) The maximum number of vehicles allowed to be parked on the property.
  - (5) The number of on-site parking spaces and the parking rules for seasonal snow removal (if applicable).
  - (6) The specific procedures regarding the disposal of trash and refuse.
  - (7) A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of the Village of Ruidoso Municipal Code.
  - (8) Notice that noise provisions contained in the Village of Ruidoso Municipal Code section 38-31 will be enforced.
  - (9) Notification that the Village of Ruidoso Municipal Code prohibits ground fires, camp fires, fire rings and fire pits ~~other than by permit.~~ **at any short-term rental property within the Village limits.**
  - (10) The 911 address for the property.
  - (11) Notice that animal leash laws contained in section 14-8 (prohibited acts; animal nuisances; vicious or dangerous animals) will be enforced.
  - (12) Notification that the Village of Ruidoso Municipal Code section 42-40 makes it "unlawful for any person to discard a lit cigarette, cigar, match or other type of incendiary material."
  - (13) Link to online information regarding short-term rentals and how to make a complaint regarding another property in the vicinity causing a nuisance.**
  - (14) Information on how to register to receive local emergency alerts.**
  - (15) Any additional health and safety information provided by the Village of Ruidoso to protect lives and property.**
- ⊕ **(k)** Exterior advertising or signage. Exterior signage on short-term rental units which indicate availability, phone numbers or other type of information is prohibited. For the purposes of this section, signage shall only be permitted if it includes the name of the dwelling unit or owner's name and does not include advertisement of the property.
- (l)** **Permit Suspension and Revocation Process**
- (1) The Community Development Director shall suspend the permit for any property having three (3) unresolved issues within a 12-month period.**
- (2) Unresolved issues include the following:**
- (a) Occupancy beyond number allowed by permit reported to the Village or third-party monitoring agency;**
  - (b) Vehicles parked on property beyond number allowed by permit reported to Village or third-party monitoring agency;**
  - (c) Noise violation reported to Village or third-party monitoring agency;**
  - (d) Failure of local contact to respond to an alleged occupancy, parking, noise, or outdoor burning violation within 30 minutes when contacted via telephone, email, or text message by the Village or third-party monitoring agency.**
- (3) Occupancy, parking, and noise issues shall be considered unresolved if not rectified within 90 minutes from the time the Village has contacted the emergency contact for the property.**
- (4) The failure of the local contact to respond within 30 minutes is an automatic unresolved issue.**

**(5) Illegal use of a fire-pit or outdoor burning reported to Village or third-party monitoring agency and confirmed by the Village will result in an automatic suspension of the permit and initiation of permit revocation;**

**(6) A written notice of each unresolved issue and permit suspension shall be provided to the property owner and management company (if applicable) within 3 business days of the determination of an unresolved issue or suspension.**

**(7) A property may not be rented as a short-term rental during a period of suspension.**

**(8) The Community Development Director shall place on the next available regular Village Council meeting a request for revocation of the permit.**

**(9) The property owner and any other party may provide written testimony to the Village Council for consideration no less than 7 days prior to the meeting date when the request for revocation is to be heard. Oral testimony may be provided by the property owner or any other party at the Village Council meeting.**

**(10) The Village Council shall hear and consider all testimony and make a determination by a majority of the membership present on the appeal to:**

**a) Revoke the permit;**

**b) Reverse the determination of one or more of the unresolved issues leading to a reinstatement of the permit;**

**c) Table the appeal request to the next regular meeting.**

**(11) Any permit that is revoked by the Village Council shall be prohibited from renting as a short-term rental for 365 days from the date when the permit was suspended by the Community Development Director.**

**(12) Should the Village Council not render a decision on the request for revocation within 90 days of the suspension, the permit shall be reinstated by the Community Development Director and the number of unresolved issues be reset to zero.**

~~(13)~~ **(13) Penalties for violation of requirements of this section. In addition to any other penalties or fines authorized by the Village of Ruidoso Municipal Code, the owner of a short-term residential rental unit shall be required to pay a penalty as set forth in appendix A to this Code in order to obtain, retain or renew a short-term residential rental permit.**

~~(1)~~ **a) Each day that an owner rents a unit for a short term without first obtaining a short-term residential rental permit is considered a separate violation of the Village of Ruidoso Municipal Code as provided for in section 1-6.**

~~(2)~~ **b) The village code enforcement officer or other designated village employee or representative shall take action to correct the violation as provided for in this Code or state statute.**

~~(3)~~ **c) The first suspected or observed violation of this section by the village may result in an initial warning notice requesting registration of the unregistered short-term residential rental unit in accordance with the provisions of this code without subject to penalty. Should the property owner fail to comply after receiving such initial notice from the village, penalties may be assessed as provide elsewhere in this Code in section 1-6, including the assessment of a registration fee twice the listed amount.**

(Ord. No. 2009-06, 3-10-09; Ord. No. 2017-06 , § 1, 5-9-17; Ord. No. 2019-01 , 1-8-19; Ord. No. 2019-03 , 3-12-19)



**APPENDIX A—FEES, FINES, AND PENALTIES**

Short-term residential rental permit:			
a. <del>Application</del> <b>Permit</b> fee per year	<del>\$50</del> <b>\$565</b>		For a 1-year permit
b. <del>Compliance inspection certification for property owners not doing business with property managers</del>	\$40		Biennial (every 2 years)
<b>b.</b> <del>There shall be a</del> Reinspection fee for properties that do not pass the compliance if inspector has to return	<del>\$40</del> <b>\$50</b>		
e. Business Registration Fee	\$35		Annually
<del>Mailing notification to property owners in 2002</del> <del>Managing agents may opt-out paying this fee</del>	\$25		
Fee for registering an unregistered rental after continued noncompliance with warning notification	<del>Twice listed amount in addition to fines and penalties</del> <b>\$1200</b>		
f. Transfer Fee: <del>Change in Property Manager or change in Property Owner</del> <b>Change from Property Manager to Property Owner</b>	<del>\$10</del> <b>\$100</b>		

**This Ordinance shall be recorded upon adoption and become effective thirty days thereafter, at which time Ordinance Sec. 54-92 shall be repealed.**

**PASSED, APPROVED, AND ADOPTED on this 11th day of February 2025.**

\_\_\_\_\_  
Lynn D. Crawford, Mayor

(SEAL)

ATTEST:



# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 5.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Steven Minner, Chief of Police  
William Hanson, DWI Coordinator

**Meeting Date:** January 14, 2025

**Re:** Approval of Ratification of Amendment to Memorandum of Understanding (MOU) between the Village of Ruidoso as the Fiscal Agent for the Lincoln County/Ruidoso DWI Program and the Village of Ruidoso as the Administrative Authority for the Ruidoso Police Department for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.

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### **Item Summary:**

Approval of Ratification of Amendment to Memorandum of Understanding (MOU) between the Village of Ruidoso as the Fiscal Agent for the Lincoln County/Ruidoso DWI Program and the Village of Ruidoso as the Administrative Authority for the Ruidoso Police Department for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.

### **Financial Impact:**

The Amendment to MOU for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.

Fund 223-DWI Special Grant Fund.

### **Item Discussion:**

Amendment to MOU between the Village of Ruidoso as the Fiscal Agent for the Lincoln County/Ruidoso DWI Program and the Village of Ruidoso as the Administrative Authority for the Ruidoso Police Department for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.

### **Recommendations:**

To Approve Ratification of Amendment to Memorandum of Understanding (MOU) between the Village of Ruidoso as the Fiscal Agent for the Lincoln County/Ruidoso DWI Program and the Village of Ruidoso as the Administrative Authority for the Ruidoso Police Department for DWI Enforcement and Reimbursement of Overtime Costs in Amount Not to Exceed Six Thousand Dollars (\$6,000.00) for the Period of Time between July 1, 2024 and May 31, 2025.

**ATTACHMENTS:**

Description

Letter of Agreement

Letter of Agreement

From: William Hanson  
Lincoln County DWI Coordinator

December 9, 2024

To: Village of Ruidoso


To whom it may concern

The purpose of this letter is to amend the Memorandum of Understanding dated May 15, 2024 between the Village of Ruidoso as fiscal agent for the Lincoln/Ruidoso DWI Program and the Village of Ruidoso as administrative authority for the Ruidoso Police Department for DWI enforcement.

Section 4 of the MOU will be amended to read, This overtime cost reimbursement will be paid in an amount not to exceed six thousand dollars (\$6,000.00) for the period of time between July 1, 2024 and May 31, 2025.

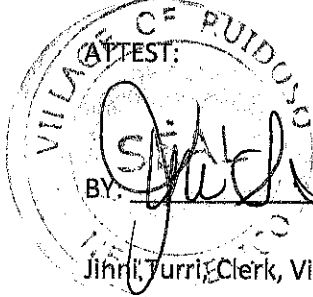
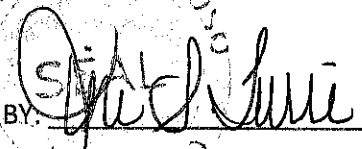
All other stipulations and requirements of the original MOU shall remain in force.

IN WITNESS WHEREOF, the parties have executed this MOU as of the latest date shown by the signature of the parties below.

BY:  \_\_\_\_\_

Date: 11/18/24

Lynn D. Crawford, Mayor, Village of Ruidoso

ATTEST:  
  
BY:  \_\_\_\_\_  
Jihri Turri, Clerk, Village of Ruidoso

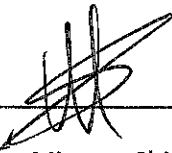
Date: 11/18/24

BY: 

William Hanson

Lincoln County DWI Coordinator

Date: 12/20/24

BY: 

Steven Minner, Chief of Police

Ruidoso Police Department

Date: 12/20/24

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 6.

**To:** Mayor Crawford and Councilors

**Presenter(s):** William Hanson, DWI Coordinator

**Meeting Date:** January 14, 2025

**Re:** Approval of Adoption of Resolution 2025-02 a Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program.

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### **Item Summary:**

Approval of Adoption of Resolution 2025-02 a Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program.

### **Financial Impact:**

On Approval of the Award the Grant will be Budgeted in the FY2026 in the DWI Special Revenue Fund 223-437 in the Amount of \$215,398.00.

### **Item Discussion:**

Adoption of Resolution 2025-02 a Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program.

### **Recommendations:**

To Approve Adoption of Resolution 2025-02 a Resolution Authorizing the Village of Ruidoso to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Local DWI Grant and Distribution Program.

### **ATTACHMENTS:**

Description

Resolution 2025-02

HHA Coversheet FY2026

HHA MOU FY 2026

HHA Stmt of Assurances FY 2026

\_\_\_\_\_ RESOLUTION

Resolution No. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE VILLAGE OF \_\_\_\_\_ TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION TO PARTICIPATE IN THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM.**

**WHEREAS**, the Legislature enacted Section 11-6A-1 through 11-6A-6 NMSA 1978 as amended to address the serious problems of Driving While Intoxicated (DWI) in the State; and

**WHEREAS**, a program is established to make grant and distribution funding available to counties and municipalities for new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism, alcohol abuse and alcohol related domestic abuse; and

**WHEREAS**, the County DWI planning council and other governmental entities approval must be received in order to apply for grant and distribution funding; and

**WHEREAS**, the County wishes to authorize the Village to apply for and administer the grant on the County's behalf; and

**WHEREAS**, the Village on behalf of the County along with participating agencies is making an application to the Department of Finance and Administration, Local Government Division for program funding.

**NOW THEREFORE, BE IT RESOLVED** by the governing body of the Village of \_\_\_\_\_ on behalf of the County of \_\_\_\_\_ and all participating entities is authorized to submit an application for Distribution and/or Grant Fiscal Year 2026 program funding under the regulations established by the Local Government Division.

**APPROVED AND ADOPTED** by the governing body at its meeting of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor, Village \_\_\_\_\_

Attest:

\_\_\_\_\_  
DWI Planning Council Representative

\_\_\_\_\_  
Village Clerk (SEAL)



**Application Cover Sheet**  
**FY26 Local DWI Program Distribution and Grant Funding**  
**Local Government Division - DFA**

**County/Municipality:** Village of Ruidoso

**DWI Program Coordinator**

**Name:** William Hanson  
**Address:** PO Box 603  
**City, Zip:** Capitan, NM 88316  
**Telephone:** 575-937-1117  
**Email:** ekhwdh@outlook.com

**Fiscal Agent (must match current W-9)**

**Contact Person:** Judi Starkovich  
**Mailing Address:** 313 Cree Meadows Dr.  
**City, Zip:** Ruidoso, NM 88345  
**Telephone:** 575-258-4343  
**Email:** JudiStarkovich@ruidoso-nm.gov

**Indicate amounts budgeted for each component.**

	<u>Distribution</u>	<u>Grant</u>	<u>Component Total:</u>
Community Wellness & Outreach	<u>108998</u>	<u></u>	<u>108998</u>
Treatment	<u>12000</u>	<u></u>	<u>12000</u>
Alternative Sentencing	<u>38000</u>	<u></u>	<u>38000</u>
Program Administration	<u>56400</u>	<u></u>	<u>56400</u>
<b>Total:</b>	<u>215398</u>	<u>0</u>	<u>215398</u>

**Certification:**

The attached resolution adopted by the governing body of Village of Ruidoso on \_\_\_\_\_  
(applicant) (date)

authorizes the applicant to file this application for the assistance from the State of New Mexico.  
 To the best of my knowledge, the information presented in this application is true and correct.

Lynn D. Crawford  
 Printed Name

Mayor, Village Of Ruidoso  
 Title

\_\_\_\_\_  
 Authorized Signature

## MEMORANDUM OF UNDERSTANDING

The Village of \_\_\_\_\_ DWI Program (hereinafter referred to as the “Program”) and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program (hereinafter referred to as “Division”) hereby exchange the following assurances and enter into the following Memorandum of Understanding (MOU):

The Division assures:

1. That Division is in full compliance with the provisions concerning security for records and research activities in accordance with Federal Confidentiality regulations, 42 CFR Part 2.16 and 2.52.
2. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained, or according to the terms of this MOU.
3. That in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Division acknowledges it is bound by the provisions of the Federal confidentiality regulations, 42 CFR Part 2.
4. That the Division shall undertake to resist any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal confidentiality regulations, 42 CFR Part 2.
5. That the Division is not a “covered entity” as defined by the Department of Health and Human Services Regulations entitled “Standards for Privacy of Individually Identifiable Health Information”, 45 CFR Parts 160 and 164, implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA); (the HIPAA Regulations).
6. That the Division shall never possess treatment or maintain any “individually identifiable health information” or transmit “protected health information” as defined by the HIPAA Regulations and in the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

The Program agrees to:

1. Upon request, provide the Division or other parties authorized with client records for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome

monitoring research activities, and evaluation of LDWI Program interventions.

2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and the Department of Health and Human Services Regulation entitled “Standards for Privacy of Individually Identifiable Health Information”, 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
3. Report or transmit data to the Division that deletes and contains no “individually identifiable health information” or “protected health information” as defined by the HIPAA Regulations and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

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Village Council Chairperson (or Designee)  
(Please Print)

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Signature

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Date

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Cecilia Mavrommatis, Director  
Local Government Division

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Date

## STATEMENT OF ASSURANCES

### Local DWI Grant and Distribution Program

Fiscal Year 2026: July 1, 2025 – June 30, 2026

The applicant hereby assures and certifies compliance with the following statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program:

1. Compliance with the provisions of the New Mexico Local DWI Grant Program Act, Sections 11-6A-1 through 11-6A-6 NMSA 1978 as amended, the NMAC Title 2, Chapter 110 Part 4 Regulations, and the approved LDWI Guidelines.
2. The applicant has the responsibility and legal authority to receive and expend funds as described in the grant and distribution project description, as well as to finance the grantee share (minimum 10%) of costs of the project, including all project overruns.
3. Compliance with the State Procurement Code, Sections 13-1-21 through 13-1-199, NMSA 1978 as amended, with the exception of Home Ruled Governments. All project-related services, activities or programs done through a service provider must be implemented through a professional services contract. Any project-related contract, subcontract, or agreement and related amendments, providing services to the grant or distribution program, must be submitted for administrative review by the Local Government Division prior to execution.
4. Adherence to all financial, accounting, and reporting requirements of the Department of Finance and Administration. Distribution programs will include the Exhibit F, the Local DWI Distribution Fund Financial Status Report. Grant programs will include the Local DWI Program Request for Payment/Financial Status Report, Exhibit D. The said reports shall include a narrative of successes and challenges, a detailed budget breakdown of expenditures to date, a summary of any screening fees collected and/or expended, the Quarterly Client Data Report, the Managerial Data Set (MDS) Report, Planning Council meeting agendas and minutes, and such other information following the objectives of the county's evaluation as may be of assistance to the Division in its evaluation.
5. Compliance with the requirement to not budget, nor expend, any of the grant amount awarded or the amount distributed for **indirect administrative costs** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall document all direct program administrative expenditures and in-kind/match administrative expenditures.
6. Compliance with the requirement to not budget, nor expend, greater than **ten percent** of the grant amount awarded or the amount distributed for **capital purchases** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall

specify all capital purchases. The **ten percent cap for capital purchases does not apply to the Detoxification Grants.**

7. Compliance with all required reports, including but not limited to: the first quarter narrative and fiscal reports due on the last working day of October; the second quarter narrative and fiscal reports due on the last working day of January; and the third quarter narrative and fiscal reports due on the last working day of April; the fourth and the final quarter Grant Fiscal report due by the 10<sup>th</sup> of July and the fourth and final narrative and distribution fiscal reports for the fiscal year due the last working day of July. Annual protocols for the screening, treatment, and compliance monitoring components are due the last working day of July for the current fiscal year. The annual reports which include program evaluation are due the last working day of August for the prior fiscal year.
8. Compliance with the current Local DWI Grant Program Screening Guidelines. To avoid any conflict of interest, or appearance of conflict of interest, screeners should not be affiliated with any contracted treatment agency. Clients will be given options (a list of available providers) for alcohol related treatment and will not be *mandated* to a particular treatment agency.
9. If applicable to the applicant, compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Department of Health and Human Services regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
10. Any distribution program under run amount for the fiscal year must be returned to the Local DWI Grant Fund by September 30 of the following fiscal year. Failure to remit an under run to the Local DWI Grant Fund will cause suspension of grant reimbursements and/or future distributions until the remittance is made.
11. Grant program under runs revert to the Local DWI Grant Fund.
12. Compliance with all applicable conditions and requirements prescribed by the Division in relation to receipt/accountability of State Funds.
13. The grant applicant will follow the scope of work for the grant program, as negotiated with the Local Government Division, and in accordance with the local planning council's approved plan. The applicant will submit any proposed modifications/amendments to the scope of work to the Division for its approval, prior to execution.
14. The distribution program applicant will follow the local planning council's application as approved by DWI Grant Council in the application review process. The applicant will submit any proposed modifications/amendments to this proposal to the Division for its written approval, prior to execution of changes to programs.

- 15. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the grant or the distribution program, or its designee or agents, no voting member of the local planning council or of the governing body of the locality in which the program is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the program. The grant and/or the distribution program shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.
  
- 16. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant or distribution agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe. All Program records must adhere to the New Mexico State Records Center and Archives Rule for Functional Retention and Disposition Schedule, 1.21.2 NMAC.
  
- 17. The applicant will provide access to authorized State officials and representatives of all books, accounts, records, reports, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.
  
- 18. The applicant will provide DFA's auditor and evaluator timely access to all program records and information. Additionally, the applicant will assure that records of subcontractors working for the applicant are retained and made available to DFA's auditor and evaluator.

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Village Council Chair (or Designee) (Please Print)

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Signature

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Date

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 7.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Lee Baker, Airport Manager

**Meeting Date:** January 14, 2025

**Re:** Approval of T-Hangar Agreement between The Village of Ruidoso, Sierra Blanca Regional Airport and Casey Pritchard, for T-Hangar Bravo 10 beginning January 15th, 2025.

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### **Item Summary:**

Approval of T-Hangar Agreement between The Village of Ruidoso, Sierra Blanca Regional Airport and Casey Pritchard, for T-Hangar Bravo 10 beginning January 15th, 2025.

### **Financial Impact:**

This Lease will bring in Revenue to Sierra Blanca Regional Airport and The Village of Ruidoso. Airport Enterprise Fund 503

### **Item Discussion:**

T-Hangar Agreement between The Village of Ruidoso, Sierra Blanca Regional Airport and Casey Pritchard, for T-Hangar Bravo 10 beginning January 15th, 2025.

### **Recommendations:**

To Approve T-Hangar Agreement between The Village of Ruidoso, Sierra Blanca Regional Airport and Casey Pritchard, for Bravo 10 T-Hangar beginning January 15, 2025.

### **ATTACHMENTS:**

Description

PRITCHARD LEASE AGREEMENT

**Amended**  
**T-HANGAR LEASE AGREEMENT**  
**Month-to-Month**

**PARTIES**

This LEASE AGREEMENT is entered into this 20th day of  
JANUARY 2025, 2024 by and between the Village of Ruidoso  
(hereinafter referred to as "Lessor" and CASEY PRITCHARD  
(hereinafter referred to as the "Lessee."))

**LEASE FACILITY**

The Lessor hereby agrees to lease to Lessee, and Lessee hereby agrees to lease from Lessor, as herein provided, a T-Hangar located at Sierra Blanca Regional Airport, County of Lincoln, New Mexico, known as T-Hangar B-10 hereinafter referred to as the facility, for the aircraft(s) registered as:

N# 3161W

**TERM**

The term of this lease shall be a month-to-month lease commencing on the first day of each month. Termination notice by the Lessee shall be to the Lessor, no less than 30 days prior to the date of termination.

**LEASE PAYMENTS**

Lessee hereby agrees to pay to Lessor a monthly lease payment for the facility in the amount of \$ 276, in advance, postmarked on or before the twenty fifth (25<sup>th</sup>) day of each month during the lease period.

The monthly lease payment for any portion of a month on which the lease period commences shall be pro-rated on a daily basis. There shall be no pro-ration for any month in which the lease terminates.

The Lessor may adjust the lease payment at any time. Such increase or decrease in the lease payment shall become effective on the first day of the month following thirty (30) days of the postmarked notice of such an adjustment unless otherwise specified.

**UTILITIES**

**Lessee (  accepts  does not accept) electric service provided by the Lessor. If electric service is accepted, the Lessor shall pay a system charge of \$25 per month which includes taxes. If the kilowatt usage of the unit exceeds \$25.00 in a month, the Lessor agrees to pay the excess at the actual rate by Otero County Electric Cooperative as bill to Village of Ruidoso.**

**CONDITION OF PREMISE**

Lessee has inspected the facility and all improvements located thereon and Lessee accepts the facility in its present conditions. Lessee agrees that at the expiration of the term hereof, Lessee



agrees to yield up and deliver the facility to Lessor in as good repair and condition as when entered upon, loss resulting from ordinary use and wear accepted.

#### **MAINTENANCE**

Lessor accepts responsibility, at Lessor's own expense, for the maintenance and upkeep of the facility, and improvements located thereon. The Lessee will keep facility in a clean and orderly condition. Lessor shall be the sole judge of the quality of maintenance; and, upon written notice by the Lessee to the Lessor, Lessor shall be required to perform whatever maintenance is deemed necessary. Lessor shall only store aircraft and materials necessary for the operation and maintenance of aircraft in the facility. Storage of personal property not related to aircraft or the operation and maintenance of aircraft is prohibited.

#### **INSPECTION OF FACILITY**

Upon giving reasonable notice in writing to Lessee, Lessor or the FAA, or agent of either, under the supervision of the Airport Director, may enter the facility and have free access for the purpose of inspecting the condition thereof or exercising any right or power reserved to the LESSOR or the FAA under the terms and provisions herein. Keys to all T-Hangers will be provided by the Lessee and kept in a secured location in the terminal, accessible only to the airport personnel.

#### **ASSIGNMENT AND SUBLET**

LESSEE shall not assign this lease nor sublet the facility or any portion thereof without written consent of the LESSOR. In the event of such written consent, the LESSEE shall not thereby be relieved of or from its obligation under this agreement.

#### **AIRPORT RULES, REGULATIONS, COMPLIANCE**

Lessee is subject to all rules, regulations now or hereafter to be imposed by Lessor relating to management, operation, and use of Sierra Blanca Regional Airport. Lessee shall at all times comply with airport rules and regulations; federal, state and municipal ordinances, codes or laws; and other regulatory measures now enacted or as are hereafter modified or amended. Lessee understands that this lease is for Aviation use only and any other use of this t-hangar will result in loss of lease. Lessor empowers it's authorized agent to apply and enforce compliance of Lessee with the above rules, regulations, state and federal laws and municipal codes, and other regulatory measures. Failure of Lessee to comply with same may be deemed a breach of this agreement by Lessor.

#### **TAXES, LICENSES, UTILITIES**

During the term of this Agreement or any extension hereof, Lessee shall pay all taxes, licenses, charges, fees, or assessments levied or to be levied upon the personal property, fixtures, or equipment of Lessee placed in or about the facility accrued or accruing, of whatsoever kind or nature, incident to or arising out of the use of the leased premises. Lessee shall procure and maintain all licenses, certificates, permits, and other similar authorizations required for the use of the leased premises. Lessee shall be liable for any and all utilities procured by the Lessee.

#### **ALTERATIONS, ADDITIONS, IMPROVEMENTS**

Lessee shall not make, suffer or permit to be made any alterations, additions or improvements whatsoever in or about the facility without first obtaining the written consent of Lessor.

If Lessor gives such consent, all repairs, alterations, additions, or improvements shall be done solely at Lessee's expense and in accordance and compliance with all applicable municipal, state, federal ordinances, laws, rules, and regulations and Lessee may be required to return the t-hangar back to its original configuration.

Lessee shall not allow liens of any kind or whatsoever to be created against or imposed upon the

facility or any part thereof. Lessee shall indemnify and hold Lessor harmless from any and all liability and claims for damages of every kind and nature which might be made or judgments rendered against Lessor or against the facility on account of or arising out of such alterations, additions, or improvements. Lessee shall, if required by Lessor, provide a bond to cover all work, including materials and labor, arising out of such alterations, additions, or improvements.

Any and all alterations, additions, and improvements, except unattached shelving and moveable furniture, made in accordance with the provisions contained herein, whether or not attached to the walls, floors, or facility, shall immediately merge and become a permanent part of the facility; and any and all interest of Lessee therein shall immediately be vested to Lessor; and all such alterations, alterations, and improvements shall remain on the facility and shall not be removed by Lessee at the termination of this agreement. Any unattached shelving and moveable furniture must be removed by Lessee at Lessee's sole expense on or before the termination of this agreement, or becomes the property of the Lessor.

#### **INDEMNIFICATION and INSURANCE**

Lessor shall not be liable for damage to persons or property arising from any cause whatsoever which shall occur in any manner in or about the facility, and Lessee shall indemnify and hold harmless Lessor from any and all claims and liability for damage to persons or property arising from any cause whatsoever which shall occur in any manner in or about the facility, including but not limited to, damage caused by leakage or bursting of heating pipes, drains, tanks, water from any source whatsoever. Lessee hereby indemnifies and holds harmless Lessor from any negligence on the part of the Lessee, its agents, representatives, or employees and shall give to Lessor prompt written notice of any claim, damage, loss, or action in respect thereto. Lessee shall maintain insurance requirements as set forth in the Minimum Standards for Fixed Based Operators and Airport Tenants at Sierra Blanca Regional Airport.

#### **CALAMITY AND CONDEMNATION**

If, at any time during the term of this agreement, the said facility shall be totally or partially destroyed by fire, earthquake, flood or other calamity, the facility or any portion thereof shall be condemned for public or quasi-public purposes, or shall be taken by any governmental authority in any manner whatsoever during the term thereof, the parties hereto agree as follows:

In the event the facility shall be totally destroyed, condemned or taken, or destroyed, condemned or taken to such an extent that it is wholly impractical for Lessee to use the facility; this agreement shall terminate as of the effective date of such condemnation or taking.

In the event a portion of the facility shall be condemned or taken, but such condemnation or taking does not render the use of the facility wholly impracticable, Lessee's obligation under this agreement shall continue in full force and effect; but the amount of the lease payment shall be reduced proportionately. In such event, Lessee shall bear any necessary costs of relocating its equipment and placing the remaining facility in proper and usable condition.

In any event, as aforesaid in this section, Lessee shall have no right or cause of action against Lessor. Lessee reserves the right to proceed independently of Lessor with any claims for compensation for damages to which Lessee may become entitled by reason of such total or partial condemnation or taking.

#### **DEFAULT**

If Lessee fails to make payment in the time and manner provided herein or if Lessee defaults in any of the covenants or promises to be performed by Lessee, then at its option, Lessor may use any remedy or remedies provided by law or equity including, but not limited to, the following:

Lessor may declare this agreement terminated and enter upon the facility, either with or without process of law, and repossess the facility.

Lessor may re-enter the facility and may rent same in behalf of Lessee upon such terms as are suitable to Lessor, all without releasing Lessee from any liability hereunder. In such event, any monies collected by such leasing shall be applied first to the expense of restoring and placing the facility in a rentable condition and next to the payment of the rent or any sum due the Lessor hereunder; and the Lessee shall remain liable for any deficiency.

Without waiving any lien given to Lessor by statute, Lessee hereby grants the Lessor a good, valid, and first lien upon any and all of the equipment, chattels, and other property now or hereafter belonging to said Lessee and located on the facility as security for payment of the rent and the fulfillment of the performance of the promises of the Lessee herein.

Lessee shall pay Lessor all reasonable attorney's fees, court costs, and expenses that may arise from enforcing any of the terms of this agreement.

#### **BANKRUPTCY**

If Lessee should be adjudged bankrupt, either voluntarily or involuntarily, Lessor shall have the option to forthwith terminate this agreement and re-enter the facility and take possession thereof; and in no event shall this agreement or the facility be deemed to be an asset of the Lessee after adjudication or a judgment in bankruptcy, the appointment of a receiver, or an assignment for the benefits of creditors.

#### **USE OF FACILITY**

Lessee shall use the facility for storage of aircraft and limited equipment as described below. Lessee shall not use the facility for any purpose prohibited by law.

Lessee shall prevent upon the facility anything which in the opinion of the Lessor, may be or become a nuisance or otherwise objectionable condition, including but not limited to noise, vibration, shock, smoke, combustion, dust, odor, obstruction to aerial approaches, or obstruction or hazard to ground traffic. Lessor shall be the sole judge in this matter and Lessee agrees to abide by Lessor's decision and to act in accordance with Lessor's directions.

No hoisting mechanisms may be attached to the structure of the facility without the written permission of the Airport Director. This will include chain fall, block and tackle, or any other hoisting devices passed over struts or braces of the facility's structure.

Lessee shall not use hoisting mechanisms which require the use of struts or braces of the facility structure for support nor shall Lessee store any item by hanging then from any facility structural member.

Storage and use of tools and equipment inside the leased facility is limited to hand tools and lightweight portable equipment, such as an air compressor, preheater, or battery charger.

Lessee shall not use the facility for equipment repairs or maintenance. Aircraft maintenance in the facility shall be limited to Preventative Maintenance as defined in Appendix A, 2c. of FAR Part 43, 1994 edition. The facility, particularly the floor, shall be protected during maintenance from spills and leakage.

Painting of, or paint removal from, aircraft or other items inside the facility or surrounding area is prohibited.

Lessee shall not operate nor permit the operation of any commercial activity of any nature, nor provide any commercial service or product sales whatsoever in or about the facility.

Lessee shall not use hoisting mechanisms which require the use of struts or braces of the facility structure for support nor shall Lessee store any item by hanging then from any facility structural member.

The Lessee shall provide a metal drip pan to be placed under any portion of the aircraft that may leak fuel or lubricants. The Lessee agrees to assume liability for the cost and repair of the floor caused by leakage of fuel, oil or lubricants.

Lessee shall keep the facility clean and free of trash refuse and debris at all times and shall be responsible for the removal of snow, sand and dirt in the door tracks at all times.

Lessee shall not remove or otherwise modify the facility door assemblies. Nor shall the Lessee use any self-propelled equipment such as, but not limited to, tractors, trucks or automobiles to open or close the leases facility doors.

Doors of the facility shall be closed by Lessee when the leased facility is unattended.

Lessee shall not install electrical outlets or modify existing electrical wiring in any manner without the written approval of the Lessor. In addition, the existing electrical service to the facility, if any, is intended for lighting purposes and equipment drawing no more than 20 amps, such as an air compressor, battery charger or preheater. Use of the existing electrical system for other purposes, without the written permission of the Lessor, is strictly prohibited. Any repairs to the electrical system and/or electrician's service call (for resetting of the master circuit breaker, for instance) attributed to the breach of this provision will be charged to the Lessee.

The facility shall not be used for housing or storage of any other vehicles than aircraft described herein.

**NOTICES**

All notices, requests, or other formal communications to the Lessor shall be given by certified mail, postage prepaid, to:

Sierra Blanca Regional Airport  
313 Cree Meadows Drive  
Ruidoso, New Mexico 88345

or hand delivered to:

Sierra Blanca Regional Airport  
1000 State Highway 220  
Alto, New Mexico 88312

All notices, requests, or other formal communications to the Lessee shall be given by certified mail, postage prepaid, as follows:

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For and behalf of the Lessee, \_\_\_\_\_

Date: \_\_\_\_\_

For and behalf of the Lessor, \_\_\_\_\_

Date: \_\_\_\_\_

Airport Manager  
Sierra Blanca Regional Airport

VILLAGE OF RUIDOSO

LYNN D. CRAWFORD  
MAYOR

X \_\_\_\_\_

JINI TURRI  
VILLAGE CLERK

X \_\_\_\_\_

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 8.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Ashlie Carabajal, Water Resource Manager

**Meeting Date:** January 14, 2025

**Re:** Approval of Task Order RFP#2021-007P-11-Amendment 4 River Well (H-1979-S3) Rehabilitation and H-1979-S13 Clean Out and Pumping Test with John Shomaker & Associates Inc. for an Extension of Time from September 2024 to June 2025.

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### **Item Summary:**

Approval of Task Order RFP#2021-007P-11-Amendment 4 River Well (H-1979-S3) Rehabilitation and H-1979-S13 Clean Out and Pumping Test with John Shomaker & Associates Inc. for an Extension of Time from September 2024 to June 2025.

### **Financial Impact:**

There will not be an additional financial impact from what was already approved in the original task order.

### **Item Discussion:**

This task order was originally dated to end June 2024 and is tied to the River Well (H-1979-S3) Rehabilitation and H-1979-S13 Clean Out and Pumping Test project. Due to the project being ongoing, we are requesting an extension of time in order to complete the project. This project is anticipated to be completed no later than June 2025.

### **Recommendations:**

To Approve Task Order RFP#2021-007P-11-Amendment 4 River Well (H-1979-S3) Rehabilitation and H-1979-S13 Clean Out and Pumping Test with John Shomaker & Associates Inc. for an Extension of Time from September 2024 to June 2025.

### **ATTACHMENTS:**

Description  
Task Order Amendment

**TASK ORDER  
FROM  
VILLAGE OF RUIDOSO  
TO  
JOHN SHOMAKER & ASSOCIATES, INC.  
FY 2025**

1. **Task Order Number:** RFP#2021-007P-11 – Amendment 4
2. **Title:** River Well (H-1979-S3) Rehabilitation and H-1979-S13 clean out and pumping test
3. **Location:** Village of Ruidoso
4. **Scope of Services Required:** Design, Bidding, and Construction phase hydrogeological services for the Cleanout and Upgrade to River Well (H-1979-S3), and cleanout and testing well H-1979-S13.
5. **Village Contact:** Ashlie Carabajal or Christella Armijo  
**JSAI Contact:** Roger Peery  
**Others:** Erie Boyda
6. **Amendment 1 New Village Contact:** Ashlie Carabajal or Christella Armijo
7. **Performance Time:** August 2022– April 2023
8. **Amendment 1 Additional Performance Time:** April 2023 – June 2024
9. **Amendment 2 Additional Performance Time:** June 2024 – September 2024
10. **Amendment 4 Additional Performance Time:** September 2024 – June 2024
11. **Estimated Cost:** \$74,795.19 with NM gross-receipts tax
12. **Amendment 3 Additional Cost:** \$15,055.44
13. **Attachments:** JSAI August 10, 2022, proposal “RE: Cleanout and Upgrade to River Well (H-1979-S3), and cleanout and testing well H-1979-S13”
14. **The parties hereto executed the original Task Order on: (date)** \_\_\_\_\_

**Village of Ruidoso**

**John Shomaker and Associates,  
Inc.**

\_\_\_\_\_  
Lynn D. Crawford, Mayor

\_\_\_\_\_  
Roger Peery, CEO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

(SEAL)

ATTEST:

\_\_\_\_\_  
Jini S. Turri, Village Clerk

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 9.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Ashlie Carabajal, Water Resource Manager

**Meeting Date:** January 14, 2025

**Re:** Approval of Task Order RFP #2022-006P-MCA-01-Amendment 4 Eagle Creek Wellfield Phase III with Molzen Corbin & Associates, Inc. for an Extension of Time from October 2024 to March 2025.

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### **Item Summary:**

Approval of Task Order RFP #2022-006P-MCA-01-Amendment 4 Eagle Creek Wellfield Phase III with Molzen Corbin & Associates, Inc. for an Extension of Time from October 2024 to March 2025.

### **Financial Impact:**

There will be no additional financial impact.

### **Item Discussion:**

This task order was dated to end October 2024 and is tied to the Eagle Creek Wellfield Phase III project. Due to the continuing project, we are requesting an extension of time in order to complete the project.

### **Recommendations:**

To Approval Task Order RFP #2022-006P-MCA-01-Amendment 4 Eagle Creek Wellfield Phase III with Molzen Corbin & Associates, Inc. for an Extension of Time from October 2024 to March 2025.

### **ATTACHMENTS:**

Description  
Task Order Amendment



**TASK ORDER  
FROM  
VILLAGE OF RUIDOSO  
TO  
MOLZEN CORBIN & ASSOCIATES, INC.  
FY 2025**

1. **Task Order Number:** RFP#2022-006P-MCA-01 – Amendment 4
2. **Title:** Eagle Creek Wellfield Phase III
3. **Location:** Village of Ruidoso
4. **Scope of Services Required:** Design, bidding, and construction phase engineering services for the Eagle Creek Wellfield Phase III as described in the attached proposal.
5. **Project Number:** SG22101
6. **Village Contact:** Eric Boyda  
**Molzen Corbin Contact:** Jerry Paz  
**Others:** \_\_\_\_\_
7. **Amendment 1 New Village Contact:** Ashlie Carabajal
8. **Performance Time:** February 2022– December 2022
9. **Amendment 1 Additional Performance Time:** December 2022 – December 2023
10. **Amendment 2 Additional Performance Time:** December 2023 – June 2024
11. **Amendment 3 Additional Performance Time:** June 2024 – October 2024
12. **Amendment 4 Additional Performance Time:** October 2024 – March 2025
13. **Estimated Cost:** \$245,977.00 including NM gross-receipts tax
14. **Attachments:** 1/31/2022 “RE: Professional Services for Eagle Creek Wellfield Phase III Village of Ruidoso, NM
15. **The parties hereto executed the original Task Order on: (date)** \_\_\_\_\_

**Village of Ruidoso**

**Molzen Corbin and Associates,  
Inc.**

\_\_\_\_\_  
Lynn D. Crawford, Mayor

\_\_\_\_\_  
Gerald B. Paz, P.E., COO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# AGENDA MEMORANDUM

## Village of Ruidoso

Consent Regular Item - 10.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Ashlie Carabajal, Water Resource Manager

**Meeting Date:** January 14, 2025

**Re:** Approval of Task Order RFP #2022-006P-MCA-08 – Amendment 1 Sanitary Sewer Collection System Infiltration and Inflow Study with Molzen Corbin & Associates, Inc. for an Extension of Time from December 2024 – December 2025 and Changing Name of Village Contact.

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### **Item Summary:**

Approval of Task Order RFP #2022-006P-MCA-08 – Amendment 1 Sanitary Sewer Collection System Infiltration and Inflow Study with Molzen Corbin & Associates, Inc. for an Extension of Time from December 2024 – December 2025 and Changing Name of Village Contact.

### **Financial Impact:**

There will be no additional financial impact.

### **Item Discussion:**

This task order was dated to end December 2024 and is tied to the Sanitary Sewer Collection System Infiltration and Inflow Study. Due to the continuing project, we are requesting an extension of time in order to complete the project. The current Village Contact is Christella Armijo. This will be changed to Ashlie Carabajal.

### **Recommendations:**

To Approve Task Order RFP #2022-006P-MCA-08 – Amendment 1 Sanitary Sewer Collection System Infiltration and Inflow Study with Molzen Corbin & Associates, Inc. for an Extension of Time from December 2024 – December 2025 and Changing Name of Village Contact.

### **ATTACHMENTS:**

Description  
Task Order Amendment

**TASK ORDER  
FROM  
VILLAGE OF RUIDOSO  
TO  
MOLZEN CORBIN & ASSOCIATES, INC.  
FY 2025**

1. **Task Order Number:** RFP#2022-006P-MCA-08-Amendment 1
2. **Title:** Sanitary Sewer Collection System Infiltration and Inflow Study
3. **Project Number:** N/A
4. **Location:** RWWTP collection system
5. **Scope of Services Required:** Infiltration and Inflow Study expanded scope as described in the attached proposal.
6. **Village Contact:** Christella Armijo
- Amendment 1 Village Contact:** Ashlie Carabajal
- Molzen Corbin Contact:** Jerry Paz
7. **Performance Time:** September 2023 – December 2024
8. **Amendment 1 Performance Time:** December 2024 – December 2025
9. **Estimated Cost:** \$93,255.00 including NM gross-receipts tax
10. **Attachments:** Task Order RFP #2022-006P-MCA-06, Study Amendment
11. **The parties hereto executed the original Task Order on: (date)** \_\_\_\_\_

Village of Ruidoso

Molzen Corbin and Associates,  
Inc.

\_\_\_\_\_  
Lynn D. Crawford, Mayor

\_\_\_\_\_  
Gerald B. Paz, P.E., COO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

(SEAL)

ATTEST:

\_\_\_\_\_  
Jini S. Turi, Village Clerk

# AGENDA MEMORANDUM

## Village of Ruidoso

Mayoral Reports and Presentations - 1.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Lynn D. Crawford, Mayor

**Meeting Date:** January 14, 2025

**Re:** Presentation of New Employees and Promotions

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### **Item Summary:**

Presentation of New Employees and Promotions

### **Financial Impact:**

None

### **Item Discussion:**

#### New Employees:

Austin Meuli – FD – Asst. Fire Chief – DOH 12/30

Lukas Pickard – Water Production – Maintenance Tech – DOH 12/30

Dakota Slotman – Solid Waste – Heavy Equipment Operator – DOH 12/30

Bryan Lozano Portillo – Fire Department – FF – DOH 1/7

Sophia Henry – Library – Library Assistant – DOH 1/13

Gavin Maes – Parks & Recreation – Maintenance Tech – DOH 1/13

#### Transfers:

Emilio Salcido – Firefighter - Transfer from ACO 12/29

Kelly Airgood - Staff Accountant I - Transfer from Parks and Rec 1/13

### **Recommendations:**

None

# AGENDA MEMORANDUM

## Village of Ruidoso

Mayoral Reports and Presentations - 2.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Lynn D. Crawford, Mayor

**Meeting Date:** January 14, 2025

**Re:** Presentation of Employees and Department of the Quarter

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**Item Summary:**

Presentation of Employees and Department of the Quarter

**Employee of the Quarter 4 (October-December):**

**Public Safety:** Simon Haase - ACO

**Public Works/Infrastructure:** Richard Butler - RWWTP

**Community Services:** Amanda Castillo - Library

**Administrative:** Christy Coker - Purchasing

**Department of the Quarter 4 (October-December): Finance**

**Financial Impact:**

None

**Item Discussion:**

**Employee of the Quarter 4 (October-December):**

**Public Safety:** Simon Haase - ACO

**Public Works/Infrastructure:** Richard Butler - RWWTP

**Community Services:** Amanda Castillo - Library

**Administrative:** Christy Coker - Purchasing

**Department of the Quarter 4 (October-December): Finance**

**Recommendations:**

None

# AGENDA MEMORANDUM

## Village of Ruidoso

Mayoral Reports and Presentations - 3.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Eddie Ryan, Manager of Events and Strategic Partnerships

**Meeting Date:** January 14, 2025

**Re:** Introduction of Tim Duckworth, Ruidoso Midtown Association Executive Director

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**Item Summary:**

Introduction of Tim Duckworth, Ruidoso Midtown Association Executive Director

**Financial Impact:**

None

**Item Discussion:**

Introduction of Tim Duckworth, Ruidoso Midtown Association Executive Director

**Recommendations:**

None

# AGENDA MEMORANDUM

## Village of Ruidoso

Mayoral Reports and Presentations - 4.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Johnny Montoya, Windstream/Kinetic

**Meeting Date:** January 14, 2025

**Re:** Update on Village of Ruidoso Fiber Project - Johnny Montoya

---

**Item Summary:**

Update on Village of Ruidoso Fiber Project - Johnny Montoya

**Financial Impact:**

None

**Item Discussion:**

Update on Village of Ruidoso Fiber Project - Johnny Montoya

**Recommendations:**

None

**ATTACHMENTS:**

Description

Presentation



WINDSTREAM

**Village of Ruidoso  
Fiber Project Update  
March 12, 2024**





# Agenda

- **Progress to Date**
- **Common Issues**
- **Pricing**



# Progress to Date

Status	(All)	<input type="button" value="v"/>				
Approved Labor Source	(All)	<input type="button" value="v"/>				
<b>Row Labels</b>	<input type="button" value="Σ"/>	<b>Sum of Planned HHs</b>	<b>Sum of Engineered HHs</b>	<b>Sum of Aerial Footage Placed</b>	<b>Sum of Buried Footage Placed</b>	<b>Sum of Total Footage</b>
<input type="checkbox"/> City of Ruidoso, NM		8062	7493	76860	15379	689646
<input type="checkbox"/> Ruidoso (RUDSNMXC)		8062	7493	76860	15379	689646
<b>Grand Total</b>		<b>8062</b>	<b>7493</b>	<b>76860</b>	<b>15379</b>	<b>689646</b>

Southwest New Mexi Lincoln	Ruidoso (RUI EWR16303	PPP30597	73102212200000	ES (Electronic	-	-
Southwest New Mexi Lincoln	Ruidoso (RUI EWR16303	PPP30597	73102212300000	FB (Fiber Buil	-	-
Southwest New Mexi Lincoln	Ruidoso (RUI EWR16303	PPP30598	73102212400000	(SP) Splitter A	30	2,258
Southwest New Mexi Lincoln	Ruidoso (RUI EWR16303	PPP30600	73102212600000	(SP) Splitter A	289	1,646
Southwest New Mexi Lincoln	Ruidoso (RUI EWR16303	PPP30601	73102212700000	(SP) Splitter A	100	2,916
					419	Total HH's



# Common Issues

- **PNM Pole Attachments**
  - Biweekly Meetings
  - PNM Staffing
  
- **Locates (NM811)**
  - Mis-markings
  - Slowed / Stopped Progress



# Pricing – March 14th

	Current Pricing		March 14 <sup>th</sup> Launch	
	Advertised	Standard (Tier 1)	Advertised	Standard (Tier 1)
<b>DSL</b>	\$39.99 (3-Months Free)	\$64.99	\$50 3-Year Pricing Guarantee with 1-Year Free Gateway <b>1</b>	
<b>Fiber Entry</b>	\$39.99	\$64.99	\$39.99 <b>2</b>	\$64.99
<b>1 Gig</b>	\$39.99 3-Months Free \$69.99 M4-12	\$94.99	\$39.99 3-Months Free \$69.99 M4-24 <b>3</b>	\$94.99 <b>4</b>
<b>2 Gig</b>	Multi-Gig Trials		\$99.99	\$124.99
<b>Autopay</b>	\$10 Credit for 12-Months		\$5 Credit Each Month Enrolled <b>5</b>	
<b>D2D</b>				
<b>Outbound RIS</b>				
<b>Fiber Fast Start &amp; Fiber Forward</b>	\$200 Reward Card + Waive Activation		\$200 Reward Card + Waive Activation	
<b>.com Cart</b>				
<b>National Agents</b>	\$200 Reward Card		<b>6</b>	\$100 Reward Card
<b>Retail</b>				
<b>Inbound RIS</b>				
<b>Kinetic Secure</b>	3-Months Free then \$14.99		<b>7</b>	3-Months Free then \$14.99

**Exclusive new customer fiber offer:**

- \$39.99 300M for 12 mos
- Free Kinetic Secure for 3 mos
- Free Gig speed upgrade for 3 mos
- Free activation
- \$200 reward card

1. New nationwide DSL 3-year pricing guarantee offer with 1-year free gateway
2. Fiber entry speed changing from 500mb to 300mb
3. Gig and Multi-Gig promotional period increasing from 1-year to 2-years
4. **Gig 3-Months Free Speed Upgrade Offer Extended**
5. Autopay changing from \$10 credit for 1-year to \$5 credit for each month enrolled
6. Reward card decreasing from \$200 to \$100 in these channels
7. **Kinetic Secure 3-Months Free Extended**



# Questions

77

# AGENDA MEMORANDUM

## Village of Ruidoso

Mayoral Reports and Presentations - 5.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Lynn Crawford, Mayor

**Meeting Date:** January 14, 2025

**Re:** Introduction of Todd Barranger, Spirit Golf Management - Lessee of The Links Golf Course

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**Item Summary:**

Introduction of Todd Barranger, Spirit Golf Management - Lessee of The Links Golf Course

**Financial Impact:**

None

**Item Discussion:**

Introduction of Todd Barranger, Spirit Golf Management - Lessee of The Links Golf Course

**Recommendations:**

None

# AGENDA MEMORANDUM

## Village of Ruidoso

Village Manager Report - 1.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Ronald Sena, Village Manager

**Meeting Date:** January 14, 2025

**Re:** Village Manager's Report

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**Item Summary:**

Village Manager's Report

**Financial Impact:**

None

**Item Discussion:**

Village Manager's Report

**Recommendations:**

None

**ATTACHMENTS:**

Description

Manager's Report



## VILLAGE MANAGER'S REPORT

**TO:** Honorable Mayor Crawford and Village Council

**DATE:** January 14, 2025

**RE:** Village Manager's Report

### **ADMINISTRATION**

#### **Mayor Crawford Officially Begins his Second Term as Municipal League President January 1st**

Mayor Lynn Crawford officially began his second term of President of the New Mexico Municipal League on January 1, 2025, and will serve until December 31, 2025.

In his role as League President, Mayor Crawford will preside at League meetings and appoint League committees, provide guidance to League staff on legislative issues, and guide development of Annual Conference programming, among other duties. In addition to Mayor Crawford, the League's Executive Committee includes Mayor Gregg Hull of Rio Rancho as President Elect, Mayor Jack Torres of Bernalillo as Vice-President, Mayor Mike Morris of Clovis as Treasurer, and Mayor Mike Miller of Portales as Immediate Past President.

The Municipal League is comprised of all 106 New Mexico municipalities, and serves as a unified voice for municipal interests, through legislative advocacy, training and education, collaboration and networking, and other services and resources for municipal elected officials and staff.

**2025 State of the Village** – will be held on Zoom and in Person on Monday, January 27, 2024, at 5:30 pm.

**2025 Strategic Planning** – will be held on Tuesday, Wednesday, and Thursday, (January 28- January 30, 2025) in the Council Chambers at Village Hall. Each Department will present their Tactical Plan.

**Monday with the Mayor Radio Show** - Mayor Crawford continues the Radio Show on 1490 KRUI (The Mountain) on Monday mornings at 8:00 a.m. Mayor Crawford invites Elected Officials, the Village Manager and other Department Directors/Managers or Supervisors, and Special Guests to participate with him as he informs the community of activities, events, projects, and any other additional Village information. Mayor Crawford also reports on the outcome and decisions made in the Council meetings and has had citizens call in with questions or comments. This has been an excellent program promoting the teamwork and leadership of the Governing Body and staff.



**2025 New Mexico State Legislative Session** – The 2025 Legislative Session will open at noon on January 21, 2025, and end at Noon, on Saturday, March 22, 2025. The 2025 Legislative Session is a 60-day session. A reception will be hosted on Thursday, February 27, 2025, by the NMML at the La Fonda, in anticipation of the NM Municipal League Legislative Day on Friday, February 28, 2025, where A.J. Forte will present an overview of legislation that has been introduced, which will impact municipalities.

**New Mexico Municipal League 2025 Legislative Priorities** - The First Session of the Fifty-Seventh Legislature will begin at noon on January 21, 2025. As usual, League members and staff have spent the interim developing key legislative priorities through the League’s policy process, and meeting with legislators and other stakeholders to share municipalities’ interests. The Municipal League Board of Directors approved the League’s 2025 legislative priorities at its October 4 meeting, with a focus spanning emergency service, infrastructure, public records, water security, and protecting local authority.

These priorities are not exhaustive, and as always, the League’s legislative team assesses bills throughout the session to determine potential municipal impacts, and, in consultation with the League’s Executive Committee, determines positions of support or opposition, if necessary. League staff send out a weekly legislative bulletin during the session to update members on how priority bills are faring, identify new bills with potential municipal impacts, and request League member assistance to support or oppose bills.

Below is an overview of the top initiatives NMML will champion to empower our communities:

- **Amplify the Impact of Emergency Medical Services Funding.** Following a funding boost in 2024, NMML is advocating to allow EMS Fund revenues to be used for debt service. This would increase municipalities' ability to finance critical EMS investments, from lifesaving equipment to disaster response capabilities, ensuring every community can access top-quality emergency services.
- **Invest in State and Local Road Infrastructure.** With over \$6.6 billion in unmet road funding needs statewide, NMML supports reallocating 100% of the Motor Vehicle Excise Tax (MVEX) to state and local road funds. This shift would direct an additional \$166 million annually toward road infrastructure, addressing the financial strain that deteriorating roads place on New Mexicans and promoting safer, more efficient transportation.
- **Modernize the Inspection of Public Records Act.** As public records requests have surged, NMML is pushing for updates to IPRA to make compliance more manageable for local governments. Proposed changes include limits on commercial data requests and clearer dispute resolution mechanisms, to support transparency while easing the operational burden on municipalities.
- **Modernize the Municipal Code.** NMML also aims to update the outdated Municipal Code, starting with improving law enforcement cross-commissioning procedures so police departments can support each other in times of crisis or increased need, as well as clarifying the roles of mayors and council members and certain governing body voting procedures. These revisions will provide municipalities with clearer guidelines for governance, ensuring that local leaders can operate effectively and responsively.

- Invest in Water Infrastructure Projects. NMML advocates for a \$100 million investment in water project through the Water Project Fund to address the \$1.2 billion gap in municipal water infrastructure funding. By supporting projects that enhance water quality and security, NMML seeks to ensure that New Mexicans continue to have access to clean, reliable water for the long term.
- Protect Local Decision-Making Against Preemption. NMML is committed to defending local control against state preemption efforts that undermine municipal authority. By preserving local decision making, especially in critical areas like planning and zoning and tax policy, NMML ensures municipalities can enact policies tailored to their communities' specific needs.

**2025 Lincoln County Day in Santa Fe** – The 2025 Lincoln County Day Reception is scheduled for Wednesday, February 5<sup>th</sup> in Santa Fe. There will be a Chamber hosted reception with Legislators at 5:30 pm at the Herve Wine Bar. During the event, there will be an opportunity to speak to our Legislators regarding concerns, if any, that may be affecting area communities.

### **2024 ICIP Projects & 2025 Legislative Session Priorities**

The Village of Ruidoso has compiled a list of the top 10 capital projects adopted in the Infrastructure Capital Improvements Plan (ICIP), which includes the Top 5 priority projects submitted for capital outlay dollars during the upcoming legislative session. The State of New Mexico Property Control Act defines a capital outlay project as the acquisition, improvement, alteration, or reconstruction of assets of a long-term character that are intended to continue to be held or used, including land, buildings, machinery, furniture, and equipment. Capital outlay funding cannot be used for operating expenses; salaries; materials and supplies; events; brochures, pamphlets, and publications; or retroactive reimbursements of previous purchases.

The Top 10 Projects Include: 1. Workforce Housing 2. Bridge Replacement Projects 3. Street and Drainage Improvements 4. Sewer Line Rehabilitation 5. Sewer Line Extensions 6. Water and Sewer Line Extensions to Include Streets and Drainage 7. Upper Canyon Surface Diversion Renovation 8. Removal of Trees and Water Shed Improvements 9. Damage Improvements/Flood Hazard Mitigation 10. Rio Ruidoso Restoration/Flood Hazard Mitigation

**NMDOT Grant Award for Village Roadway Improvements Project** – The Village was awarded Transportation Project Funds (TPF) for a Roadway Improvement Project. The project will include 4.9 miles of pavement rehabilitation, roadway striping, utility cover adjustments, traffic control, construction observation & testing on White Mountain Dr., Porr Dr., Jack Little Dr., LL Davis Dr., Leon Farrar Dr. & Wingfield Dr., with a 1.5" mill, 1-1.5" remix of existing road, and with a 2" overlay though the use of a heater scarify process. The Village will be procuring with Cutler Repaving, Inc, through the State-Wide Price Agreement to conduct the Roadway Improvements Project. The State-Wide Price Agreement with Culter Repaving will be presented to Council for approval, at the November 12<sup>th</sup> Regular Council meeting. Project is slated to begin Mid to End of April, or Early May 2025, weather permitting.

**U.S. Department of Commerce Invests \$2.3 Million for Roadway Infrastructure Improvements to Support Economic Growth in Ruidoso, New Mexico** - U.S. Secretary of Commerce Gina Raimondo announced the Department's Economic Development Administration (EDA) is awarding a \$2.3 million grant to the Village of Ruidoso, New Mexico, for roadway infrastructure improvements needed to support business and economic growth. This grant will design the restructure of the U.S. Highway 70 and NM Highway 48 intersection to improve access to the business district and support future economic growth. Task Orders were issued and approved by the Council on both Stantec and Bohannon Huston, for professional engineering services related to each grant project.

**Department of Finance and Administration Matching Grant Award for EDA Grant-** Village of Ruidoso awarded 2023 **Federal Matching Funds** for state and local match assistance for federal grants, was approved in the amount of \$465,600.00.

**New Mexico Mortgage Finance Authority Housing Trust Fund Grant (NMHTF)** - The Village of Ruidoso was awarded a grant by the New Mexico Mortgage Finance Authority (MFA) on Housing Innovation Funds in an amount of \$1,000,000.00. Funding will support infrastructure costs related to 603 Mechem. The grant award is funded through the Housing Innovation Program made through the New Mexico Housing Trust Fund (NMHTF) Long-term rentals to be used for Ruidoso's workforce housing initiative serving households at or below 285% Area Median Income (AMI).

**603 Mechem Property Site Plan- and Housing Development Project** - This project consists of developing a community-oriented feel with a neighborhood design that includes 10 new homes on the property. The new homes will be both 2-bedroom and 3-bedroom homes. These homes are modular in nature and resemble stick-built homes. They include siding and porches on the exterior with a decorative front and all the comforts of home in the interior and 10x10 storage units. White Sands Construction is currently finalizing site work preparation which includes construction of new roadways, grading of remaining site location, placing of retaining walls, and installation of utilities. HomeSpot Construction is laying and setting concrete foundations for the placement of the remaining homes delivered. All 10 homes have been delivered to site.

**Horton Complex Renovation Project** – White Sands Construction currently working on Phase II.

Project Status Coordination –

Project Status Coordination - ONGOING VOR Windstream TDS Systems MD Sandia Lightwave Proposed Change Orders Added Parking Blocks at Rear of Horton Landscaping for entire Horton Complex

Work in Progress HVAC Rough in - Ongoing Set curbs for roof top units - Complete Roof Patching - Complete Building Demo (Meeting Room) - Complete Framing (meeting room) - Ongoing Sheetrock (east) - Complete Taping - Ongoing Fencing - Complete Gate and Operator - Complete Site Concrete – Complete

Look Ahead Tape, Bed and Texture - East Wing HVAC - Set roof top units and complete rough-in Install New Door and Windows - Meeting Room Downspouts - Install new down spouts at rear of building

The Forestry Department and Municipal Court Department have relocated to the Horton Complex building. Full department operations

**EyeOnWater Software** - The Village of Ruidoso has offered water customers access to software called EyeOnWater, which has an incredibly positive impact on our property owners. EyeOnWater is consumer-engaged software that goes beyond traditional billing statements to connect utility water usage and their customers. The software enables utility customers to access and view their usage profile through easy-to-understand consumption graphs and provides a simple method to establish alerts. This is a perfect tool for those that winter elsewhere. The software is straightforward to set up and use on a computer or smartphone device, placing consumer data in the utility customers' hands. To sign up, you must visit <http://eyeonwater.com/signup> to create your online account. You must enter the service zip code and your billing account number. Instructions are available on the website (<http://Ruidoso-nm.gov>), or you can call the Village Hall at (575) 258-4343.

**Fats, Oils, and Grease (FOG)**- Fats, oils, and grease can cause blockages and overflows in the sewer collection system. Cooking grease is one of the primary causes of sewer line blockages that result in sewer overflows from manholes or backups. In addition to being costly to clean up, the overflows create potential for property damage and can lead to significant environmental, health and safety risks.

The Village of Ruidoso has a FOG inspection program for food service establishments. The FOG program consists of periodic inspections to determine compliance with the VOR sewer ordinance and to gather records of routine maintenance of grease traps.

VOR residents can help keep our sewer system flowing properly by properly disposing of cooking oil and grease. Here's how you can help.

- Do not dump cooking oil, fat, or grease into the kitchen sink or toilet.
- Do not use hot water and soap to wash grease down the drain because it will cool and harden in your pipes or in the sewer down the line.
- Do place cooked oil and meat fats in a sealed container and discard small quantities in your garbage.
- Do use paper towels to wipe residual grease or oil from dishes, pots and pans prior to washing them.

With your continued assistance, we can prevent unnecessary service disruptions for residents and businesses.

## **AIRPORT**

December 2024 Operations & Fuel Summary:

NOTE: Manager's Report is up to the end of business on Tuesday December 31, 2024

### 2023 / 2024 Operations

253 /348 Up 37.55%

### 2023 / 2024 Jet A Fuel

9630 / 7810 Down 19%

### 2023 / 2024 100LL Fuel

1424 / 2069 Up 45.3%

- There were 8 medical transports.
- There were 6 Military Operations.
- 12/6 Airport Manager attended weekly "Team Michael" meeting.
- 12/11 Anthony Luna attended Wildlife Hazard Management Training Train the Trainer course in Las Cruces NM.
- 12/12 Airport Manager attended the Directors Meeting.
- 12/13 Airport Manager attended weekly "Team Michael" meeting.
- 12/18 Taxiway A and Parking Apron Maintenance Project Final Inspection with Armstrong Consulting.
- 12/20 Airport Manager attended weekly "Team Michael" meeting.
- 12/20 -12/23 Airport Gates were offline due to a short in the wiring. The issue was resolved on 12/23 by Sandia Lightwave. Gates are operational and function correctly.
- 12/25 Airport FBO closed for Christmas Day. There was one call-out to fuel a Medical Flight.
- 12/27 Airport Manager attended weekly "Team Michael" meeting.
- 12/30 Airport Manager appeared on Monday Morning with the Mayor Radio Show.
- January Operations – 262
- February Operations – 887

- March Operations – 582
- April Operations – 276
- May Operations – 456
- June Operations – 435
- July Operations – 375
- August Operations – 474
- September Operations – 571
- October Operations – 969
- November Operations – 292
- December Operations – 348
- 2024 Total Operations – 5927

There are some operations missing due to Internet outages and aircraft not having their ADS-B turned on.

#### Automatic Dependent Surveillance–Broadcast

ADS-B is an aviation surveillance technology and form of electronic conspicuity in which an aircraft determines its position via satellite navigation.

Daily Fuel Volume Sold						
Receipt Date: 01-Dec-24 to 31-Dec-24						
Merchant Number: 7836						
Receipt Date	Avgas 100	Jet A Fuel	Avg W/S	Max W/S	Operation Day	
1-Dec-24	142.5	480	2.9	7	27	Su
2-Dec-24	0	240	4.4	10	17	Mo
3-Dec-24	11.9	100	4.8	16	6	Tu
4-Dec-24	55.7	490	3.2	9	20	We
5-Dec-24	39	419	6	12	8	Th
6-Dec-24	139.6	0	3.9	8	4	Fr
7-Dec-24	31	260	5	13	10	Sa
8-Dec-24	0	80	7.8	17	10	Su
9-Dec-24	85.3	112	5.6	18	6	Mo
10-Dec-24	37.9	0	7.5	21	4	Tu
11-Dec-24	20	80	3.8	12	2	We
12-Dec-24	25.1	50	2.8	9	11	Th
13-Dec-24	37.5	0	4.3	12	12	Fr
14-Dec-24	55.3	0	5.5	13	21	Sa
15-Dec-24	45.5	199	4	8	9	Su
16-Dec-24	112.3	0	6	15	4	Mo
17-Dec-24	51.8	270	5.3	18	11	Tu
18-Dec-24	54.8	100	7.6	17	5	We
19-Dec-24	0	380	5	14	12	Th
20-Dec-24	213.8	0	7.3	16	14	Fr
21-Dec-24	16.1	107	3	10	10	Sa
22-Dec-24	193.3	248	3.8	10	14	Su
23-Dec-24	37.8	520	4.9	12	14	Mo
24-Dec-24	20	0	6.5	15	1	Tu
25-Dec-24	0	50	8.3	21	3	We
26-Dec-24	102.3	383	6.5	15	18	Th
27-Dec-24	54	1375	8.5	21	18	Fr
28-Dec-24	60.7	0	19.3	37	2	Sa
29-Dec-24	334.1	1217	8.8	18	25	Su
30-Dec-24	21.8	650	8.3	20	17	Mo
31-Dec-24	70	0	5.3	9	13	Tu
	2069.1	7810			348	

		2024 Fuel		
Month	Jet A	100LL	Cumulative	
January	3275	1203	4478	
Februray	5591	1189	6780	
March	9528	998	10,526	
April	8254	1651	9905	
May	21037	2052	23089	
June	13491	1764	15255	
July	15265	3113	18378	
August	20,845	2578	23,423	
September	21,248	4498	25,746	
October	21,851	3,721	25,572	
November	12,706	1603	14,309	
December	7,810	2069	9,879	
Total	160901	26439	187340	

**CLERK**

- Staff coordinated with various Village of Ruidoso Departments and processed seven (7) requests for public information during December 2024. The coordination of these requests involves processing and tracking from initiation to completion to ensure the Village follows the Inspection of Public Records Act (IPRA). This entails assisting the public with completing the required form with enough specificity for clarification of their request. Staff then coordinate with the departments that have the requested documentation and either schedule a meeting with the IPRA requestor to inspect the documents or provide the copies and receipt payment. If needed, staff prepare correspondence to extend the response period as agreed upon with the department(s).
- Clerk worked on Record Retention.
- Clerk and Deputy Clerk attended the Mayor’s Board’s and Commission’s Appreciation Mixer.

**COMMUNITY DEVELOPMENT**

**Planning Commission:**

A regular meeting was held on December 3, 2024. The following items were heard:

- a) **Variance-PV 2024-315-** Ray Montes, on behalf of CAMWIND LLC, is requesting to encroach 8 feet into the 20-foot front yard setback to construct a single-family dwelling located at 1003 Main Rd., Lot 22A, Block G of the White Fir Subdivision. **APPROVED**

The next regular meeting is on January 7, 2025.

**Workforce Housing Advisory Board**

The next regular meeting is on January 28, 2025, at 2 PM.

**Re-Addressing Update:**

A team meeting was held on December 4th and December 18th to discuss current action items and the next steps. The readdressing and renaming of roads are on hold for 18 months due to the Southfork and Salt fire and flood events. Stephanie will continue reviewing the data within the grids, and we will collaborate closely with the Streets, Water, and Solid Waste departments to identify any anomalies in the field that may not be reflected in the GIS data. Our focus will be on identifying duplicate road names. The identified roads are currently under review to determine which names might be compatible with the areas that require renaming efforts. The Address Committee will meet to evaluate a proposal of three names. Additionally, we will work with the Public Information Officer (PIO) to create an online survey to expedite the response process from property owners in the affected areas.

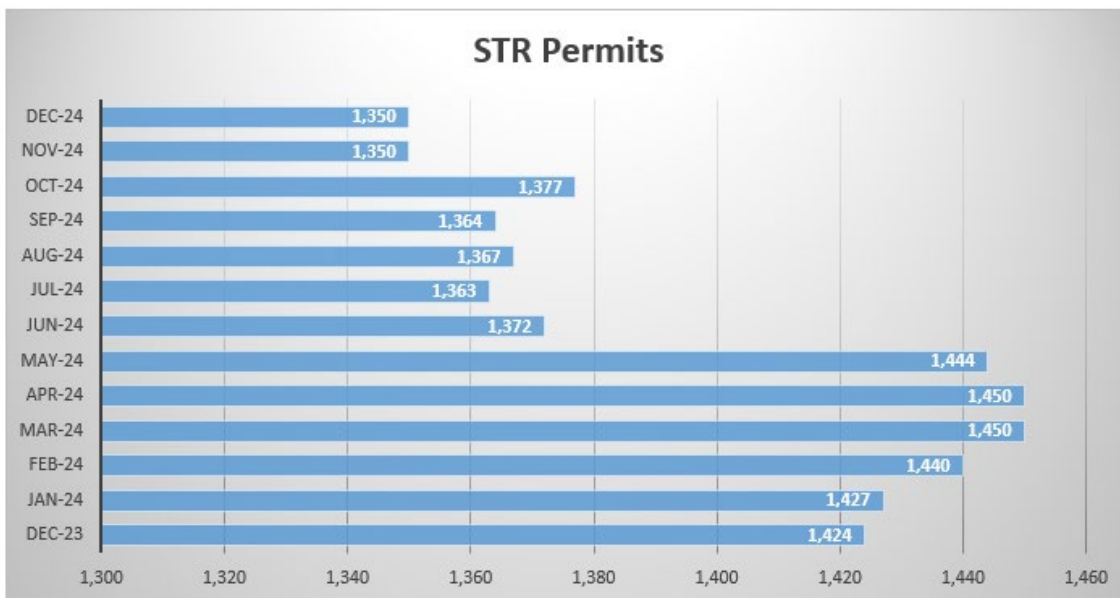
## Short Term Rentals

### Month Stats

- 1,350 Active STR Properties
- 3,214 Internet listings found throughout the web (VRBO, Airbnb, Flipkey, etc.)
- STR Permit Fees \$ 1,000 – Total
- STR Permit Renewal Fees \$ 2,100 – Total
- Compliance Inspections \$ \$ 1,640 – Total
- STR Business Registration Fees \$ 1,330 – Total
- Neighbor Notifications Fees \$ 1,975 – Total

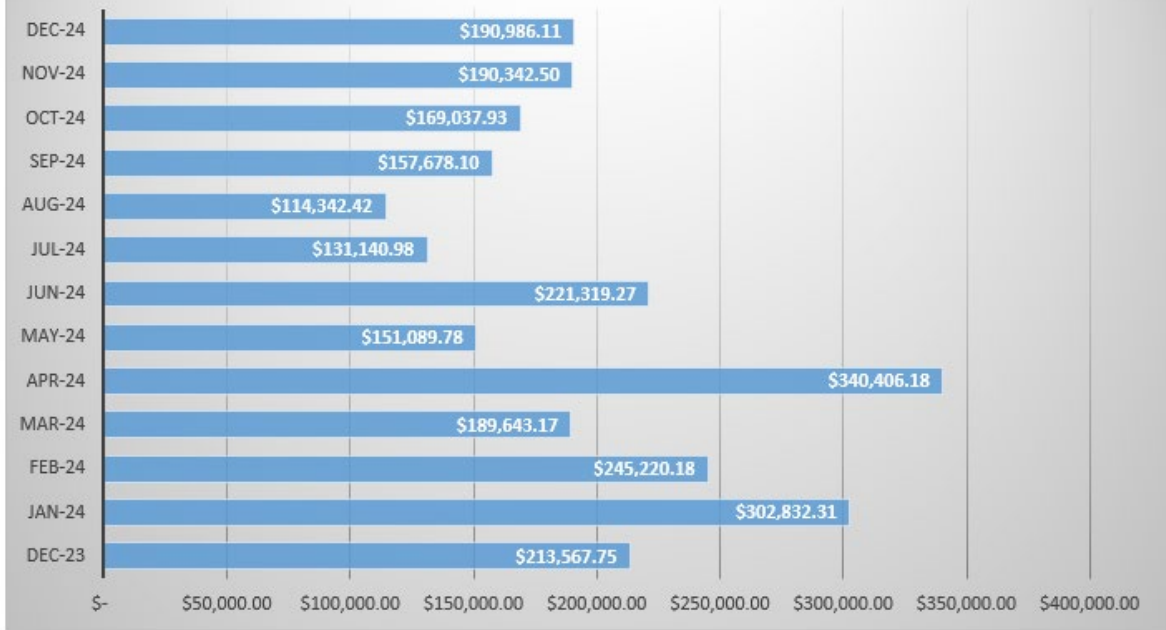
### Lodgers Tax

- \$ 190,986.11

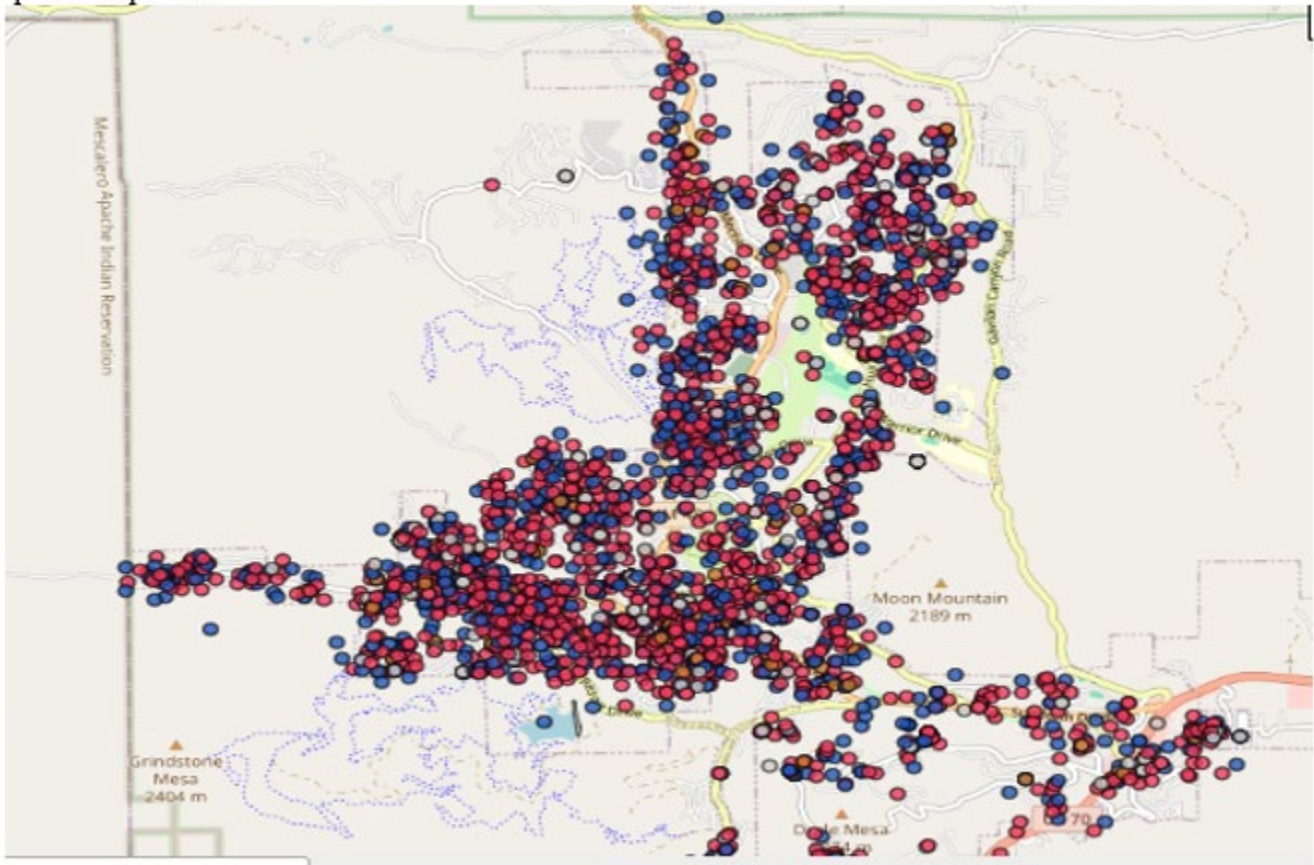




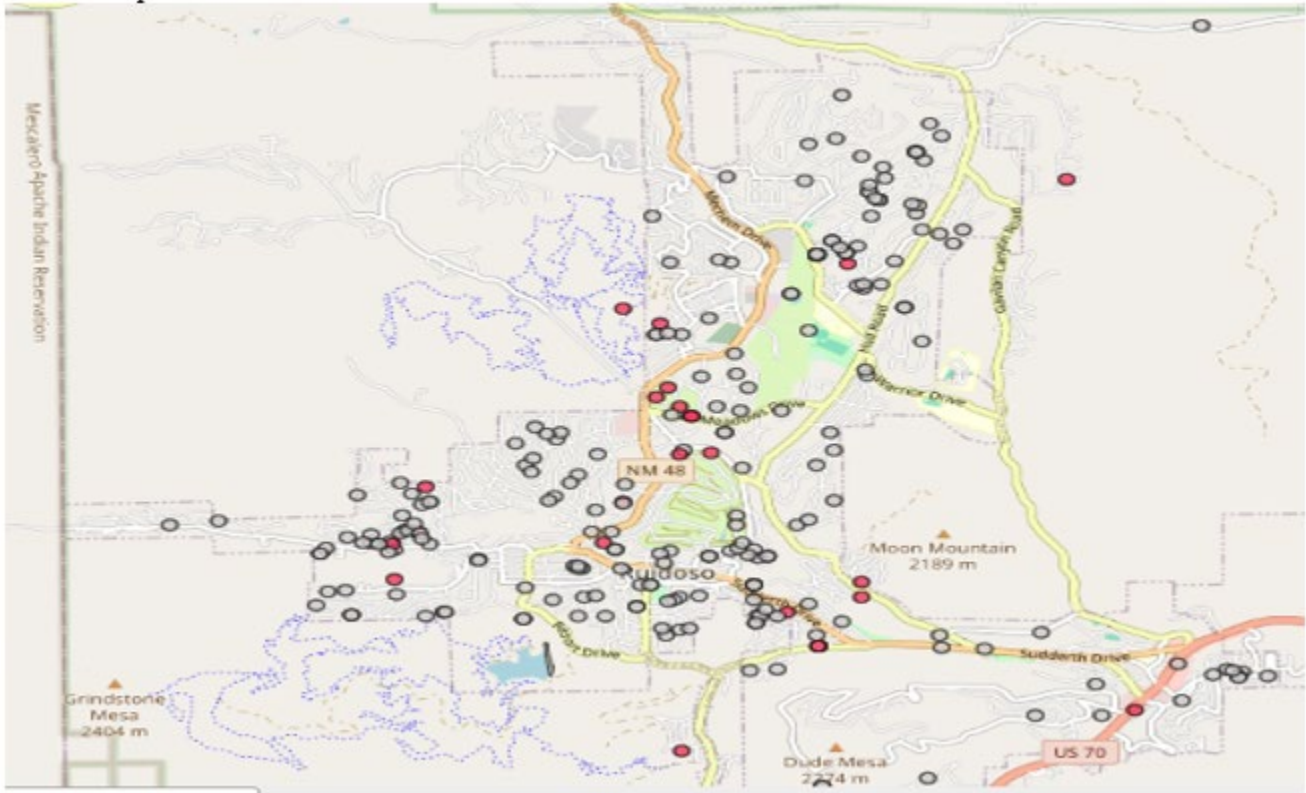
## Lodgers Tax Remittance



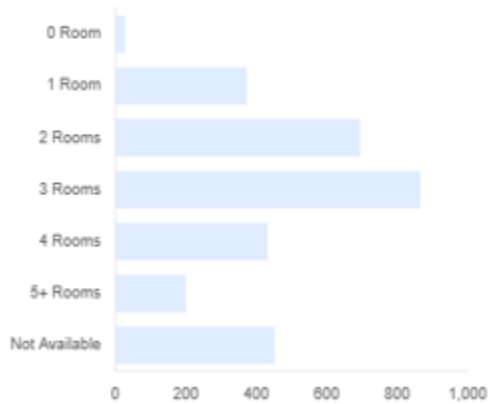
## Compliant Properties



## Uncertain Compliance Status



### Advertised Rental Size

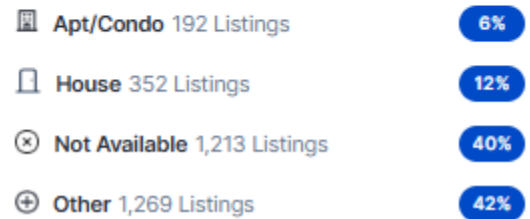


ADR (Avg. Daily Rate)

**\$221.21**

▲ 0% in last 30 days

### Advertised Property Type



## Building Inspections and Permit Tallies

INSPCTO R	PERMIT #	C	R	DATE	START	END	ADDRESS	E	B	P	M	BUS INE SS	OTHER	STR	PAS S	FAI L	COMMENTS/INSPECTION TYPE
GDM	20240867P	1	1	12/2/2024	1121		178 PASO MONTE			1						1	NO ACCESS
GDM	20240867M	1	1	12/2/2024			178 PASO MONTE				1					1	NO ACCESS
GDM	20240867E	1	1	12/2/2024		1157	178 PASO MONTE	1								1	NO ACCESS
GDM	20240497	1	1	12/2/2024	1213	1222	203 TOBAGGAN TRL	1							1		E/ROUGH
GDM	20240838	1	1	12/2/2024	1243	1247	633 SUDDERTH DR	1							1		SERVICE
JK	20220411	1	1	12/2/2024		1028	101 MIDDLE FORK		1						1		B/FINAL
JK	20231000	1	1	12/2/2024		1038	101 NORTH FORK		1						1		LATH
JK	20230226	1	1	12/2/2024		1330	209 SPENCER		1						1		LATH
JK	20230346	1	1	12/2/2024		830	113 PAT THOMPSON		2						2		GARAGE SLAB & STEM WALL
JK	20240681	1	1	12/2/2024		1137	108 CHIRACHUA		1						1		PAD BLOCK (PARTIAL-CORRECTION ON INTERIOR FTG)
JK	20240825	1	1	12/2/2024		1156	144 CROOKED STICK		1						1		FTG
JK	20230994	1	1	12/2/2024		1301	101 CORRIDA DE RIO		1						1		S/PAN
JK	20240608	1	1	12/2/2024		1402	204 LEE TREVINO		1						1		BLOCK
JK	20240067	1	1	12/2/2024		1058	519 MOUNTAIN HIGH CIR		1						1		SLAB
MC	20230347P	1	1	12/2/2024	1330	1400	115 GRANITE			1					1		P/FINAL
MC	20230347M	1	1	12/2/2024	1330	1400	115 GRANITE				1				1		M/FINAL
GDM	20240758E	1	1	12/3/2024	1336	1348	2904 SUDDERTH	1							1		E/ROUGH
GDM	20240792	1	1	12/3/2024	1356	1408	198 MEANDER	1							1		SERVICE
GDM	20240002	1	1	12/3/2024	1437	1444	102 SLATE		1						1		E/ROUGH
GDM	20240354	1	1	12/3/2024	1452		509 WHITE MOUNTAIN	1							1		E/ROUGH
GDM	20240354E	1	1	12/3/2024		1459	509 WHITE MOUNTAIN		1						1		LATH
GDM	20240809	1	1	12/3/2024	1503	1509	112 TOPSIDE			1					1		CMU
GDM	20240007P	1	1	12/3/2024	1550	1558	118 BEN HOGAN			1					1		GAS
GDM		1	1	12/3/2024	1610		134 WATER SPIRIT			1					1		P/FINAL
GDM	20240105	1	1	12/3/2024			134 WALTER HAGEN				1				1		M/FINAL
GDM	20240105	1	1	12/3/2024		1627	134 WALTER HAGEN								1		GAS FINAL
GDM	20240824	1	1	12/3/2024			116 ROOFTOP	1							1		SERVICE (NOT FOUND)
JK	20240510	1	1	12/3/2024		1035	184 EAGLE CREEK CANYON		1						1		PERMIT REVUE
JK	20240776	1	1	12/3/2024		1040	114 VIA SELVA		1						1		BLOCK
JK	20240857	1	1	12/3/2024		1100	120 VIA MADERA		1						1		FTG
JK	20240274	1	1	12/3/2024		1129	111 EAST VIEW PL		2						2		ROOF & WALLS
JK	20240678	1	1	12/3/2024		1307	125 TWIN TREE		1						1		FTG
JK	20240744	1	1	12/3/2024	CANCELED	CANCELED	176 DEL MONTE		1						1		FTG (CANCELED)
JK	20240218	1	1	12/3/2024		1335	451 SUDDERTH		1						1		LATH
GDM	20230265E	1	1	12/4/2024	CANCELED	CANCELED	215 BARCUS	1							1		E/FINAL

INSPCTO R	PERMIT #	C	R	DATE	START	END	ADDRESS	E	B	P	M	BUS INE SS	OTHER	STR	PAS S	FAI L	COMMENTS/INSPECTION TYPE
GDM	20240820	1	1	12/4/2024	1330	1337	130 WESTBURY	1							1		SERVICE GENERATOR
GDM	20240847	1	1	12/4/2024	1429	1433	172 DEER CREEK	1							1		TEMP POWER
GDM	20240002P	1	1	12/4/2024	1413		102 SLATE			1					1		P/ROUGH
GDM	20240002	1	1	12/4/2024		1416	102 SLATE		1						1		FRAME
GDM	20240812	1	1	12/4/2024	1457	1501	109 ASH	1							1		SERVICE
GDM	20230977P	1	1	12/4/2024	1530	1606	149 WALTER HAGEN			1					1		GAS
GDM	20240524E	1	1	12/4/2024	1638	1645	300 VISTA RIO BONITO	1							1		E/ROUGH
GDM	20240824	1	1	12/4/2024	1710	1717	116 DEEP FREEZE	1							1		SERVICE
JK	20230724	1	1	12/4/2024		1006	123 PORR		1						1		B/FINAL (BALD SPOTS)
JK	20220634	1	1	12/4/2024		1029	614 EXCALIBUR		1						1		S/PAN
JK	20240484	1	1	12/4/2024		1105	211 SUDDERTH		1						1		FRAME
JK	20240744	1	1	12/4/2024		1133	176 DEL MONTE		1						1		FTG
JK	20240752	1	1	12/4/2024		1146	326 VALLEY VIEW		1						1		DEMO FINAL
MC	20231000	1	1	12/4/2024	1330	1400	101 NORTH FORK				1				1		P/TOP OUT
MC	20231000	1	1	12/4/2024	1330	1400	101 NORTH FORK					1			1		M/TOP OUT
GDM	20230265M	1	1	12/5/2024	1030		215 BARCUS				1				1		M/FINAL
GDM	20230265P	1	1	12/5/2024			215 BARCUS				1				1		P/FINAL
GDM	20230265E	1	1	12/5/2024			215 BARCUS	1							1		E/FINAL
GDM	20230265	1	1	12/5/2024		1048	215 BARCUS		1						1		B/FINAL (NOT READY)
GDM	20240775	1	1	12/5/2024		1121	114 N EAGLE	1							1		SERVICE
GDM	20240808	1	1	12/5/2024		1221	119 TORREON LOOP	1							1		SERVICE (SURGE PROTECTOR MISSING)
GDM	20240848	1	1	12/5/2024	1233	1237	176 DEL MONTE	1							1		TEMP POWER
GDM	20240694	1	1	12/5/2024			1442 LITTLE BIG HORN		1						1		DECK FINAL
GDM	20230867E	1	1	12/5/2024			178 PASO MONTE	1							1		E/FINAL (GFCI PROTECTOR NOT FINISHED)
GDM	20230867	1	1	12/5/2024			178 PASO MONTE		1						1		B/FINAL
JK	20231000	1	1	12/5/2024		1138	101 NORTH FORK		1						1		FRAME
JK	20240105	1	1	12/5/2024		1345	134 WATER SPIRIT		1						1		B/FINAL
JK	20240681	1	1	12/5/2024		1200	108 CHIRACHUA		1						1		FTG
JK	20240019	1	1	12/5/2024		1120	409 EXCALIBUR		1						1		SHEAHTING
JK	20240656	1	1	12/5/2024		1330	205 MARY		1						1		VAPOR BARRIER
MC	20240619P	1	1	12/5/2024	1330	1350	1034 MECHEM			1					1		P/TOP OUT
MC	20240619M	1	1	12/5/2024	1330	1350	1034 MECHEM				1				1		M/TOP OUT
MC	20230874P	1	1	12/5/2024	1400	1420	114 WESTBURY			1					1		GAS
GDM	20240384	1	1	12/6/2024	1516	1521	269 LINCOLN HILLS		1						1		INSULATION
GDM	20240439	1	1	12/6/2024	1527	1540	140 BUTCH BAIRD		3						3		SLAB, STEEL, WALL

GDM	20240843	1		12/6/2024	1605	1610	708 MECHEM	1							1		E CIRCUIT
JK	20240354		1	12/6/2024		1045	509 WHITE MOUNTAIN		1						1		STUCCO LATH REINSPECTION
JK	20240590		1	12/6/2024		1127	112 MONJEAUE		1						1		DECK FRAME
JK	20230928		1	12/6/2024		1235	136 EAGLE		1						1		B/FINAL
JK	20230347		1	12/6/2024		1255	115 GRANITE		1						1		B/FINAL
JK	20210205		1	12/6/2024			126 CLOVER					1					UNPAID PERMIT-WINDOW INSTALLATION - RESOLVED
JK	20240194		1	12/6/2024			107 DROOPING JUNIPER					1					UNPAID PERMIT-DECK PERMIT - RED TAG
JK	20220394		1	12/6/2024			113 CARDINAL RD					1					UNPAID PERMIT-ROOF - RED TAG
JK	20240257		1	12/6/2024			602 FIRST					1					UNPAID PERMIT & NEED BUS REG - CERTIFIED
JK	20230216		1	12/6/2024			113 COKER					1					UNPAID PERMIT & NEED BUS REG - RED TAG - RESOLVED
JK	20240368		1	12/6/2024			201 CARRIZO CANYON					1					UNPAID PERMIT - CERTIFIED
GDM	20240229	1		12/9/2024	1110	1117	714 MECHEM						1				EVALUATE SETBACKS (SETBACKS LOOK COMPLIANT)
JK	20230879		1	12/9/2024		1111	240 TIMBERLINE		1						1		S/PAN
JK	20240076		1	12/9/2024		1130	106 GRANT		1						1		B/FINAL
JK	20240824		1	12/9/2024		1208	116 ROOFTOP		1						1		BLOCK
JK	20240829		1	12/9/2024		1258	101 HIGH CHAP PL		1						1		DEMO FINAL
JK	20240757		1	12/9/2024		1334	160 WALTER HAGEN		1						1		FTG
JK	20230346		1	12/9/2024		1354	113 PAT THOMPSON					1					RED TAG
GDM	20200642P		1	12/10/2024	1409	1413	348 RIVER TRL			1					1		GAS SERVICE (NO ACCESS)
GDM	20240808		1	12/10/2024	1333	1340	1119 TORREON LOOP		1						1		SERVICE REINSPECTION
GDM	20230347		1	12/10/2024	1429	1441	251 HOMESTEAD LOOP		1						1		SERVICE (LOW PRESSURE ON GAUGE)
GDM	BUSINESS	1		12/10/2024	1310	1321	2801 SUDDERTH				1						BUSINESS
JK	20240194		1	12/10/2024		1032	107 DROOPING JUNIPER		2						2		FRAME & B/FINAL
JK	20240274		1	12/10/2024		1058	111 EAST VIEW PL		1						1		S/PAN
JK	20270825		1	12/10/2024		1113	144 CROOKED STICK		1						1		FRAME
JK	20240439		1	12/10/2024		1132	140 BUTCH BAIRD		2						2		FRONT SLAB & RETAINING WALL
JK	20230226		1	12/10/2024		1200	209 SPENCER		1						1		FRAME
JK	20230226		1	12/10/2024		1200	209 SPENCER		1						1		LATH
JK	20240823		1	12/10/2024		1225	145 SUN MOUNTAIN LOOP		1						1		FTG
JK	20240510		1	12/10/2024		1400	184 EAGLE CREEK CANYON						1				CONSULTATION
JK	20230346		1	12/10/2024		1300	113 PAT THOMPSON					1					RED TAG
GDM	20200642		1	12/11/2024	1007	1012	348 RIVER TRL			1					1		GAS REINSPECTION
GDM	20240830		1	12/11/2024	1139	1144	141 LOWER TERRACE		1						1		SERVICE UPGRADE
GDM	20230437		1	12/11/2024	1022	1028	251 HOMESTEAD LOOP		1	1					1		GAS REINSPECTION (STILL LOW PRESSURE)
GDM	20240831		1	12/11/2024	1037	1044	110 VIA SELVA		1						1		MHD SERVICE (GREEN TAG)
GDM	20240858		1	12/11/2024	1056	1101	133 STACEY RD		1						1		SERVICE (RELEASED)

INSPCTOR	PERMIT #	C	R	DATE	START	END	ADDRESS	E	B	P	M	BUSINESS	OTHER	STR	PASS	FAIL	COMMENTS/INSPECTION TYPE
GDM	20240595P		1	12/11/2024	1117	1123	125 STATE HWY 220			1					1		P ROUGH
GDM				12/11/2024	1330	1700	FEMA HUD INSPECTIONS						1				FEMA HUD INSPECTIONS
JK	20240668		1	12/11/2024		1040	306 CREE MEADOWS		1						1		B/FINAL
JK	20240308		1	12/11/2024		1051	303 RACQUET		1						1		B/FINAL
JK	20240002		1	12/11/2024		1113	102 SLATE CT		3						3		POSITIVE SUPPORT, LATH & INSULATION
JK	20240354		1	12/11/2024		1132	509 WHITE MOUNTAIN		1						1		INSULATION
JK	20220769		1	12/11/2024		1231	229 SUNDANCE		1						1		WALL (NORTH END)
JK	20230755		1	12/11/2024		1330	353 SANDESTA		1						1		FRAME
MC	20230978P			12/11/2024	1100	1120	606 WHITE MOUNTAIN MEADOWS			1					1		GAS
GDM	BUSINESS	1		12/12/2024	1030	1041	2415 SUDDERTH #6					1			1		BUSINESS
GDM	BUSINESS	1		12/12/2024	1046		2507 SUDDERTH					1			1		BUSINESS (NOT READY)
GDM	20230674		1	12/12/2024		1109	2507 SUDDERTH		1						1		B/FINAL (PASS W/CORRECTIONS)
GDM	20240370		1	12/12/2024	1114	1121	110 CHASE		1						1		EV FINAL
GDM	20230437		1	12/12/2024	1132	1142	251 HOMESTEAD LOOP			1					1		GSS REINSPECTION
GDM	20240842		1	12/12/2024	1410	1433	176 NEILL		1						1		GENERATOR SERVICE
GDM	20230226A		1	12/12/2024	1450	1509	209 SPENCER		1						1		ALARM ROUGH (PASS W/CORRECTIONS)
JK	20240619		1	12/12/2024		1100	302 FOREST		1						1		FINAL GRADE
JK	20240619		1	12/12/2024		1100	302 FOREST		1						1		B/FINAL
JK	20240800		1	12/12/2024		1130	57 GRENOBLE		1						1		ROOF
JK	20240837		1	12/12/2024		1152	1009 HULL		1						1		ROOF DECK
JK	20240844		1	12/13/2024		1050	107 MONJEAU		1						1		REROOF FINAL
JK	20230928		1	12/13/2024		1135	136 EAGLE		1						1		B/FINAL
GDM	20230874P		1	12/13/2024	1307		114 WESTBURY				1				1		P/FINAL
GDM	20230874M		1	12/13/2024			114 WESTBURY				1				1		M/FINAL
GDM	20230874E		1	12/13/2024			114 WESTBURY		1						1		E/FINAL
GDM	20230874P		1	12/13/2024			114 WESTBURY			1					1		GAS FINAL
GDM	20230874		1	12/13/2024		1342	114 WESTBURY		1						1		B/FINAL (NEED FORESTRY)
GDM	20230999P		1	12/13/2024	1350		108 WESTBURY			1					1		P/TOP OUT
GDM	20240999		1	12/13/2024		1407	108 WESTBURY		1						1		FRAME
GDM	20240744		1	12/13/2024	1500	1509	176 DEL MONTE		1						1		CMU
GDM	20240825		1	12/13/2024	1320	1528	144 CROOKED STICK		1						1		B/FINAL
JK	20240763		1	12/16/2024		1038	131 CHELSEA		1						1		REROOF FINAL
JK	20240336		1	12/16/2024			232 SPENCER		2						2		BWP & WINDOWS
JK	20240814		1	12/16/2024			112 DAVIS		1						1		FTG
MC	20220849		1	12/16/2024	1430	1500	107 DOGWOOD		1						1		MHD PLACEMENT
JK	20240717		1	12/17/2024		1055	119 FOX DR		1						1		DEMO FINAL

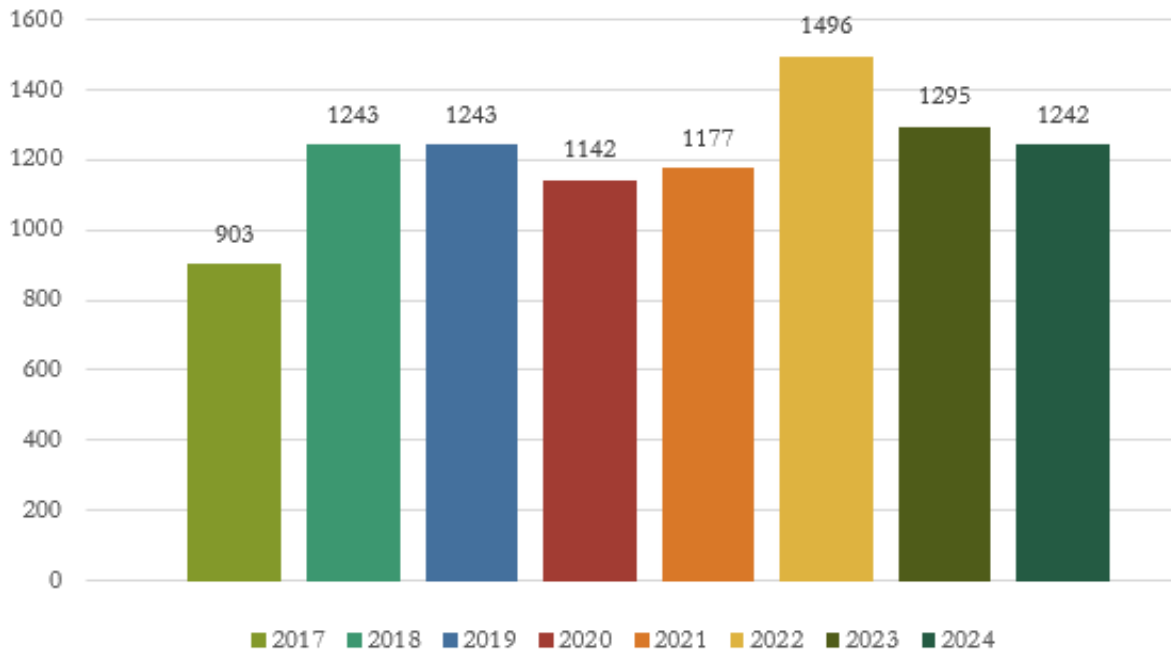
JK	20240730		1	12/17/2024		1100	104 DAN SWEARINGEN		1								1		REROOF FINAL
JK	20240061		1	12/17/2024		1114	1034 MECHEM		1								1		METAL FRAME
JK	20240061		1	12/17/2024		1128	1034 MECHEM		2								2		WALL & ROOF
JK	20240378		1	12/17/2024			183 CROWN RIDGE		1								1		DECK FRAME FINAL
JK	20240595		1	12/17/2024		1131	125 STATE HWY 220		2								2		FTG & SLAB
GDM	20230635		1	12/18/2024	1517	1610	136 KREUZER		1								1		B FINAL
GDM	20230978E		1	12/18/2024	1640	1646	606 WHITE MOUNTAIN	1									1		E FINAL (NO ACCESS)
JK	20240825		1	12/18/2024		1344	144 CROOKED STICK		1								1		B FINAL REINSPECTION
JK	20240027		1	12/18/2024		1410	118 BEN HOGAN		1								1		TEMP C/O FOR 120 DAYS
JK	20231000		1	12/18/2024		1050	101 NORTH FORK		1								1		INSULATION
JK	20230726		1	12/18/2024		1114	1300 ARAPAHOE TRL		2								2		ROOF & INSULATION
JK	20240497		1	12/18/2024		1145	203 TOBAGGAN TRL		2								2		ROOF & INSULATION
JK	20240626		1	12/18/2024		1322	129 PINE CONE LN		1								1		RETAINING WALL FTG
JK	20240354		1	12/18/2024		1030	509 WHITE MOUNTAIN		1										REINSPECTION
GDM	20240700		1	12/18/2024	1611	1623	22 LITTLE CREEK HILLS	1									1		E PEDESTAL SERVICE (COULD NOT FIND)
GDM	20230226		1	12/18/2024	1551	1557	209 SPENCER	1									1		E ROUGH
MC	20240384M		1	12/18/2024	1300	1315	269 LINCOLN HILLS				1						1		M ROUGH
MC	20240111P		1	12/18/2024	1320	1335	123 WALTER HAGEN			1							1		P ROUGH SLAB
MC	20240621P	1		12/18/2024	1345	1400	1208 MECHEM			1							1		P ROUGH SLAB
MC	BUSINESS	1		12/18/2024	1415	1430	522 SUDDERTH				1						1		BUSINESS
GDM	20240792			12/19/2024	1135	1210	198 MEANDER #17	1									1		SERVICE REINSPECTION
GDM	20230978		1	12/19/2024	1350	1407	606 WHITE MOUNTAIN										1		E FINAL REINSPECTIONS (NEED EXTERIOR GFCI PROTECTION)
GDM	20240002E		1	12/19/2024	1320	1335	102 SLATE CT	1									1		SERVICE
MC	20230606P		1	12/19/2024	1300	1320	134 BALD EAGLE			1							1		P ROUGH
MC	20240674P		1	12/19/2024	1330	1345	104 ST ANDREWS			1							1		P ROUGH SLAB
GDM	20230999E		1	12/20/2024	900/1005	920/1023	108 WESTBURY	1									2		E ROUGH
GDM	20240882		1	12/20/2024	1034	1040	100 NORTH LOOP	1									1		SERVICE
GDM	20240870		1	12/20/2024	1120	1129	200 ALPINE MEADOWS	1									1		SERVICE
JK	20240767		1	12/20/2024		1009	102 SOUTH ST		1								1		B FINAL
JK	20240111		1	12/20/2024		1054	123 WALTER HAGEN		1								1		FRAME
JK	20230798		1	12/20/2024		1128	119 ANTLER		1								1		DECK FRAME
GDM	20240857		1	12/23/2024			120 VIA MADERA	1	1				1						RED TAG, FTGS & E ROUGH
GDM	20240866		1	12/23/2024			107 WARREN TUCKER			1									GAS SERVICE
GDM	20240111E		1	12/23/2024			123 WALTER HAGEN	1											E ROUGH
GDM	20200135		1	12/23/2024			120 MESA HEIGHTS			1									P FINAL
GDM	20200592		1	12/23/2024			120 MESA HEIGHTS	1											E FINAL

INSPCTOR	PERMIT #	C	R	DATE	START	END	ADDRESS	E	B	P	M	BUSINESS	OTHER	STR	PASS	FAIL	COMMENTS/INSPECTION TYPE	
GDM	20200135		1	12/23/2024			120 MESA HEIGHTS				1							M FINAL
GDM	20200135		1	12/23/2024			120 MESA HEIGHTS		1									B FINAL
JK	20230405		1	12/23/2024		1037	101 WILEY		2								2	WALL & ROOF
JK	20240866		1	12/23/2024		1130	107 WARREN TUCKER		1								1	CONVERSION INSPECTION
JK	20240111E		1	12/23/2024		1148	123 WALTER HAGEN	1									1	E ROUGH
JK	20200135		1	12/23/2024		1530	120 MESA HEIGHTS	1		1	1						3	E FINAL, P FINAL & M FINAL
JK	20240063		1	12/23/2024		1130	241 LAKESHORE		1								1	FTG
JK	20230956		1	12/27/2024		1100	101 SANDSTONE		1								1	B FINAL
JK	20240337		1	12/27/2024		1113	322 MCBRIDE		1								1	FRAME
JK	20240693		1	12/27/2024		1140	149 CROWN RIDGE		1								1	CMU (PARTIAL PASS)
JK	20240055		1	12/30/2024		1335	214 EXCALIBUR		1								1	SLAB
JK	20240067		1	12/30/2024		1409	519 MOUNTAIN HIGH CIR		1								1	RETAINING WALL FTG
JK	20240834		1	12/30/2024		1437	110 VIA AGUILA		1								1	FTG (NOT READY)
JK	20240773		1	12/30/2024		1457	110 BEN HOGAN		1								1	BLOCK
JK	20230226		1	12/30/2024		1522	3209 SPENCER RD		1								1	INSULATION (NOT READY)
JK	20240782		1	12/30/2024		1344	607 EXCALIBUR		1								1	FTG REINSPECTION
MC		1		12/30/2024	930	950	1009 MECHEM #3					1					1	BUSINESS
MC		1		12/30/2024	1030	1045	102 D ST				1						1	STR
JK	20230599		1	12/31/2024		1300	2515 SUDDERTH		1								1	FOUNDATION
JK	20240814		1	12/31/2024		1330	112 DAVIS		1								1	BLOCK & CMU
JK	20240853		1	12/31/2024		1415	166 MUSKETBALL		1								1	FTG (RESCHEDULED - NOT READY)
JK	20230635		1	12/31/2024		1445	136 KREUZER		1									B FINAL (ON HOLD TILL GDM RETURN)
MC		1		12/31/2024	1000	1030	120 LOWER TERRACE #20				1						1	STR
MC	202301000		1	12/31/2024	1045	1100	101 NORTH FORK			1							1	S PAN
MC		1		12/31/2024	1030	1045	211 MARBLE				1						1	STR
MC	20230635		1	12/31/2024	1330	1345	136 KREUZER			1	1						2	P FINAL & M FINAL
MC	20240027		1	12/31/2024	1400	1430	118 BEN HOGAN			1	1						2	P FINAL & M FINAL
TOTALS		15	132					42	121	326	17	34	12	24	174	29		

**LEGEND:**

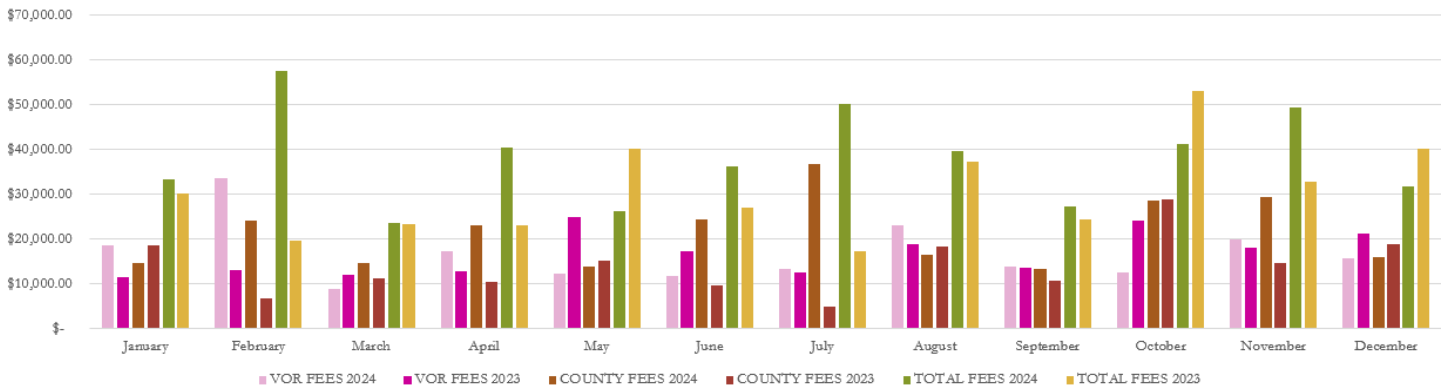
FTG = FOOTINGS
S/PAN = SHOWER PANS
CMU = CONCRETE MASONRY UNIT
C/O = CERTIFICATE OF OCCUPANCY
BWP = BRACE WALL PANEL
MHD PLACEMENT = MANUFACTURED HOUSING DEPARTMENT PLACEMENT
STR = SHORT-TERM RENTAL

## Building Permit Issued Comparison 2018 to Present



Number of Permits Issued 2023 vs 2024		
MONTH	2023	2024
January	94	80
February	83	112
March	105	98
April	102	109
May	137	100
June	113	76
July	95	117
August	127	93
September	93	183
October	144	103
November	81	99
December	121	72
<b>TOTAL</b>	<b>1295</b>	<b>1242</b>

2023/2024 VOR vs COUNTY FEES



VILLAGE OF RUIDOSO BUILDING PERMITS COMPARATIVE - 2023 AND 2024

MONTH	VOR FEES 2024	VOR FEES 2023	COUNTY FEES 2024	COUNTY FEES 2023	TOTAL FEES 2024	TOTAL FEES 2023	TOTAL VALUATIONS 2024	TOTAL VALUATIONS 2023
January	\$ 18,699.69	\$ 11,542.93	\$ 14,735.60	\$ 18,530.97	\$ 33,435.29	\$ 30,073.90	\$ 3,967,568.34	\$ 2,399,262.84
February	\$ 33,567.64	\$ 13,090.93	\$ 24,063.75	\$ 6,620.37	\$ 57,631.39	\$ 19,711.30	\$ 5,264,579.36	\$ 1,971,699.88
March	\$ 8,833.76	\$ 12,068.57	\$ 14,770.01	\$ 11,309.92	\$ 23,603.77	\$ 23,378.49	\$ 1,943,372.36	\$ 1,422,718.89
April	\$ 17,218.40	\$ 12,738.93	\$ 23,181.87	\$ 10,336.65	\$ 40,400.27	\$ 23,075.58	\$ 3,130,889.53	\$ 1,701,221.52
May	\$ 12,253.36	\$ 24,955.67	\$ 13,934.31	\$ 15,113.92	\$ 26,187.67	\$ 40,069.59	\$ 2,318,754.25	\$ 5,196,354.07
June	\$ 11,681.80	\$ 17,198.71	\$ 24,431.62	\$ 9,741.08	\$ 36,113.42	\$ 26,939.79	\$ 11,576,633.96	\$ 1,913,263.89
July	\$ 13,283.81	\$ 12,524.21	\$ 36,853.94	\$ 4,824.40	\$ 50,137.75	\$ 17,348.61	\$ 12,950,037.62	\$ 969,187.05
August	\$ 23,104.57	\$ 18,964.73	\$ 16,532.40	\$ 18,259.63	\$ 39,636.97	\$ 37,224.36	\$ 2,691,420.19	\$ 4,058,135.50
September	\$ 13,925.33	\$ 13,582.58	\$ 13,313.77	\$ 10,770.85	\$ 27,239.10	\$ 24,353.43	\$ 2,487,435.20	\$ 2,476,171.15
October	\$ 12,610.47	\$ 24,115.33	\$ 28,663.47	\$ 28,931.31	\$ 41,273.94	\$ 53,046.64	\$ 5,499,231.51	\$ 6,370,781.68
November	\$ 19,904.30	\$ 18,013.09	\$ 29,517.77	\$ 14,759.70	\$ 49,422.07	\$ 32,772.79	\$ 5,590,469.28	\$ 3,761,376.29
December	\$ 15,781.03	\$ 21,157.49	\$ 16,063.46	\$ 18,907.99	\$ 31,844.49	\$ 40,065.48	\$ 3,806,774.39	\$ 4,824,885.89
<b>TOTAL PERMITS</b>	<b>\$ 200,864.16</b>	<b>\$ 199,953.17</b>	<b>\$ 256,061.97</b>	<b>\$ 168,106.79</b>	<b>\$ 456,926.13</b>	<b>\$ 368,059.96</b>	<b>\$ 61,227,165.98</b>	<b>\$ 37,065,058.65</b>

Business Registrations Issued:

NEW BUSINESS REGISTRATION DECEMBER 2024			
Business #	NAME	LOCATION	BUSINESS TYPE
BR2024-349	WALKER GENERAL CONTRACTING	OUT OF TOWN BUSINESS	HVACC - GENERAL CONSTRUCTION
BR2024-351	WOODZIES ELECTRIC, LLC	OUT OF TOWN BUSINESS	ELECTRICAL CONTRACTOR
BR2024-354	ELEVATE DANCE STUDIO	1009 MECHEM STE. 3	DANCE STUDIO/LESSONS
BR2024-355	D&J CLEANING	OUT OF TOWN BUSINESS	CLEANING SERVICES
BR2024-356	LANE PLUMBING	OUT OF TOWN BUSINESS	PLUMBING CONTRACTOR
BR2024-357	FAIRY CLEANING SERVICES	HOME OCCUPATION	CLEANING SERVICES
BR2024-359	TOP NOTCH ENTERPRISES, LLC	OUT OF TOWN BUSINESS	GENERAL CONSTRUCTION
BR2024-361	HOME IMPROVEMENTS, LLC	HOME OCCUPATION	GENERAL CONSTRUCTION
BR2024-362	CHIEF'S TABLE	2415 SUDDERTH DR. STE #6	MEXICAN RESTAURANT
BR2024-364	A'VIANDS, LLC	OUT OF TOWN BUSINESS	WHOLESALE FOOD SUPPLY (SCHOOLS)
BR2024-370	DUNCAN'S DOODLES & THINGS	107 MAIN (SHADOW MTN. LODGE)	SOUVENIRS, ARTS, GIFTS
BR2024-372	ADVANCED BUILDING SPECIALIST, LLC	HOME OCCUPATION	GENERAL CONSTRUCTION
BR2024-373	OH ELECTRIC	OUT OF TOWN BUSINESS	ELECTRICAL CONTRACTOR
BR2024-374	THE TREE DR LTD	OUT OF TOWN BUSINESS	TREE THINNING, FIRE SAFETY
BR2024-375	J29 ENTERPRISES, LLC	OUT OF TOWN BUSINESS	GENERAL CONSTRUCTION
BR2024-383	MAROTTA AND SON CONTRACTING SERVICES	OUT OF TOWN BUSINESS	GENERAL CONSTRUCTION
BR2024-384	THE BRIERLEY GALLERY	629 SUDDERTH DR.	ART GALLERY/SHOP

CONVENTION CENTER

Events

DATE	EVENT	APPROX. ATTENDEES
Dec. 3-6, 2024	Law Enforcement Conference	200
Dec. 7, 2024	Dosch Birthday Party	45

Dec. 11, 2024	VOR-Mayor Mixer	135
Dec. 13, 2024	VOR-Christmas Party	360

## Upcoming Events

1. Board of Realtors January 7
2. Region 9 - January 10
3. EOC-After Action Review January 13
4. VOR-Forklift Training January 15
5. NM Respiratory Care January 16 & 17
6. NM Cotton Growers January 22
7. NM Hay Association January 22-24

## **EMERGENCY MANAGEMENT**

December 2024 was characterized by essential planning, coordination, and recovery efforts. The primary focus was on recovering from the South Fork incident while preparing for the new year and its hazards.

### Preparedness

- Assisted in teaching ICS 300 and 400 to Mescalero responders and OEM staff, with an emphasis on unified command, resource management, and interagency coordination.
- The Public Works Radio Project upgrade includes replacing outdated equipment, expanding coverage areas, and integrating the system with other emergency services. The project is 95% complete; the only remaining task is programming the radios.
- Completed the Emergency Operations Onboarding Training Video for HR. This video introduces new employees to the Village's emergency management framework, including the EOC structure, response protocols, their roles in emergencies, and enhancing preparedness.
- Collaborated with Chief Minner, Chief Hall, Adam, and Ashlie to review and update Annex E: Evacuation of the Emergency Operations Plan. We assessed evacuation routes, zones, and plans to address current needs, improve coordination, and streamline traffic management during emergencies. Additionally, Chief Hall reviewed and signed Annex R – Search and Rescue Annex, and Adam reviewed signed Annex L – Utilities. In total, the Emergency Operations Plan is 27% Complete.
- Worked with Kerry to create a new Emergency Management Information Tab on the Village's website. This tool provides real-time updates on incidents, evacuations, road closures, and shelters, ensuring residents can quickly access critical information during emergencies and stay prepared.
- Began developing a series of targeted Tabletop Exercises to address various emergency scenarios and ensure compliance with regulatory and operational requirements. These exercises include a focused response to airport emergencies to meet FAA regulations, preparedness for PNM Public Safety Power Shutoffs, strategies for managing post-burn scar flooding, and readiness for severe winter freeze events. Each scenario is designed as a separate tabletop exercise.
- Finalized the quote and purchase order for acquiring six new emergency sirens, along with plans for strategically placing three additional sirens, resulting in a total of nine new installations. OmniWarn will install and maintain these sirens. The placement strategy was



carefully developed to maximize coverage and ensure that residents in high-risk areas can receive timely alerts during emergencies.

#### Response

- No emergency response activities took place in December; however, the Ruidoso Emergency Operations Center (EOC) stayed at Activation Level 3, maintaining a heightened state of readiness. Only one weather alert, a Red Flag Warning, was issued during the month.

#### Recovery

- Started developing the South Fork After Action Review (AAR) and scheduled the Village EOC AAR to evaluate the response and recovery efforts from the recent incident, focusing on identifying strengths, challenges, and opportunities for improvement.
- Continuing to collaborate with FEMA, the Department of Homeland Security and Emergency Management (DHSEM), and Dennis, our PA contractor, to support the Village's ongoing recovery operations under the Public Assistance (PA) program. These efforts focus on ensuring accurate documentation and submission of eligible projects to secure federal and state funding for disaster recovery.

#### Mitigation

- Worked on compiling quotes and developing a project scope for the implementation of a high-water detection system aimed at enhancing safety at low-water crossings throughout the Village. This system is intended to provide real-time alerts to drivers and emergency responders during flood events, thus reducing the risk of swift water rescues and improving situational awareness from the EOC.

#### Looking Ahead

- Teaching ICS 300 and 400 at the Wildland Fire Academy. (Jan 6-10, 2025)
- Monitoring Winter Weather (throughout)
- Conducting the After-Action Review with EOC (Jan 13, 2025)
- Conducting the Tabletop Exercise at the Sera Blanca Regional Airport (Jan 21, 2025)
- Working on the Emergency Operations Plan (throughout)
- Holding the Local Emergency Planning Commission Meeting (Jan 22, 2025)
- Attending the USACE Emergency Management Partnership Day (Jan 27-28, 2025)
- Completing Strategic Planning and tactical plans (throughout)

### **EVENTS & STRATEGIC PARTNERESHIPS**

- Hosted the Santas Cousin Movie Premiere at Downshift Brewery.
- Steve Andrus from XTERRA will be in Ruidoso from January 14-18.

### **FINANCE**

- Council monthly reports for December (Period 6 FY 2025) will be available by mid-January.
  - **November 2024 Benchmarks:**

- GRT Revenue is down 10.99% from PY (\$1,019,259 decrease).
- Gasoline Tax Revenue down 16.23% from PY (\$8,313 decrease)
- Lodgers' Tax Revenue down 49.26% from PY (\$721,500 decrease)
- Monthly Council reports are available on the Village website.
- There were three (3) project worksheets (PW) approved for the McBride Fire for a total of \$423,169.54 in funding. Received \$313,554.56 in Federal Funds and total outstanding \$109,614.98 (Fed \$47,097.26 and State \$62,517.72). Waiting for instructions on how to move forward to receive other funding.
- FY 2025 Budget and supporting documentation was sent to DFA on July 29, 2024. Interim budget approval received 06/13/24. Final approval received August 27, 2024.
- The Village is currently working with NM DHSEM to reconcile expenditures associated with the FEMA PW155 Sewer Line Project. Once reconciled, the Village should receive the \$3,011,393.52 that represents the State's portion of the disaster.
- The Village is also working with NM DHSEM to reconcile expenditures incurred with the design of the six (6) FEMA bridges. Once reconciled, hopefully the state and federal portions of expenditures incurred will be released from the State as a part of the pay as you go process. Total expenditures incurred \$1,280,473.73.
- Audit report for FY 2024 submitted to the State Auditor on 12/16/24, since the 15<sup>th</sup> landed on a weekend.
- In process of filling out application for FEMA Community Disaster Loan. The first submission of financial information was completed on August 20<sup>th</sup>. Additional financial projections are needed, and we were assigned a new analyst.
- Outstanding legislative appropriations and grants:
  - Senior Center bathroom remodel (A22G-5328) \$94,000.00 Balance \$8.14
  - Senior Center kitchen renovations (A23H2028) \$276,038 Balance \$1,580.06
  - Recreation (23-ZH5053-45) \$1,000,000.00 CLOSED
  - Recreation (23-H3061) \$500,000.00
  - McBride Fire (23-ZH5051-2) \$2,500,000.00 Balance \$1,951,553.64
  - Main Street Improvements (A23H2121) \$265,000.00
  - E911 Dispatch building (G2890) \$3,465,000.00 CLOSED
  - Links Trail (NMDOT RT20030) \$1,139,236.00 Balance \$102,089.47
  - Moon Mountain Trail (NMDOT RT20040) \$374,638.00 Balance \$20,306.60 CLOSED
  - Hazard Mitigation Plan Update \$56,000.00 CLOSED
- Waiting for reimbursement from the State on the following:
  - Senior Center bathroom remodel (A22G-5328) \$12,744.04
  - Senior Center kitchen renovations (A23H2028) \$17,043.66
- Waiting to pay back the State on the following:
  - Links Trail (NMDOT RT20030) \$17,477.14

### **Utility Billing**

- Automated meter transmitters remain to be changed, input into the Incode billing system, or need activation is 8. ei

- The Utility Supervisor is coordinating with the Village Clerk to organize utility liens. They are also making sure that the lien ordinance is being followed.
- Sending the updated rates to DataProse so the back of the bills can reflect the changes that have been made. The updates have been completed and should be on the next billing cycle.
- Working with Tyler to make a smooth transition from 4 billing cycles to 2 billing cycles.
- Department Statistics:

**DECEMBER 2024**

Lien Letters Sent Out: 26  
 Lien Request Sent to Village Clerk: 0  
 Payment Arrangements Process: 9  
 Leaks: 198  
 Work Orders: 187  
 Shut-Offs: 30  
 Bill Adjustments: 16  
 Leak Credits: 5

**IT:**

- Windstream has switched to all Kinetic Construction In-House Teams.

**Projects In Progress:**

- Mechem main feed build is 100% on complete
- Rio Str is 100% complete
- White Mountain Dr is at 75% placement, expected by mid-January.
- Alpine Village Rd and NM 48 Placement is 95% placed after going back from the Fire. Splicing is at 75%
- Pike's Peak RD is 90% on underground placement, delay here also due to the fire. Splicing is 75%.
- Coconino Lane area is 100% placed and 80% spliced. It too was affected by the fire and these percentages are now as it stands since the restoration has been made.
- University Dr. is at 85% placement and splicing is 70%. This area was also affected by fire this year and the burned area is restored just pending a small portion.
- Gavilan Canyon Rd and Rain Dance Trail are 85% placed. This has buried work to still be done, but aerial is 100%. It is scheduled for splicing.
- Innsbrook Dr has been started and is 35% on placement.
- Sudderth Dr is at 90% placement, completion expected mid-January.
- White Mountain Dr aerial is complete and underground is 75% placement, completion is expected mid-January.
- 1st St is at 75% placement, completion expected mid-January.
- Brady Canyon is at 55% placement, completion expected beginning of February.

**Other Windstream Updates:**

- All aerial work will be completed in January. Placement of 302,000 feet of fiber.
- 7 new crews on buried work will start as of January 6th, 2025.

- Approximately 950 households have been brought in so far with the new service
- Systems MD will finalize the date for the installation of the Police department server soon. This is the final step for the completion of the server upgrades for the Village.
- IT will be conducting a review of all computers to see if these units are able to upgrade Windows 10 software to Windows 11 or if they need to be upgraded.
- Sent out a request for quotes to 2 vendors listed on price agreements that we currently use. Received a favorable quote back from Windstream and will proceed with this for phone service and new phones to be installed as soon as possible.

**Capital Projects**

Projects in Construction

<b>Project</b>	<b>Contractor</b>	<b>Substantial – Final Completion</b>
Horton Complex Phase 2	White Sands Construction	Construction in progress. Anticipated completion 12/30/24.
603 Mechem Housing	Homespot	Property preparation in progress, Homes ready. 8 pads complete, 5 homes set. Substantial completion January 2025.
Lift Station Rehabilitations	James, Cooke, & Hobson, Inc	Control Panel Installation in progress.
Tank Restoration Phase I	D&R Tank Company	Construction in progress.
Upper Canyon Surface Diversion	Spartan	Debris Removal in process
Country Club Restroom	CXT, Inc	Installed on the 16 <sup>th</sup> . Project will be closed out.
Broadband Expansion	Windstream Communications	Ongoing. Addressing water line disruptions with Contractor to achieve resolution.

Progress Highlight: 603 Mechem





## Procurement Activities:

### Purchase Order Summary Report

December: 213 Count

December Value: \$3,610,890.69

FY25 Issued YTD: 2341 Count

Total Value: \$40,496,983.13

### RFP #2025-006P 603 Mechem Landscaping

Advertisement for RFP #2025-006P will start 12/26/2024. A Non-Mandatory Pre-Proposal Conference will be held on 01/08/2024. Proposals will be due on 01/15/2024. The award and contract are anticipated to be on the 1/28/25 Special Council Agenda.

### ITB #2025-006B REBID 10,000 Gallon Horizontal AC Hot Oil Tank

Advertisement for ITB #2025-005B will start 1/2/25. No Pre-Bid Conference will be held. Submittals will be due on 1/14/2025. The award and contract are anticipated to be on the 01/28/25 Council Agenda.

## **FIRE**

We remain in Level I Fire Restrictions.

Ruidoso Fire Department is always monitoring the Energy Release Components and looking at the trends. Ruidoso area is 43.



## **PUBLIC ANNOUNCEMENT VILLAGE OF RUIDOSO**

EFFECTIVE  
July 3, 2024 12:00 PM

### **FIRE RESTRICTIONS FOR THE VILLAGE OF RUIDOSO LEVEL I RESTRICTIONS**

1. **COMMERCIAL FIRE PITS APPROVED FOR USE (IF SPECIFICALLY PERMITTED BY FIRE MARSHAL)**
2. **OUTDOOR COOKING APPROVED ON ALL TYPES OF APPLIANCES, INCLUDING CHARCOAL**
3. **NON-COMMERCIAL FIRE PITS, CAMPFIRES AND/OR FIREWORKS ARE NOT ALLOWED WITHIN THE VILLAGE OF RUIDOSO (UNLESS SPECIFICALLY PERMITTED BY FIRE MARSHAL)**

**CITATIONS WILL BE ISSUED FOR IMPROPERLY DISCARDING CIGARETTES  
CITATIONS WILL BE ISSUED - NO EXCEPTIONS - NO WARNINGS  
WE WILL NOTIFY THE PUBLIC IMMEDIATELY UPON ANY CHANGES  
THANK YOU FOR YOUR COOPERATION**

**IF YOU HEAR THE SIRENS, PLEASE TURN YOUR RADIO STATION TO 1490 IMMEDIATELY FOR FURTHER INSTRUCTIONS**

  
Joe Kasuboski  
Fire Chief  
Ruidoso Fire Department

- There were 152 calls ran from November 1, 2024 – November 30, 2024. This includes fire and medical calls. This is a final count per state once all reports have been approved and submitted through NMEMSTARS (the state reporting system). From this point on we will only report final numbers once they are confirmed by the State.
- Attended the council workshop on December 3rd.
- Officer promotions were held on December 4th with Justin Mize promoted to C-shift captain & Jeff Miles C-shift lieutenant. Will Green was promoted to B-shift captain and Quade Hall B-shift lieutenant.
- Attended Capital Projects meeting December 5th.
- Attended Sierra Blanca Wildland Fire Academy meeting at EMNU December 5th.
- We had a station tour for the Hondo Schools K-2nd grade at station 1.
- We had our annual Board of Pharmacy inspection conducted on December 5th.
- Attended Christmas in the Park.
- Supported the Annual Festival of Lights Parade December 7th.
- Attended council meeting for Joe K. retirement and new officer's promotions December 10th.
- Attended directors meeting December 12th.
- Had firefighters attending ICS-300 & ICS-400 classes hosted by Mescalero Fire Department.
- Had Pump Operator Training for new firefighters first week of December.
- December 13th village Christmas party.
- December 14th fire department Christmas party.
- December 18th had a Risk Reduction meeting.
- December 18th had an officers meeting.
- December 19th attended a Capital Projects zoom meeting.
- Fire department hosted a holiday blood drive.

- December 29th new Firefighter Emilio Salcido started for C-shift.
- December 31st attended a meeting about evacuation zone plans.
- Siren testing will continue the 1st and 15th of each month at 1700 hours for maintenance and community preparedness. Had a few sirens not functioning properly, those are being serviced to be placed back in service.
- Engine 13 is out of service.
- Tender 5 out of service with starting issues.
- Ladder 1 is out of service.
- Command 1 is stickered awaiting lights and sirens to be put in service.
- Command 3 emergency lighting went out: awaiting bids to be repaired.

Fire Marshal:

#### TRAINING REPORT

- TOTAL TRAINING EVENT HOURS: 372
- TOTAL STAFF TRAINING HOURS: 384
- AVERAGE ATTENDANCE: 7

Classes ranging from all hazard firefighter training & EMS training.

DAILY I.S.O. TRAINING ENTRIES: 416 HOURS

Each firefighter conducts 4 hours of "Daily / ISO" training each shift. Training is:

- 1-hour SCBA
- 1 hour Vehicle maint. /checks
- 1 hour District Familiarization and
- 1-hour Physical Fitness

#### NOT RECORDED WITHIN THE ABOVE HOURS:

- The Ruidoso Fire Department had several firefighters enrolled in the EMT Basic program.
- The department had members attending ICS-300 & ICS-400 classes hosted in Mescalero.
- The department had members attending Pump Operator Classes hosted by Alamogordo Fire Department.
- The department had members attending Driver Operator classes.
- The department had members attending S-130/S-190 Basic Wildland firefighting class taught in house.
- The department had members attending Instructor 1 class at the State Firefighter Academy.

#### INSPECTION REPORT

- Annual fire inspections conducted: 6
- New business inspections conducted: 2
- Fire pit inspections conducted: 15
- Fire Safety Pre-Fire Plan conducted: 4
- Total Inspections: 27

#### COMMUNITY REDUCTION

- Total of new smoke detectors installed: 8
- Total Fire Prevention / Citizen contact: 45

**FORESTRY**

	Fiscal year	This Period
Forestry Current Activities Report	<b>24/25</b>	<b>12/02/2024 - 12/31/2025</b>
<b>Item:</b>		
<b>Hazard Tree Removal:</b>		
Private property	<b>50</b>	<b>13</b>
Village property	<b>13</b>	<b>8</b>
<b>Public Service Visits, Insects/Disease/Misc</b>	<b>46</b>	<b>6</b>
<b>Permits issued for tree removal (20" plus)</b>	<b>7</b>	<b>2</b>
<b>Private Property Compliance:</b>		
Initial	<b>279</b>	<b>18</b>
Final	<b>345</b>	<b>43</b>
Acres completed	<b>117.778</b>	<b>24.606</b>
<b>New Construction:</b>		
Initial Inspection and Fire Hazard Rating	<b>17</b>	<b>3</b>
Final Inspection and Approval	<b>10</b>	<b>1</b>
<b>New Construction Permitting Fees:</b>		
Forestry	<b>\$1,700</b>	<b>\$200</b>
Solid waste	<b>\$5,140.00</b>	
<b>Village property Treated:</b>		
2 Cemeteries	<b>32 acres</b>	
Removed junipers from library		
Working on court cases for non-compliance, about 250 properties.		

**HUMAN RESOURCES**

- In January, the Village will be preparing Semi-Annual Employee Evaluations. These will be used as a check-in with employees on goal completion and action plans for the upcoming six months. All Semi-Annual Evaluations will be due to HR by January 31, 2025.
- Chapter 16 Section 7: Dress Code and appearance was amended and approved by the Council at the December 2024 Council meeting. Employees are currently reviewing the amendment and signing acknowledgements of the policy change for their personnel file.
- Dr. Troy Rodgers from the Public Service Psychology Group in Albuquerque will be on site on Wednesday January 8, 2025. Dr. Rodgers will be offering mental health services to our staff who would like to participate. We will hold 2 group sessions and several individual sessions.



- Human Resources will be planning a Health and Wellness Event in February 2025 for the Village Staff. We are partnering with our insurance broker, HUB International.

### **Employee Committee News**

- The Annual Christmas Party was a great success this year. We had a great turnout of employees and families, good music, excellent food and lots of fun.
- The next event that the Committee will be planning is a Bowling Night for the Village employees.

### **Safety News and Upcoming Safety Training**

- The December 2024 scheduled Defensive Driving Course (DDC), was held on December 16, 2024. Ten employees attended December's training. We had six employees attend the Accident Investigations class on December 18, 2024.
- The January 2025 DDC class will be held on January 14, 2025. The January 2025 Accident Investigation class will be on January 15, 2025. Flyers have been sent out to employees with information to register for the classes.
- The Safety Training Calendar is posted on the Health and Safety page of the VOR website and posted on Department employee bulletin boards.
- The Safety Coordinator began taking Safety Liaisons to other departments to assist in conducting Safety Audits and getting some additional experience.
- Safety Inspections were conducted at random throughout the Village departments.

## **LIBRARY**

### **GENERAL INFORMATION:**

- The Library Manager attended the regular December Village Council Meeting.
- The Library Manager attended the December Director/Manager meeting.
- The Library Manager attended the Boards and Commissions Mixer.
- The Library Manager attended the Village Employee Christmas Party.
- The Library Manager, Supervisor and Youth Services Librarian conducted 1<sup>st</sup> and 2<sup>nd</sup> interviews for the Library Assistant position. Our new Library Assistant will start on January 13<sup>th</sup>.
- The Friends of the Ruidoso Public Library met November 5<sup>th</sup> at 4 pm in the Library Conference Room the next meeting will be January 7<sup>th</sup>.
- The Ruidoso Public Library Advisory Board met on November 6 at 11:30 am in the Library Conference Room. The next meeting will be on January 8<sup>th</sup>.
- Library Supervisor completed 2 Library Science classes this December and is working toward her New Mexico Class I Certification. She will begin her 3<sup>rd</sup> class required in the middle of January.
- The Library Supervisor continues to help input records into Past Perfect Software for the Wingfield Museum and Heritage Center.
- Library staff completed their online Infopeople courses and will begin a new course at the end of January.
- Library Staff attended weekly Safety Meetings at Village Hall.

### **Outreach Services:**

- Adult Services hosted the High School Knowledge Bowl contests for their online Knowledge

Bowl 10 attendees.

- The library, in collaboration with the Ruidoso Municipal Schools brings the Annual Angel Tree. There are 70 tags this year and all 70 children received gifts for the Holiday.
- The library in collaboration with The Spencer Theater has a Wish Tree up at the Spencer with wish tags for the library. This is for nonprofit organizations to receive donations during the Holiday Season. So far, we have received one donation to go to our Dia Celebration.



Angel Tree



Wish Tree

### Adult Services:

- The Sierra Blanca Chapter of the Daughters of the American Revolution met on December 4th in the Library Conference Room. They had 6 attendees.
- Nicole Vasquez from HUB Insurance was at the library to meet with employees on the morning of December 13<sup>th</sup>.
- The Ruidoso Writers Group meets every two weeks on Tuesday afternoons. There was an average of 8 attendees per meeting.
- Library Staff are working on January Displays
- Here's the displays we had for December.



### Youth Services:

- Youth Services is continuing to plan and prep programming for Winter Programming.
- Youth Services conducted 3 Baby and Me story times with 30 attendees. Baby and Me Story Times are at 10:30 am on Tuesday mornings.

- Youth Services conducted 2 Pre-School Story Times with 52 attendees. Pre-School Story Time is at 10:30 am on Wednesday mornings.
- Youth Services conducted 2 Special Gingerbread House Elementary Programs with 127 attendees. Elementary programs are conducted at least once a month at varied times.
- Youth Services conducted 1 Special Gingerbread House Teen Program with 15 attendees



- Youth Services conducted a special Christmas Story Time with Santa and had 45 attendees.



- Below are pictures of Youth Services Displays we had for December.





### **ON-GOING PROJECTS:**

- Continuing to catalog and process adult and youth materials for placement on new shelf.
- Working on record database maintenance and clean up as well as member database corrections and updates.
- Ongoing weeding and repair of library materials.
- Collection Development for Adult and Youth materials.
- On going training for staff to keep them up to date on technology, emergency operations, and all the varied areas of library work.
- Purchase of used Cargo Transit Van for Outreach.
- Update Library Conference Room with big screen and microcomputer for zoom calls and trainings.
- Update of front entrance to include automatic doors on left (South) side only.
- Increasing library outreach programming.
- Increasing library adult programming.

### **STATISTICS:**

- Library material checkouts were 2,730 and check ins were 2,408.
- Total Library visitors were 7,094.
- We issued a total of 34 new cards and updated 108 cards.
- Overdrive e-book checkouts were approximately 1,202. We had approximately 11 new users. There were 351 holds for e-audios and 277 holds for e-books and we had 41 holds for print materials.
- Tumblebooks for children was used 256 times.
- Reference questions totaled 711.
- Computer users totaled 229.
- Gabbie, a text message application on our Integrated Library System Biblionix, was used approximately 300 times by 63 unique users.
- We added 158 material items.
- We had 11 Interlibrary Loan requests, and 11 books have been received.
- We had the Writer's Group Meet two times and had a total of 11 attendees.
- There were 617 external catalog searches, 1,250 internal searches by 146 unique users.
- Mango Languages was used 12 times.
- There were approximately 11,276 actions performed in our Biblionix Integrated Library Software.

## PARKS AND RECREATION

### Ruidoso Schools MOU MAINTENANCE AND FINANCES

- Staff cleaned Parks and Restrooms, (33-man hours White Mtn.) **\$924.00 personnel.**
- Staff started prepping the High School Baseball Field for Spring play, 40-man hours.

<b>Total Supplies (paint)</b>	<b>\$200.00</b>
<b>Water -12/15/24</b>	
Gavilan Water Bill	\$242.53
White Mountain Water Bill	\$46.28
White Mountain Electric Bill-September	\$138.95
Personnel	\$2,044.00

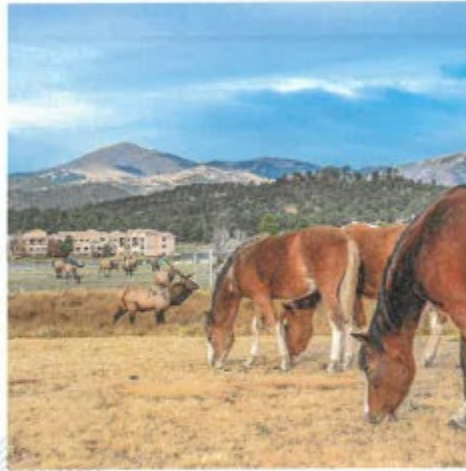


Photo Courtesy Mark Stambaugh

\$2,671.76

73

TOTAL HOURS



### Parks and Facilities PROJECTS BY NUMBERS

- Staff cleaned parks, maintenance and buildings. 1520-man hours.
- Staff picked up trash on medians, parks, and free parkings, raked needles, cleaned graffiti and stickers in Midtown, 52-man hours.
- Staff put up decorations and worked Christmas in the Park, 172-man hours.
- Staff moved docks at Grindstone Lake, 16-man hours.
- Staff cleaned the EOC, 36-man hours.



1,812

TOTAL HOURS

## Keep Ruidoso Beautiful

- The Keep Ruidoso Beautiful Committee goes dark in December and January.
- Park staff removed graffiti and stickers in Midtown, also, graffiti in Wingfield Park and School House Park.



## Programs & Activities

### YOUTH AND COMMUNITY ACTIVITIES

- On 12/5 the Parks & Recreation staff assisted in the "Christmas in the Park" celebration which included the Tree Lighting, Sleigh rides, Ice Skating, Live Music and more. The event was highly attended by the public.
- The "Christmas Movie & Drone Show" held on 12/14 featured a Drive-In Style showing of "Fred Clause" at the WMRC parking lot and was immediately followed by a Christmas themed Drone Show. Attendance was high for both movie and Drone show.
- The Ice Rink at Wingfield Park has been operating 7 days a week with Special Operating hours 11am- 8pm and Concessions by "Dr. Munchiez" during the winter school break.
- The Basketball season for 6u & 8u age groups with 136 registered players, started in early December and will continue through mid-January. Games and Practices are held at the Upper & Lower Horton Gym.
- Security is being provided by "Crusader Security" for the Saturday basketball games at the Horton Gym. Spectators and other attendees remain in good spirit with a "positive" energy at the gyms.
- Concessions are being provided by "The Big Ben Sanchez Foundation" at the Upper Horton Gym for both Wednesday and Saturday games.
- Registration for 10u & 14u Basketball is open online or through the Recreation office and will close on 01/19/25.



**RUIDOSO**  
— PARKS & RECREATION —  
LIVING IN NATURE'S PLAYGROUND  
PROGRAMS & ACTIVITIES

# Public Pool Update

- Pest control Treatment contract was extended through the winter.
- Pool pumps, impellers are shut down and will be started once a month.
- The swimming pool heater was turned off. Gas lines are shut.
- The water supply to the swimming pool was shut off.
- The facility is organized, cleaned and all the pool deck equipment is stored for the off-season.
- The climbing wall was taken down and stored properly
- The pool cover was installed for the winter.
- Vent covers were installed on all doors and facility windows are closed.



# Community Center

## STAFF AND UPDATES

- The Community Center staff teamed up with the New Mexico Aging & Long-Term Services Department to distribute food boxes to Veterans and others in need on Friday, December 20<sup>th</sup> from 11:00am to 1:00pm. 75 food boxes were distributed to the community.
- Herres Plumbing installed additional heater/AC vents in the Community Center lobby area to disperse heating and cooling to the area.
- Community Center staff has been attending capital outlay trainings to further their knowledge on the upcoming changes to the application process. Applications open on January 8, 2025 so staff will be gearing up to apply for funding to renovate and add additional parking space to the parking area that surrounds the Ruidoso Community Center. The application process closes on April 8, 2024.
- The Community Center hosts line dance for beginners and those that are in the intermediate phase of this type of dance which is taught by an RSVP Volunteer who has been teaching the class for over 21 years. Line dancing is a choreographed routine done with a group of people that has a repeated sequence of steps. Lanora Pickel is a great teacher who shows advanced skills and is willing to teach anyone. Intermediate class is on Tuesdays and Thursdays at 10:15am and is immediately followed by a beginner's class at 11:00am sharp.
- Art Lessons are available at the center on Tuesdays from 1:00pm to 4:00pm. Maria Hamilton, who previously taught at ENMU, has brought her lessons over to the center and classes are well attended. The types of lesson taught are painting with oils, acrylics, watercolor, pastels, charcoal, and graphite. Attendees are required to bring their own supplies while there are limited supplies available. More information is available by calling Maria at 575-937-7826.



4

Staff Members

3

Weekly Activities

8



# Community Center

## Retired and Senior Volunteer Program

- The Village of Ruidoso RSVP Program continues to grow each month with so many amazing volunteers that love to be here to help and serve the community.
- Can't believe it is December Already!! The Retired Senior & Volunteer Program volunteers hosted its Holiday Appreciation Dinner for all the volunteers on December 12, 2024. The usual appreciation event in December has outgrown our normal space at the Ruidoso Community Center, so staff held it at the Ruidoso High School cafeteria. It was a very nice event which was very well attended. The high school students that are part of the schools culinary Eco-Pee Lounge program, made a delicious home cooked meal with a yummy dessert, and the Rockin "M" Wranglers (a husband and wife singing duo) were in attendance to entertain everyone with some awesome Cowboy Christmas music. Recognition gifts were handed out to all the volunteers that attended, and those that were not able to attend have been notified to receive theirs from the Ruidoso Community Center as well. ☺
- Upcoming Events for January 2025: The RSVP Program started it's annual Martin Luther King Jr. Day of Service Project Coat Drive here in the Village of Ruidoso on October 1, 2024, and it continues through January 20, 2025 (MLK Day). RSVP Staff collaborates with Evergreen Cleaners, & Christian Services of Lincoln County. There are 8 drop off locations through-out Lincoln County for gently new & used coats, hoodies, hats, scarfs and gloves for adults and children. Bins can be found at Walgreens, Albertsons, Club Gas, Hoston Gyre, Ruidoso Community Center, Capitan Public Library, Ruidoso Library, and Village Hall. Items received are dropped off at Evergreen Cleaners where they are kindly cleaned and are then dropped off at Christian Services of Lincoln County to be given out to those in need during the cold months. This event is always very successful for the RSVP Program but more importantly to the local community.
- Volunteers that contribute to the RSVP Program and in our community dedicate their hard work without hesitance. RSVP Staff, the Village of Ruidoso, and the local community are beyond grateful for each and every one of these volunteers. ☺
- Cheers to the closing of 2024! It has been quite a year, and we look forward to what 2025 brings our way!!



231

Volunteers

1,867

Volunteer Hours



## **POLICE DEPARTMENT**

Officer Levi Wrye received the MADD Rual DWI Officer of the year on December 13, 2024. Mothers Against Drunk Driving (MADD) recognizes law enforcement officers for their outstanding service in DUI enforcement, traffic safety, and underage drinking enforcement.

## **REGIONAL WASTEWATER TREATMENT PLANT (RWWTP)**



**RUIDOSO - RUIDOSO DOWNS REGIONAL WASTEWATER TREATMENT FACILITY**

**MONTHLY RECORD FOR INFLUENT AND EFFLUENT**

<u>DATE</u>	<u>DAY</u>	<u>FLOW</u>	<u>TEMP.</u>	<u>pH</u>	<u>T.S.S.</u>	<u>BOD5</u>	<u>E. COLI</u>	<u>TRC ug/L</u>	<u>INF. T.S.S.</u>	<u>INF. BOD5</u>
12/01/24	Sun	1.64	16.4	7.00						
12/02/24	Mon	1.44	16.3	7.08						
12/03/24	Tues	1.29	16.4	7.29			1.5			
12/04/24	Wed	1.23	16.5	7.13	3.37	1.12			<b>257.5</b>	<b>142.6</b>
12/05/24	Thu	1.34	16.3	7.30					VSS 175.5	pH 7.48
12/06/24	Fri	1.25	16.2	7.19					VOL.68.2%	TEMP. 13.0
12/07/24	Sat	1.39	16.1	7.10	3.37	1.12	1.5		<b>98.7</b>	<b>99.2</b>
12/08/24	Sun	1.45	16.1	7.02					<b>%removal</b>	<b>%removal</b>
12/09/24	Mon	1.40	16.0	7.20						
12/10/24	Tues	1.28	15.5	7.19						
12/11/24	Wed	1.29	15.4	7.27						
12/12/24	Thu	1.22	15.2	7.32						
12/13/24	Fri	1.38	15.3	7.30						
12/14/24	Sat	1.37	15.0	7.14						
12/15/24	Sun	1.44	15.3	7.18						
12/16/24	Mon	1.46	15.2	7.19						
12/17/24	Tues	1.29	15.3	7.48			2.5			
12/18/24	Wed	1.31	15.3	7.19	0.73	0.78			<b>196.2</b>	<b>162.4</b>
12/19/24	Thu	1.26	15.4	7.21					VSS 160.2	pH 7.60
12/20/24	Fri	1.31	15.1	7.18					VOL.81.7%	TEMP. 11.5
12/21/24	Sat	1.45	15.1	7.19	0.73	0.78	2.5		<b>99.6</b>	<b>99.5</b>
12/22/24	Sun	1.51	15.1	7.25					<b>%removal</b>	<b>%removal</b>
12/23/24	Mon	1.56	15.0	7.20						
12/24/24	Tues	1.56	15.1	7.03						
12/25/24	Wed	1.56	15.1	7.28						
12/26/24	Thu	1.52	15.0	7.22						
12/27/24	Fri	1.63	15.1	7.24						
12/28/24	Sat	1.74	14.9	7.08						
12/29/24	Sun	1.71	15.3	6.97						
12/30/24	Mon	1.67	15.7	7.13						
12/31/24	Tues	1.68	15.1	7.26			1.0			
							1.0			
<b>MONTHLY AVG.</b>		<b>1.44</b>			<b>2.05</b>	<b>0.95</b>	<b>1.67</b>			

**RUIDOSO - RUIDOSO DOWNS REGIONAL WASTEWATER TREATMENT FACILITY**  
**MONTHLY RECORD FOR FOG RESULTS**

**FOG RESULTS**

**Mescalero, New Mexico**

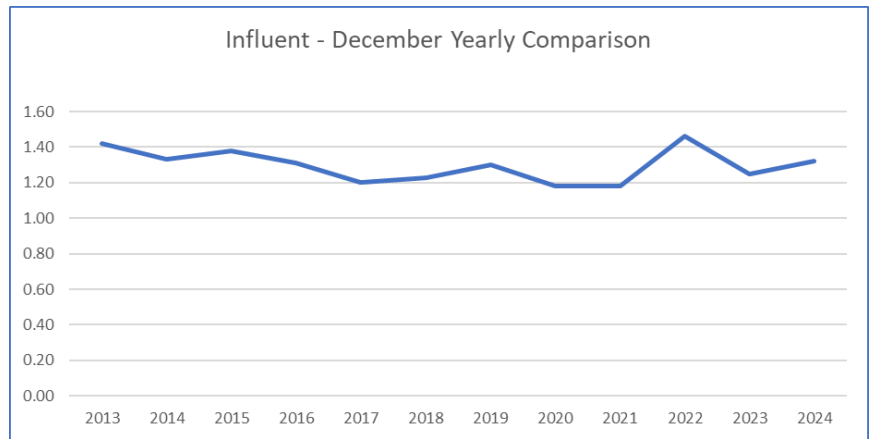
<u>Collection Date</u>	<u>N-Hexane Extractable</u>	<u>Location</u>
12/4/2024	13.0	IMG - Carrizo Canyon
12/4/2024	29.0	Palmer Loop Manhole, Mescalero
12/4/2024	21.0	Apache Travel Center

**Manager's Report - RWWTP**

Flows - Average: Millions of Gallons per Day

Influent - December Yearly Comparison

2013	1.42
2014	1.33
2015	1.38
2016	1.31
2017	1.20
2018	1.23
2019	1.30
2020	1.18
2021	1.18
2022	1.46
2023	1.25
2024	1.32

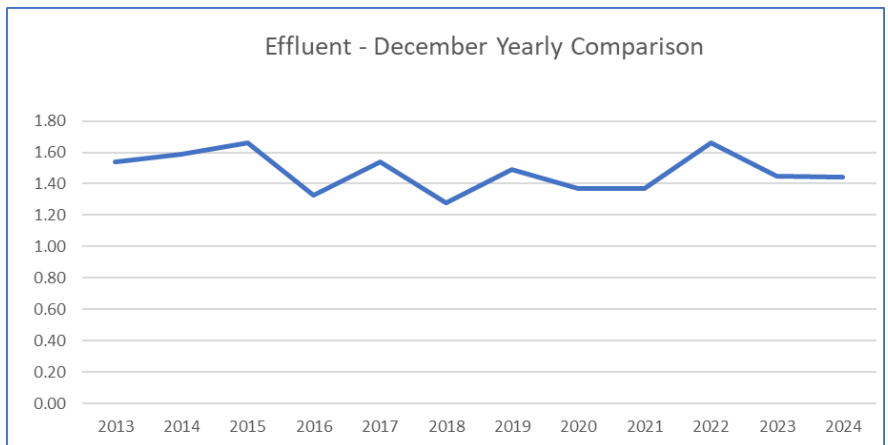


**Manager's Report - RWWTP**

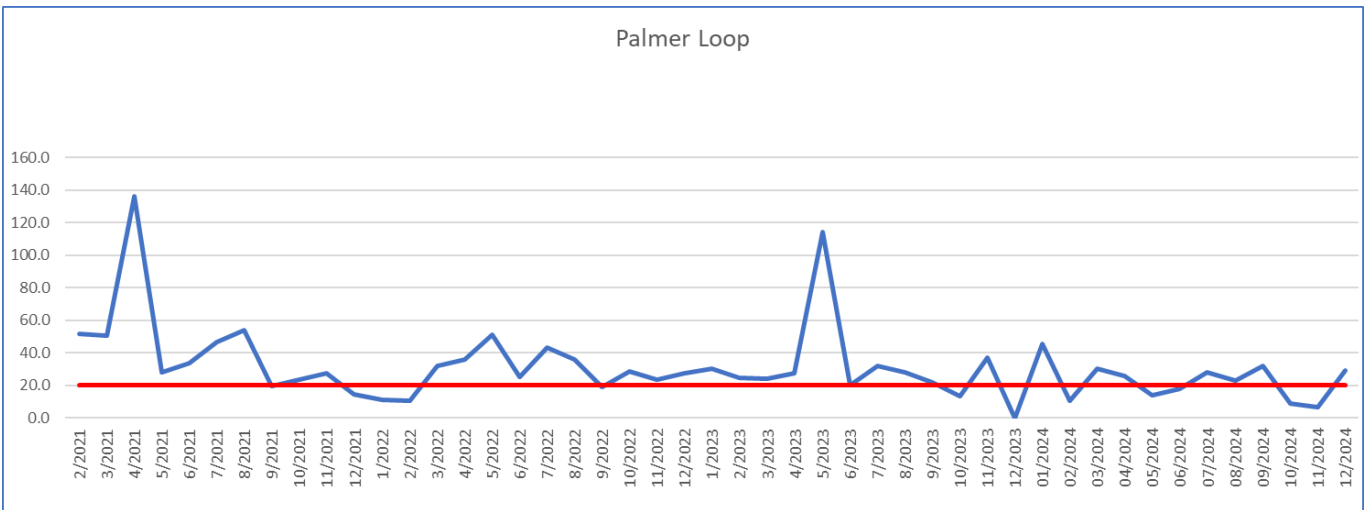
Flows - Average: Millions of Gallons per Day

Effluent - December Yearly Comparison

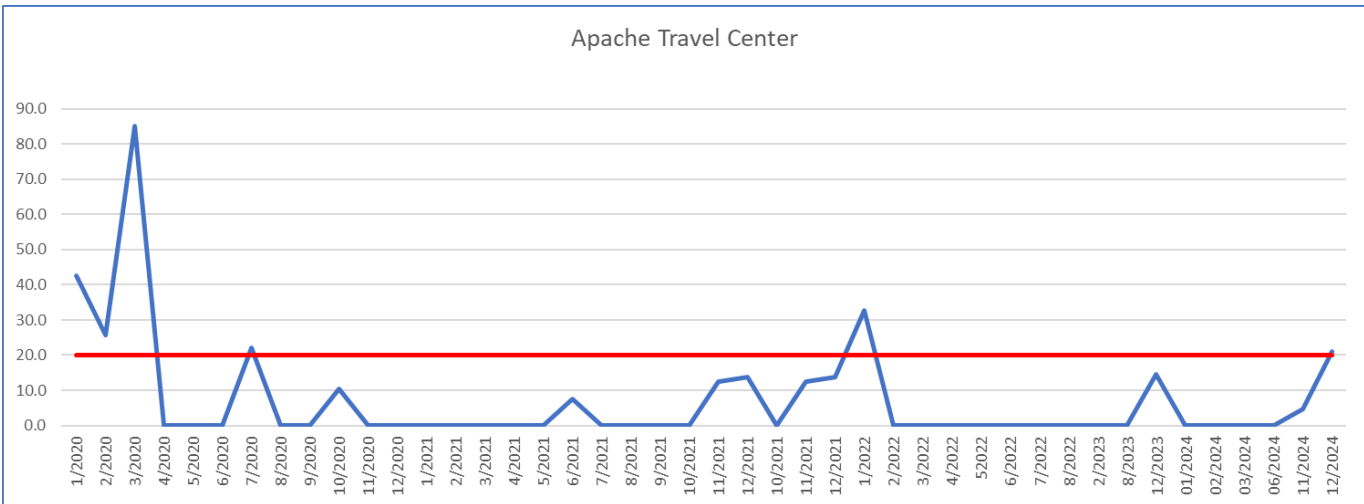
2013	1.54
2014	1.59
2015	1.66
2016	1.33
2017	1.54
2018	1.28
2019	1.49
2020	1.37
2021	1.37
2022	1.66
2023	1.45
2024	1.44



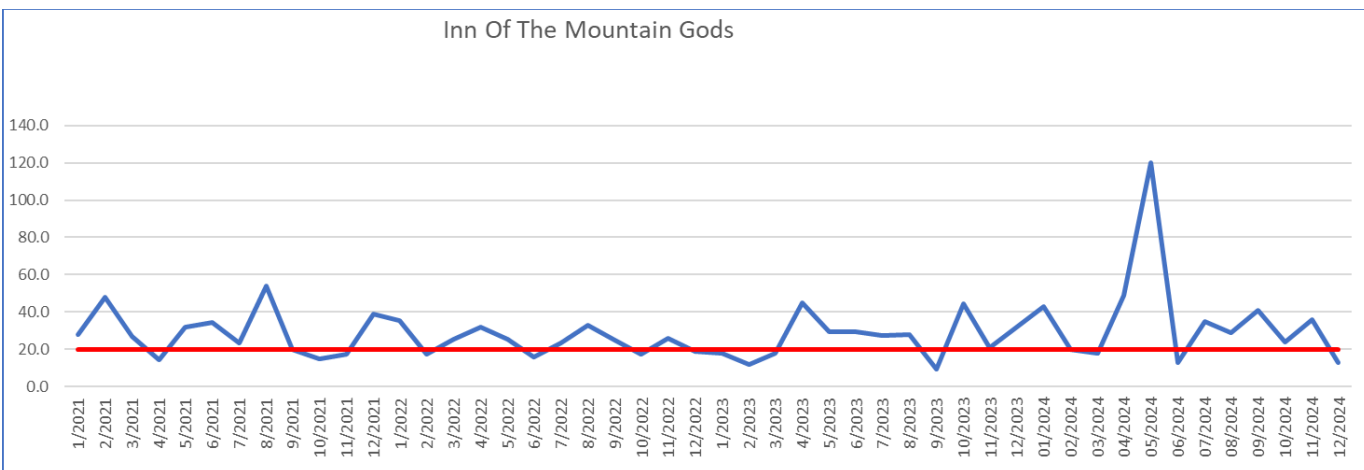
December 2024



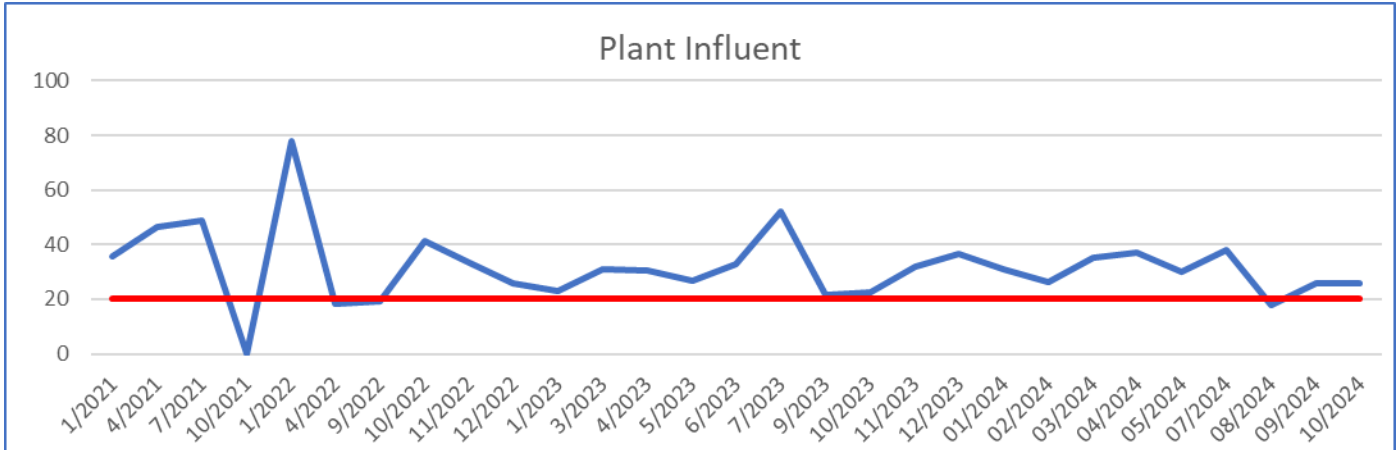
Manager's Report - RWWTP  
FOG Results - Apache Travel Center  
December 2024



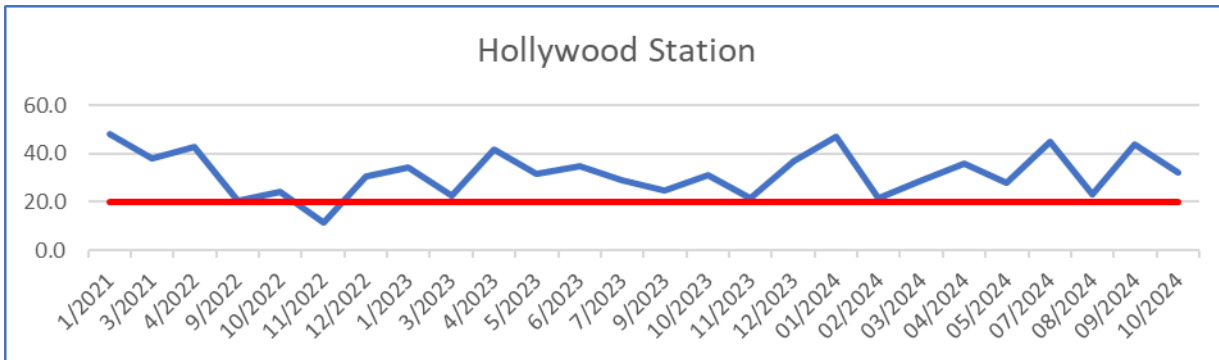
Manager's Report - RWWTP  
FOG Results - Inn of the Mountain Gods (IMG)  
December 2024



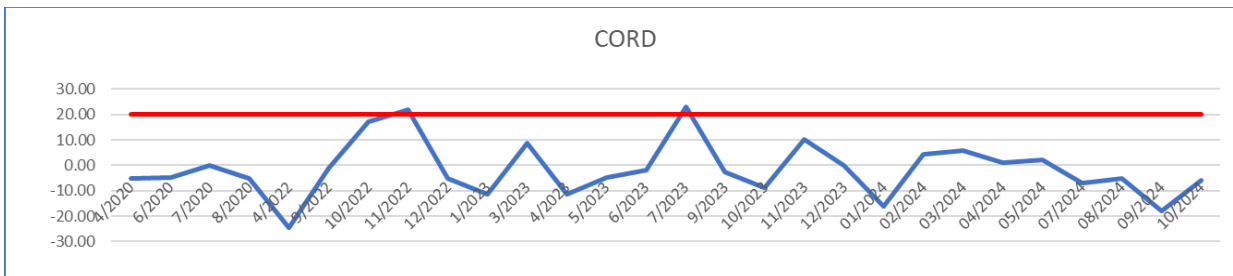
Manager's Report - RWWTP  
 FOG Results - Plant Influent  
 December 2024



Manager's Report - RWWTP  
 FOG Results - Hollywood Station  
 December 2024



Manager's Report - RWWTP  
 FOG Results - CORD  
 December 2024



**SOLID WASTE**

- The department has 1 refuse truck and 1 bear mess truck down.
- The department is down one CDL truck driver and is down two bear mess drivers.
- Grapple pick up has really picked back up. There are lots of needles falling (this time of year) and people are out cleaning; on top of forestry compliance clearing.
- We only have 2 to 3 grapple drivers running full time. We are having to pull grapple drivers to run other routes including refuse and transport.

- We are still getting a lot of illegal dumping. People are still cleaning out their homes of flood debris and others are remodeling damaged property.
- The department is getting a lot of calls wanting the flood debris picked up because it has been sitting there for a while.
- Robyn off 01-10-25, at noon.

Universal Waste Systems Statistics:

Listed below you will find information regarding green-waste that has been collected within Village of Ruidoso and taken to Sierra Contracting/Universal Waste Systems for disposal: (No bill to update for November or December)

<b>Fiscal Year</b>		<b>Cubic Yards of Yard Debris to Sierra Contracting</b>	<b>Fee</b>	<b>Loads</b>
<b>2023/2024</b>				
JUL		5,780.00	\$56,130.66	266
AUG		4,538.00	\$44,069.37	214
SEP		4,352.00	\$42,263.09	198
OCT		3,361.00	\$32,639.30	164
NOV		3,559.00	\$34,562.12	166
DEC		3,725.50	\$36,179.03	178
JAN	UWS	4,261.00	\$41,721.91	198
FEB		2,250.50	\$56,039.41	265
MAR		3,180.00	\$31,284.76	150
APR		3,658.00	\$33,141.48	170
MAY		4,779.00	\$43,805.10	219
JUN		4,660.00	\$42,219.60	215
	TOTAL	<b>48,104.00</b>	<b>\$494,055.83</b>	<b>2403</b>
<b>TONS</b>		<b>7215.60</b>		

<b>Fiscal Year</b>	<b>Cubic Yards of Yard Debris to Universal Waste Sys.</b>	<b>Fee</b>	<b>Loads</b>
<b>2024/2025</b>			
JUL	4,090.00	\$37,055.40	191
AUG	3,377.00	\$30,396.30	160
SEP	3,456.00	\$31,311.36	165
OCT	4,451.00	\$40,326.06	211
NOV	0.00	\$0.00	0
DEC	0.00	\$0.00	0
JAN	0.00	\$0.00	0
FEB	0.00	\$0.00	0
MAR	0.00	\$0.00	0
APR	0.00	\$0.00	0
MAY	0.00	\$0.00	0
JUN	0.00	\$0.00	0
<b>TOTAL</b>	<b>15,374.00</b>	<b>\$139,089.12</b>	<b>727</b>
<b>TONS</b>	<b>2306.10</b>		

Lincoln County Waste Transfer Statistics:

Listed below are the year-to-date deliveries of municipal solid waste from Lincoln County via Universal Waste Systems to the Gavilan Canyon Transfer Station:

<b>MONTH</b>	<b>GROSS LOADS</b>	<b>GROSS TONS DELIVERED TO T.S.</b>	<b>PRE-TAX FEE</b>
<b>2023/2024</b>			
MARCH	31	197.81	\$11,447.26
APRIL	28	177.68	\$10,282.34
MAY	32	201.97	\$11,688.00
JUNE	28	177.68	\$10,282.34
JULY	27	170.97	\$9,894.03
AUGUST	28	175.13	\$10,134.44
SEPTEMBER	25	157.55	\$9,117.42
OCTOBER	26	161.71	\$9,358.16
NOVEMBER	27	170.97	\$9,894.03
DECEMBER	25	157.55	\$9,117.42
JANUARY	31	191.39	\$11,075.74
FEBRUARY	23	144.13	\$8,340.80
	<b>331</b>	<b>2,084.54</b>	<b>\$120,631.98</b>

<b>MONTH</b>	<b>GROSS LOADS</b>	<b>GROSS TONS DELIVERED TO T.S.</b>	<b>PRE-TAX FEE</b>
<b>2024/2025</b>			
MARCH	26	164.26	\$9,847.39
APRIL	30	173.89	\$10,424.71
MAY	29	171.55	\$10,284.42
JUNE	20	126.55	\$7,586.67
JULY	27	170.97	\$10,249.65
AUGUST	23	134.50	\$8,063.28
SEPTEMBER	22	104.66	\$6,274.37
OCTOBER	15	98.10	\$5,881.10
NOVEMBER	23	149.22	\$8,946.34
DECEMBER	30	166.08	\$9,956.50
JANUARY	0	0.00	\$0.00
FEBRUARY	0	0.00	\$0.00
	<b>245</b>	<b>1,459.78</b>	<b>\$87,514.43</b>

Gavilan Canyon Transfer Station:

Listed below are the year-to-date deliveries of solid waste made to the Gavilan Canyon Transfer Station then transferred via transport semi-trucks to Otero-Greentree Landfill in Oro Grande: (No bill to update for August 2023 or December 2024).

<b>Fiscal Year</b>	<b>Solid Waste Tonnage</b>	<b>Fee</b>	<b>Loads</b>
<b>2023/2024</b>			
JUL	1,109.09	\$18,074.24	50
AUG	0.00	\$0.00	0
SEP	975.73	\$16,144.42	45
OCT	932.94	\$15,298.72	47
NOV	895.73	\$14,796.86	42
DEC	857.13	\$14,096.48	42
JAN	985.51	\$16,217.86	48
FEB	804.85	\$13,286.50	38
MAR	835.98	\$13,851.32	38
APR	859.71	\$14,831.11	41
MAY	989.04	\$16,385.89	45
JUN	773.76	\$13,631.39	36
<b>TOTAL</b>	<b>10,019.47</b>	<b>\$166,614.79</b>	<b>472</b>

<b>Fiscal Year</b>	<b>Solid Waste Tonnage</b>	<b>Fee</b>	<b>Loads</b>
<b>2024/2025</b>			
JUL	1,111.64	\$18,849.41	46
AUG	938.31	\$15,904.37	42
SEP	862.67	\$14,643.57	38
OCT	820.19	\$13,857.64	38
NOV	827.71	\$15,314.62	38
DEC	0.00	\$0.00	0
JAN	0.00	\$0.00	0
FEB	0.00	\$0.00	0
MAR	0.00	\$0.00	0
APR	0.00	\$0.00	0
MAY	0.00	\$0.00	0
JUN	0.00	\$0.00	0
<b>TOTAL</b>	<b>4,560.52</b>	<b>\$78,569.61</b>	<b>202</b>

## **STREETS**

### Trimming

- Brush/ Tree Trimming: stump removal

### Speed Limit, Street Name & Safety Signs: ("One Call" Marking – Installation - Repair)

- Signs: Mechem/Cree Meadows, Snowcap/McBride, Leon Farrar, Warrior/Hull

### Speed Limit, Street Name & Safety Signs: ("One Call" Marking – Installation - Repair)

- Signs: Mechem/Cree Meadows, Snowcap/McBride, Leon Farrar, Warrior/Hull

### Road & Right of Way Maintenance (Motor Grader - Backhoe Dirt Work)

- Haul Dirt/ Aggregates/Cold Mix/Millings: Olympia, Alpine Village,
- Jersey Barrier/Orange Barricades Pick up from Light Parade Route
- Cut Road In
- Shoulder Work/Pick up Debris
- Flood Debris Pile Gavilan Ball Park, Eagle,
- Install/Haul Rip Rap
- Flood Watch/Debris Removal/Clean Roads

### Drainage Issues (Ditch Cleaning – Culvert Maintenance – Berm Construction)

- Clean Ditches/Culverts/Debris Dams: Olympia, Sequoia, Johnson
- Drainage/Wash Outs:
- Repair / Install Berm/Swale/Install Culvert
- Clean/Repair/ Drop Inlet/Debris Dam: Finish Drop Inlet Village Hall new parking lot,

### Utility Cuts (Water / Sewer Department & Utility Companies Patch Streets with Hot Mix - Haul Debris Piles - Inspections – Assessments)

- Haul Millings
- Fix Sunken Street Cuts
- Street Cuts
- Cold Mix fills George McCarty, Shannon, Poco Loco, Lupine Loop, Chase

### Sweeping Streets:



- Swept Sudderth, Country Club, Barcus, Lower Terrace,

#### Blade Work / Blade Patching Repairing Dirt Roads/ Hot Mix Patching

- Blade Work/Gravel/Base Course/Millings
- Blade Patching
- Driveway Apron/Driveway Plow Damage
- Cold Mix/Millings on Road
- Making Cold Mix: Cold Mix Made
- Road/Parking Lot Prep/Repair

#### Pothole Patching:

- Rainer, University, Johnson, Main, Rio, Country Club

#### COOP Project:

- Pave
- Clean Ditches
- Sweep

#### Snow/Ice/Plowing

- Plow/Salt village wide

#### Assisting Other V.O.R. Departments/ Entities:

- Traffic Control Barriers/Cones Flume/Wimbleton
- Traffic Control Barriers/Cones
- Water Dept. working on new road & parking lot

#### Guardrail Installation/Maintenance/Repair/ Bridge Maint./Repair

- Repair/Install/Reflectors/Delineators
- Bridge Safety Features
- Install Flashing Lights
- Guardrail Maintenance
- Cones/Barricades
- Bridge Crossing Repair

#### Paving/Chip Sealing/Fog Seal

- Pave
- Chip Seal
- Fog Seal

#### Stripe Public Parking Lots & Streets & Curbs

- Curbs
- Stripe
- Prep Paint Truck Stripe various village roads

#### Street Department News:

- Haul Broom to Albuquerque
- Maintenance work on Hot Plant
- Clean & Maintenance Equip. & Trucks
- IFB out for new Asphalt Oil Tank-Extended Deadline Date
- Maintenance Worker I Open

General Street Repair and Drainage Work Orders. The goal is to keep these issues moving in a timely manner

Future / Ongoing Assignments and Projects are as follows:

Project No. & Location	Project Funds	Type of Fund Received	Completion Deadline	Current Status
COOP 23-24	Application to be submitted 2/14/23 To council Asking 25% \$76,212.00 75% \$228,636.00 Total=\$304,848.00	Received: \$257,077 VOR 25% \$64,269 NMDOT 75% \$192,808	12/31/2024 12/31/2025	Resolution to council for approval of support 2/14/23. Submitted Application to NMDOT 2/22/23. Awarded Funding 06/06/23. Due to Southfork Fire & Burn Scar Flooding VOR requested NMDOT for 1 yr. extension of project, NMDOT granted extension.
MAP 2025	Application submitted 2/16/24 to Council Asking 25% \$94,491.25 75% \$283,473.75 Total=\$377,965	Received: \$377,965 VOR 25% \$94,491 NMDOT 75% \$283,474	6/30/2026	Resolution to Council for approval of support 2/06/24. Submitted Application to NMDOT 2/16/24. 7/2024 Awarded funding
COOP 2025	Application to be submitted 2/16/24 To council Asking: 25% \$83,591.25 75% \$250,773.75 Total=\$334,365.00	Received: \$334,365.00 VOR 25% \$83,591 NMDOT 75% \$250,774	12/31/2025	Resolution & Application to council for approval of support 2/06/24. 2/16/24 submitted application to NMDOT. 7/2024 awarded funding

**TOURISM**

## NMTD CO-OP PROGRAM FY25

Our FY25 NMTD Co-op Award for FY25 which will give us a \$913,300 media buy. In addition, we obtained an additional allocation of \$100,000 which funded our fire recovery campaign this fall.

FY25 New Mexico True CoOp MMP Production Summary						
Organization Name: <b>Ruidoso - Fire Recovery Incremental Plan</b>						
MEDIA TYPE	INITIATIVE	DETAILS	#	TARGETING	IN-MARKET DATE(S)	PARTNER INPUTS
CONTENT / ORGANIC SOCIAL	In-State Social Content Fire Recovery Missions x2	NH Influencers Caitlin & Amy (Simply Social) make 2 strategically timed trips to highlight the recovery, the community pulling together, and how New Mexicans can help (and come back when the time is right). Focused talking points & features	2	In-State	Mid-August / September Content Capture	<a href="#">INPUT FORM (Key Messaging)</a>
CONTENT / ORGANIC SOCIAL	Custom Fire Recovery Regional Micro-Influencer content for Paid Social Distribution (Insta Reels)	8-10 In-state/W Texas influencers	1	In-State, West Texas	Mid/Late September	
DIGITAL	Meta Paid Ads Package: FB Video + Static; Instagram Reels	<a href="#">View</a>	1	West Texas		<a href="#">SUBMIT FACEBOOK STATIC INPUTS</a> <a href="#">SUBMIT INSTAGRAM STATIC INPUTS</a>
DIGITAL	Managed Search	Focused search effort to drive traffic to right places for early recovery conversion	1	TBC		
DIGITAL OOH	Albuquerque Programmatic Digital Out-of-Home (6 weeks)	<a href="#">View</a>	1	ABQ	Mid-Aug/Sept	<a href="#">Use provided OOH ad templates on Brand Resource Hub.</a>
DIGITAL OOH	West Texas Programmatic Digital Out-of-Home (6 weeks)	<a href="#">View</a>	1	Amarillo, Lubbock, Midland/Odessa	Mid-Aug/Sept	<a href="#">Use provided OOH ad templates on Brand Resource Hub.</a>
DIGITAL OOH	El Paso Programmatic Digital Out-of-Home (6 weeks)	<a href="#">View</a>	1	El Paso/ LC	Mid-Aug/Sept	<a href="#">Use provided OOH ad templates on Brand Resource Hub.</a>

# Q2 CO-OP CREATIVE



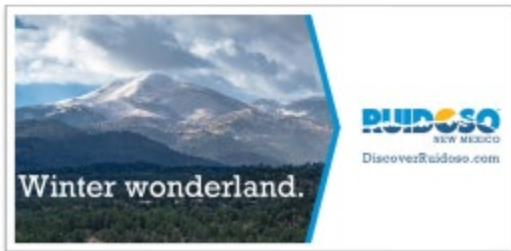
## Q2 BILLBOARDS: OCT-NOV 2024

We ran out-of-home advertising in both El Paso and Albuquerque markets. The fall buy included a new location off I-10 in El Paso.

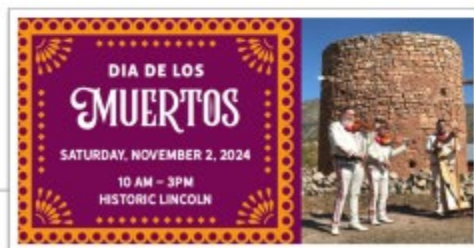


# Q2 BILLBOARDS: DEC 2024

We launched new winter/holiday creative across all markets in December.



# Q2 EVENTS: OCT-NOV 2024

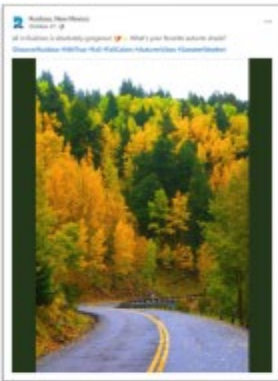


# Q2 EVENTS: DEC 2024



## Q2: SOCIAL

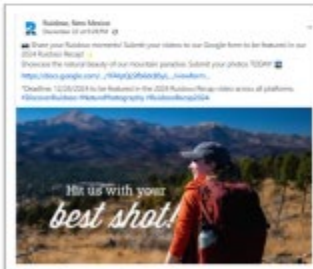
### October



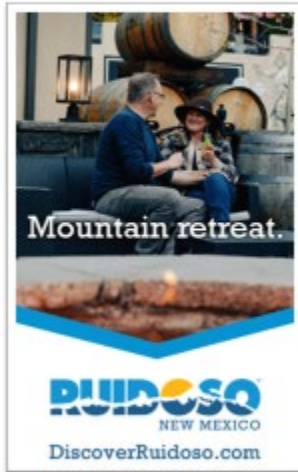
### November



### December



## Q2: DIGITAL



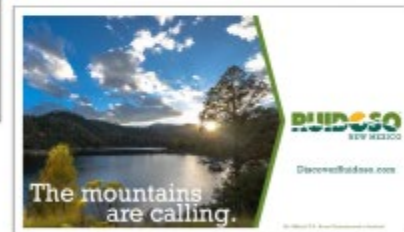
**Ski New Mexico**

**Go-NewMexico**

## Q2: DIGITAL



**TX Monthly**



**Military – Ft Bliss & HAFB**



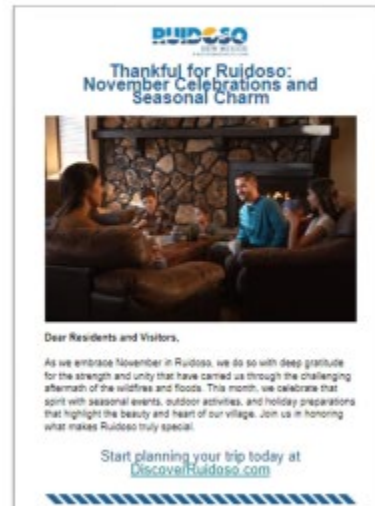
# Q2: EMAIL



October



November



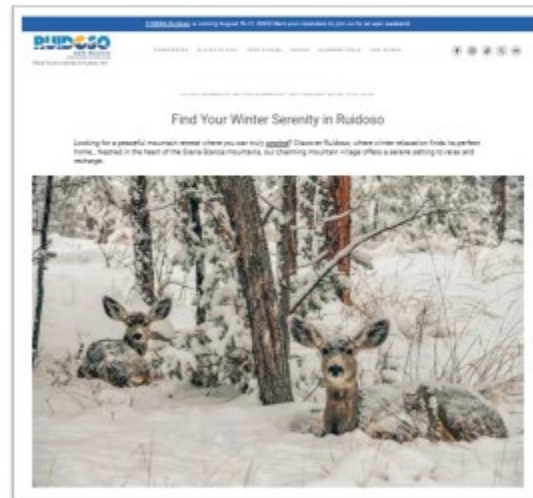
December

# Q2: WEBSITE

We created two new custom pages on the tourism site in order to drive more targeted Facebook advertising this winter.

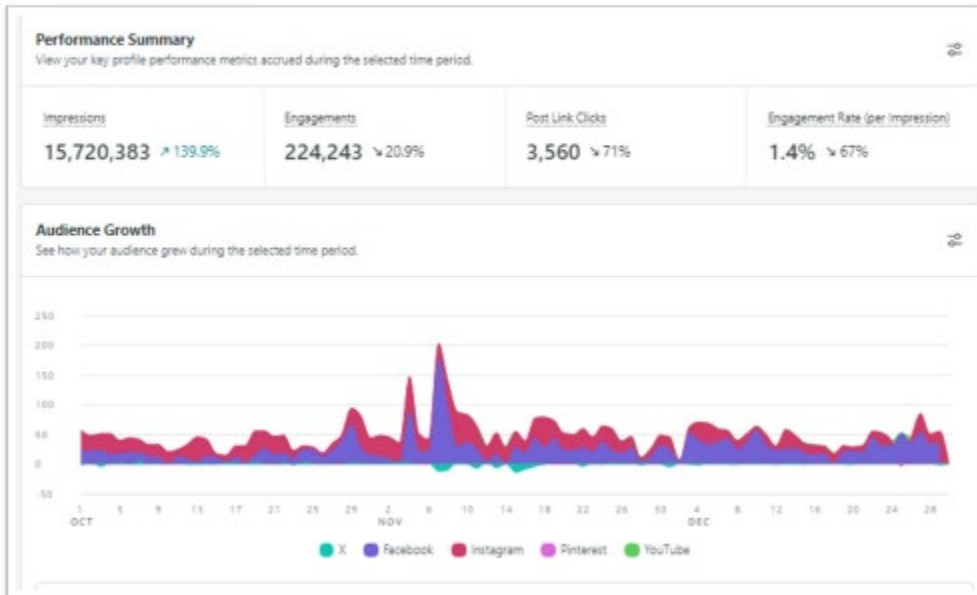


Holiday Activities



Winter Relaxation

# SOCIAL OVERVIEW: OCT - DEC 2024



# IMPRESSIONS: OCT - DEC 2024

## Tourism Social Sites



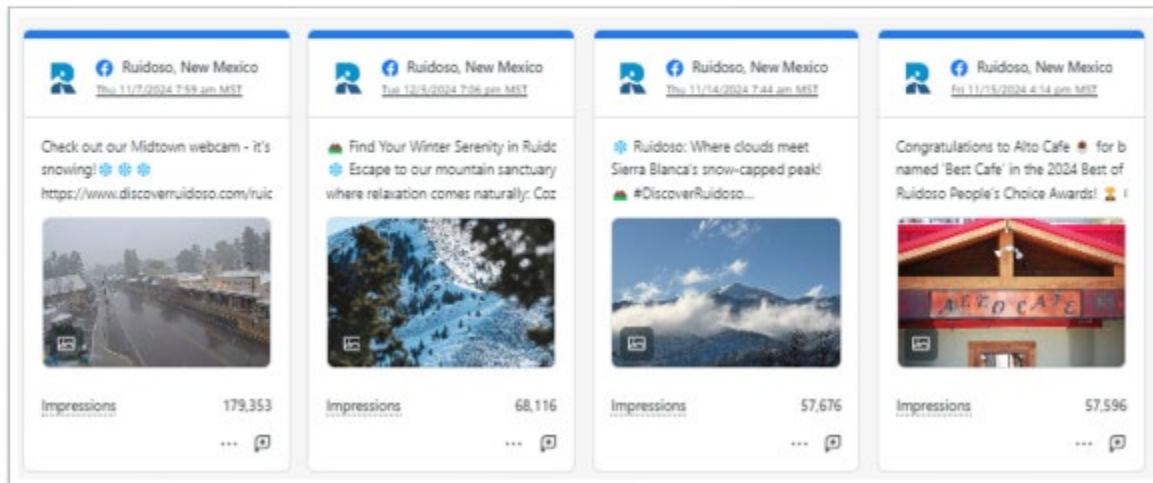


# ENGAGEMENT: OCT - DEC 2024

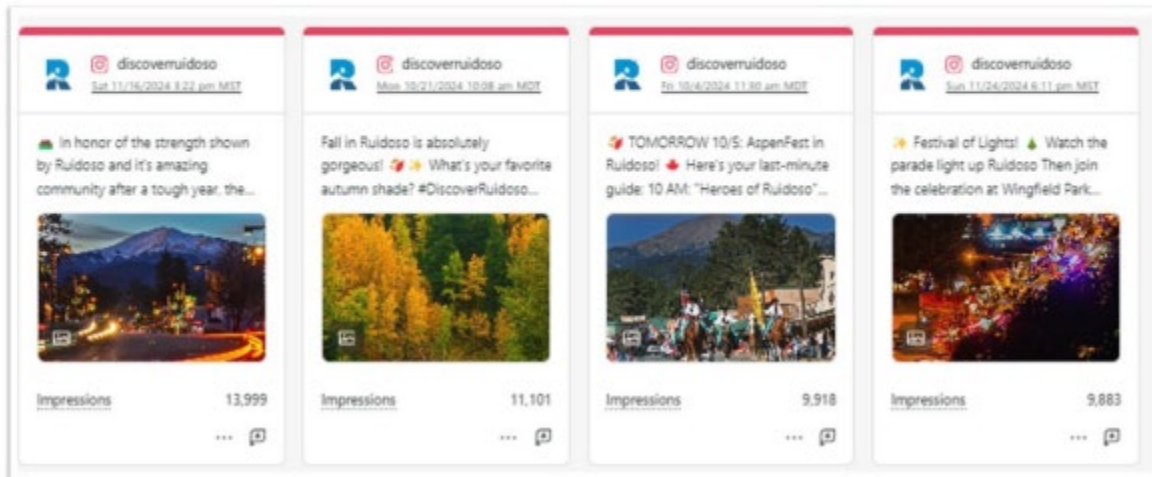
## Tourism Social Sites



## Q2: TOP PERFORMING FACEBOOK POSTS



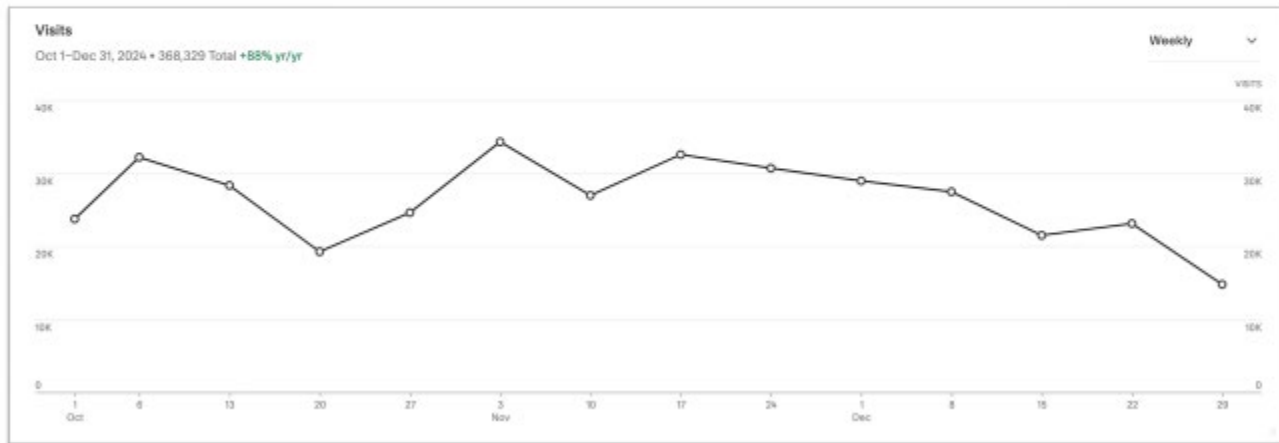
# Q2: TOP PERFORMING INSTAGRAM POSTS



# Q2: INSTAGRAM POSTS



# TOURISM WEBSITE OVERVIEW: OCT – DEC 2024



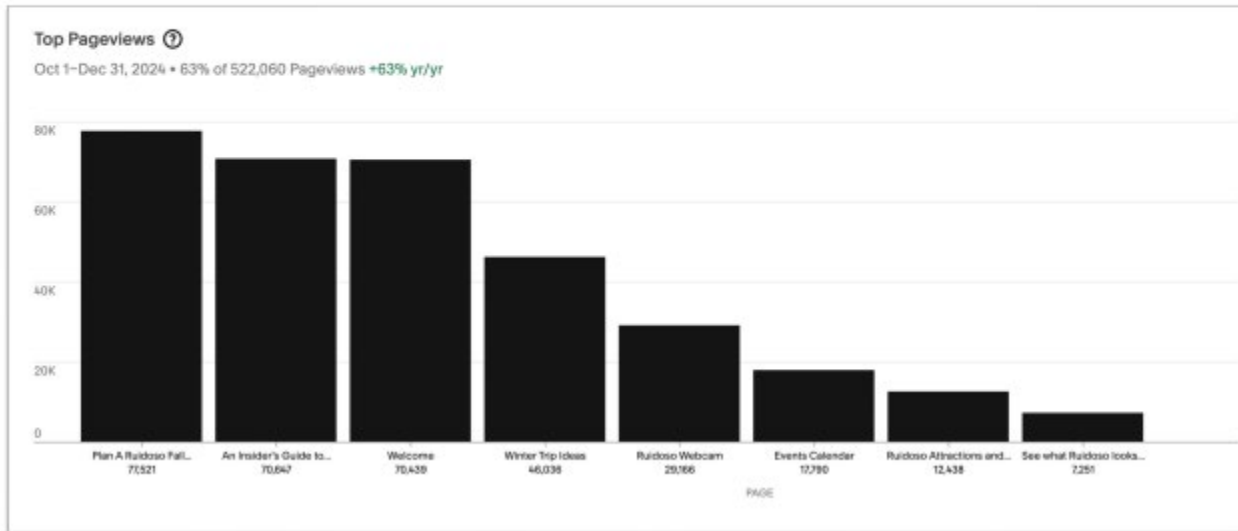
## Q2: INSTAGRAM REELS



[Click to watch a reel.](#)



# TOURISM WEBSITE PAGE VIEWS: OCT – DEC 2024



# TOURISM WEBSITE GEOGRAPHIC OVERVIEW: OCT – DEC 2024

▼ Texas	165,146
Dallas	47,969
El Paso	33,229
Others	11,626
Unknown	5,290
Houston	4,742
Lubbock	4,609
Austin	4,265
San Antonio	3,956
Fort Worth	3,357
Arlington	
Midland	
Amarillo	

**Texas continues to send the most traffic to the DiscoverRuidoso.com Website. During this quarter, Dallas actually surpassed El Paso for the first time. This can be attributed to some of targeted marketing initiatives in the Dallas/Fort Worth area.**

▼ New Mexico	25,000
Albuquerque	10,970
Las Cruces	3,020
Alamogordo	2,924
Roswell	1,333
Carlsbad	713
Clovis	620
Rio Rancho	564
Artesia	486
Hobbs	477

# MUNICIPAL WEBSITE REDESIGN



The new design reflects the Village's commitment to improving community engagement and access to municipal services by providing residents, businesses, and visitors with an efficient, easy-to-navigate online experience.

The redesign launched on Oct 28<sup>th</sup> and was announced to the public on Nov 4<sup>th</sup>.

## MUNICIPAL WEBSITE REDESIGN RECAP

- Updated User Interface and Navigation
- Modernized Look and Feel
- Dedicated Emergency & Disaster Recovery Portals
- Enhanced Public Meetings & Notices Page
- Searchable Municipal Calendar
- Streamlined Communication and Resident Involvement

# PR: OCT - DEC 2024

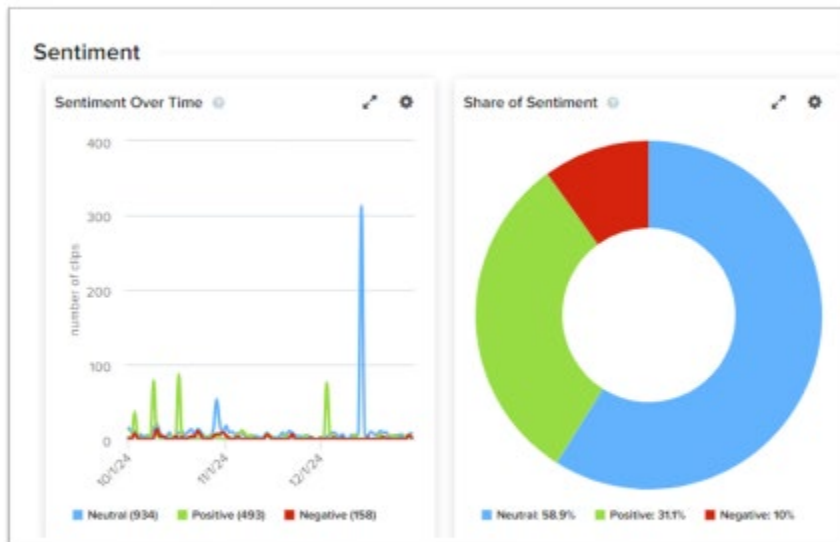


**Total Mentions:** Distribution of clips over time. Each clip counts as one mention

**Reach:** Distribution of clips over time based on their reach. Print/broadcast is based on circulation/viewership. Online is based on unique visitors per month.

**Value of Coverage:** Distribution of the publicity value. Each clip's value is calculated using a formula given to each outlet.

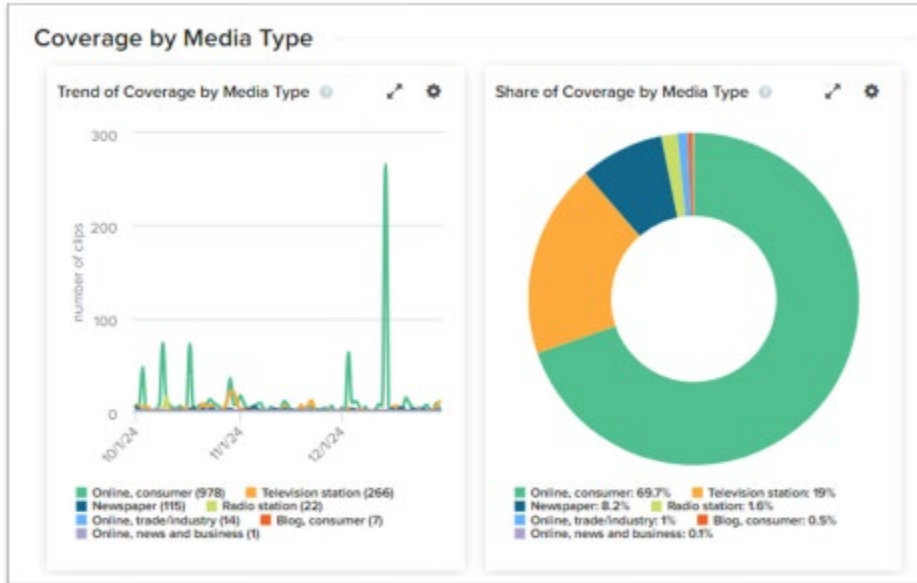
# PR: OCT - DEC 2024



**Sentiment Over Time:** This is the distribution of sentiment tagged as positive, negative, or neutral as by calculated auto-toning.

**Share of Sentiment:** Breakdown of clips based on their sentiment by positive, negative, or neutral as by calculated auto-toning.

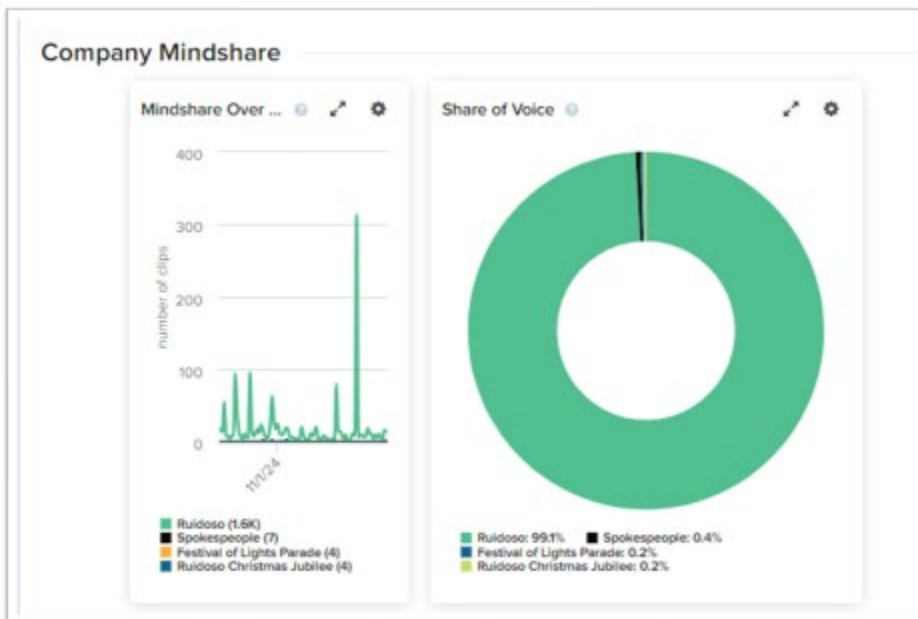
# PR: OCT - DEC 2024



**Trend of Coverage by Media Type:** Distribution of the media type of all included clips. Each clip counts as one mention towards its media type.

**Share of Coverage by Media Type:** Breakdown of clips based on their media type.

# PR: OCT - DEC 2024

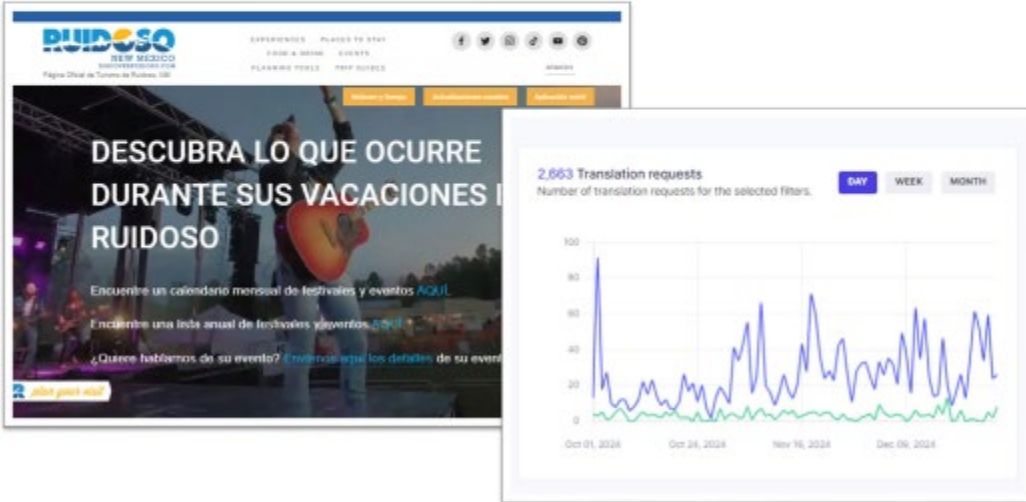


**Mindshare Over Time:** Distribution of the companies mentioned in the collection of clips over time.

**Share of Voice:** Breakdown of the collection of clips Based on the companies discussed within them.

# TRANSLATION TOOL

Translation requests by site visitors on DiscoverRuidoso.com more than doubled in Q2 with a total of 2,663 (1,188 in Q1).



## WHAT'S NEXT IN 2025...

A collage of five event posters for 2025:

- GREAT AMERICAN CLEANUP**: April 27, 2025 - Wingfield Park. Registration begins at 12:30 PM, cleanup from 1-4 PM. Includes gloves, vests, and trash bags. Website: [www.ruidoso.com](http://www.ruidoso.com)
- Vines in the Pines Art and Wine Festival**: February 15-16, 2025. Features wine pouring into a glass with "VIVA VINO" written on it.
- LIVE MUSIC IN RUIDOSO**: January 1-8, 2025. January 1: BJ Ramirez, Downshift Hidden Tap. January 3-4: The Top of the World, WPS. Other acts include San Band, Hidden Tap, Excellence Celebration, and Mountain Gods.
- Lincoln County Day Legislative Reception**: February 5, 2025 | 5:30-8:00 PM. Features a scenic mountain landscape.
- RECYCLED ART SHOW**: Join our Recycled Art Show and celebrate your talent. Create art using 90% recycled materials. Free to enter - join us today! Dates: April 6-10, 2025. Website: [www.ruidoso.com](http://www.ruidoso.com)



## **WATER DISTRIBUTION / WASTEWATER COLLECTIONS**

### Water meter crew

- Leaks- 198
- Work orders- 187
- Shut off's – 30

### Water Crew

- 4" leaks-1
- 2" leaks-4
- ¾" leaks-1
- New ¾" Taps-2
- 6" leaks-2
- 1 ½" leaks-1
- Hydrant Leaks-1 Leaks
- Work orders- 187
- Shut off's – 30

### Sewer crew

- Rodded 3980 feet-
  - 1040 feet- Service lines
  - 2940 feet- Main lines
- Blockages- 7
  - Customer-3
  - VOR-4
- Repairs-3
  - Lines-2
  - Manhole-1
- Dye test-1(positive)
- Sewer Taps-0

## **WATER PRODUCTION**

**Top priorities for Water Production** – Tank Restoration Phase 1, Alto Lake Dam Analysis Evaluation and Design, Upper Canyon Diversion Project, & Two Rivers rehabilitation design.

- **Eagle Creek Diversion** – Diverting – **67 gpm** into Alto Reservoir (Depends on the ntu's and availability).
- **Upper Canyon Diversion** – Diverting – **300 gpm** into Grindstone Reservoir (Hollywood staff gauge is at 4.54 cfs)
- **Alto Lake to Plant 3** – **200 gpm** (Started pumping water on 12/31/24)
- **Grindstone Reservoir level Elevation** – **6888.4 – 31.17' (from spillway)**.
- **Well Operations Plan** – Eagle Creek water (when available), NF4, NF3, NF1, Green Well, & A-1, A-2, A-3, A-4, Apple Orchard, Middle Gavilan, Fault, and Brown Well.
- **Alto Lake Dam** – The application for 2024 FEMA High Hazard Potential Dam (HHPD) Rehabilitation Grant (through the Office of the State Engineer Dam Safety Bureau)
- for an investigation and alternatives design analysis to address dam safety deficiencies at Alto Lake Dam in Lincoln County was submitted in November 2024.

- **Little D Tank Rehabilitation Project** –D&R Tank completed the sandblasting and D&R Tank is off for two weeks for the holidays.
- **Back Wash Tank – 21.75'**
- **Grindstone Lake Temp – 38.7°F.**

#### **Plant #4**

- Grindstone Tank level (3 million) = **46.0' / 51.9' (Overflow)** (12/31/24).
- Raw Water = **423,000 gallons** (12/29/24).
- Water produced = **394,000 gallons** (12/29/24).
- Completed monthly fire extinguisher inspections at plant 4 on 12/24.
- Filter 4 is offline for maintenance and will be completed by January 6<sup>th</sup>.
- Plant operators are adjusting polymer flow rates as needed.
- Actual % TOC removal was 20.7%.
- Operating 3 filters at 150 gpm.
- Backwashes at Plant 4 - Filter 1 – 23 times, Filter 2 – 21 times, & Filter 3 - 24 times, Filter 4 – 1 time.
- Generator test (without load) is every Wednesday at 9:00 a.m. (SCADA alarms when generator starts and shuts down).
- Generator test (with load) is once a month on the first at 9:00 a.m.

#### **Plant #3**

- West Alto Tank level (5 million each) = **53.06' / 57.2' (Overflow)** (12/31/24).
- East Alto Tank level (5 million each) = **55.60' / 57.2' (Overflow)** (12/31/24).
- Water production – **1,424,000 gallons** (12/29/24).
- Raw water to plant – **1,472,000 gallons** (12/29/24).
- Alto Lake to Plant 3 – **200 gpm** (Started pumping water on 12/31/24)
- Completed monthly fire extinguisher inspections at plant 3 on 12/24.
- Water Plant Operators are running Zeta Potential Analysis daily and adjusting polymer as needed.
- Eagle Creek flow - **67 gpm**.
- Operators are utilizing zeta potential data to make polymer adjustments to optimize plant performance.
- Generator test (without load) is every Wednesday).
- Generator test (with load) is once a month.
- Backwashes at Plant 3 - Filter 1 – 2 times, Filter 2 – 4 times, & Filter 3 - 4 times.
- Actual % TOC removal was 0.
- The inside wall repair at Alto WTP was completed.

#### **Wells/Booster Stations & Misc. Items**

- Performing weekly maintenance and pump rotations at pumphouses.
- Completed monthly fire extinguisher inspections at all pumphouses on 12/24.
- Monitoring PRV's daily and repairing as needed.
- Received a quote for the fence repair at Cherokee well/interconnect.
- The VFD in the Cherokee interconnect building went out on 12/25/24.
- A new VFD for the Cherokee interconnect building has been ordered.

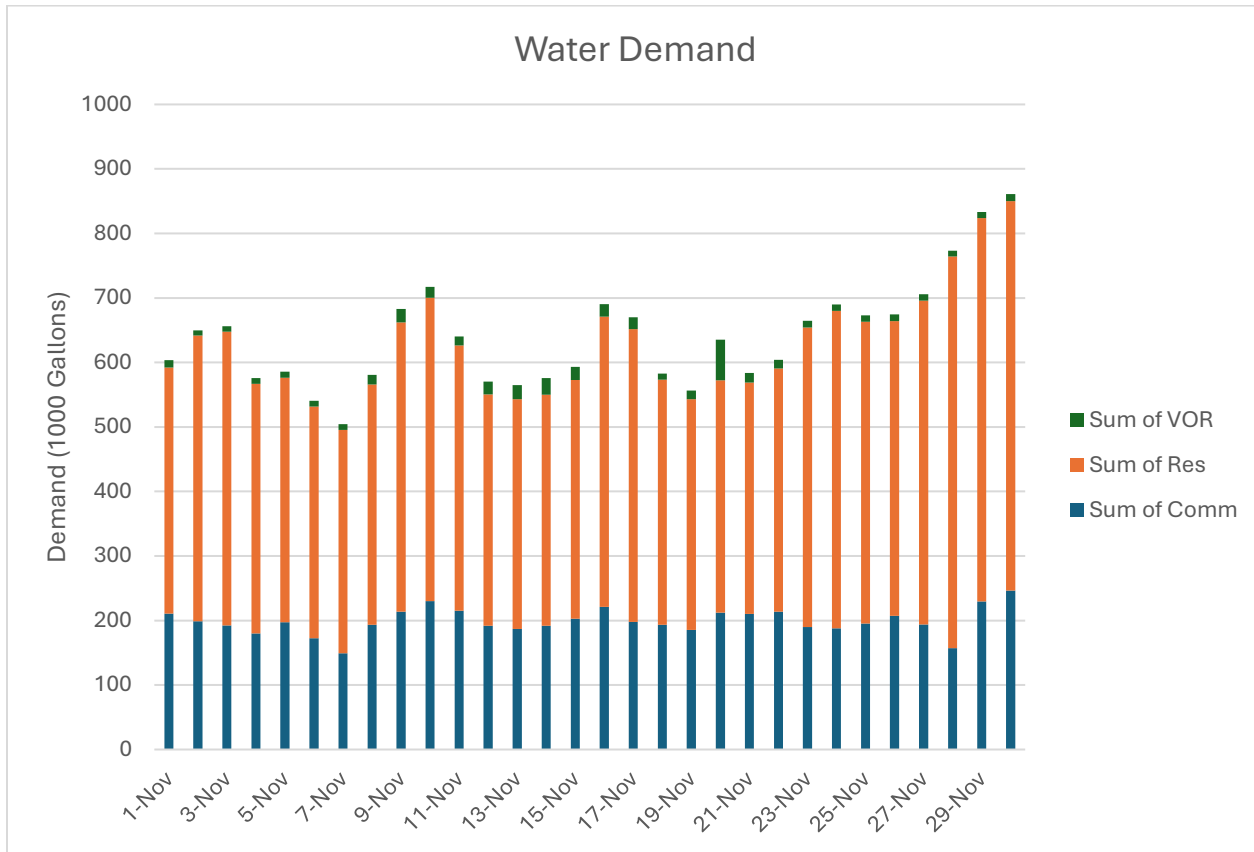
#### **Projects**

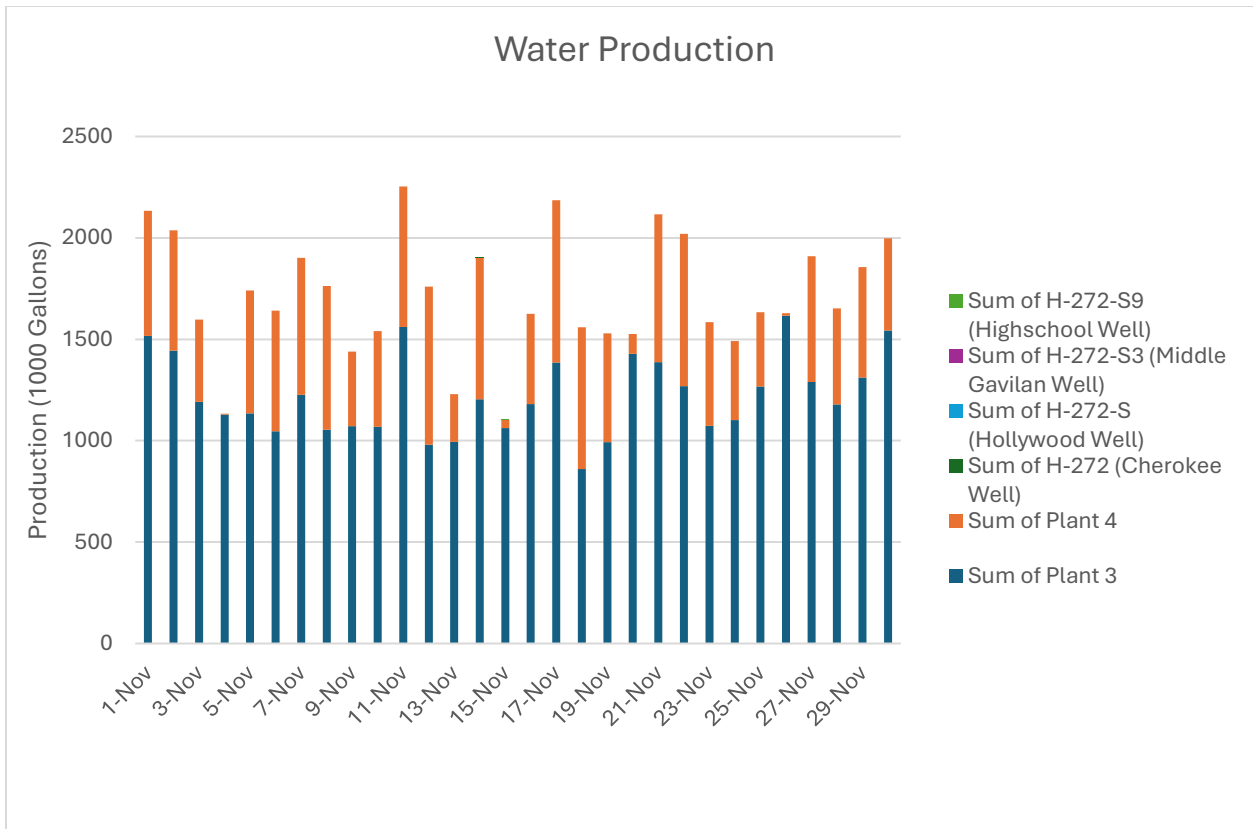
- Little D tank rehabilitation project – Sandblasting inside/outside of tank is completed, D&R tank crew is off for 2 weeks.
- The application for 2024 FEMA High Hazard Potential Dam (HHPD) Rehabilitation Grant was submitted in November 2024.

## NMED/EPA/OSE

- Completed (20) Bac-T sampling for December.
- Completed December TOC samples for plant 3 & 4.
- Completed SUVA samples for December.
- Submitted MOR and TOC to NMED on 12/03/2024.
- Submitted Seepage data to NMOSE- DSB on 12/09/2024.

## WATER RESOURCE





## WINGFIELD HERITAGE HOUSE MUSEUM

### December at the Museum

- Part of the ceiling near the kitchen was opened up to see if there was a leak. No active leak was found. A temporary cover was installed over the hole and permanent repairs are expected next week.
- We started working on digitizing the ephemera collection of John Denys McCoy which has brochures, flyers, and postcards from many local attractions and events over several decades.
- We now have almost 1000 catalog records in the Past Perfect Database.
- We are working on ideas for outreach and educational programs.
- The Ruidoso Rewind episodes for December were Cattle Rustling Part 1, Cattle Rustling Part 2, replay of Chainsaw carving episode, and Peter Hurd's New Years Time Magazine Cover. We've now aired 39 episodes.

### Pictures:

- 1956 betting ticket from Ruidoso Downs, donated by John Denys McCoy
- Bob's Bar, Coffee Shop, and Café, probably 1940s, donated by Martha Ann Gardenhire DiSanto

1st or 2nd CASH IF 1st or 2nd PLACE

**RUIDOSO TRACK**  
No. 21  
**2-20-56**  
DOORS

**KCFWS**

**No 2** TWO

**FIRST (I) RACE**  
WET SET BEATS

**18 AUG. 1956**

PLACE



# AGENDA MEMORANDUM

## Village of Ruidoso

Village Manager Report - 2.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Matthew Baird, Parks and Recreation Director  
David Tetreault, Assistant Parks and Recreation Director

**Meeting Date:** January 14, 2025

**Re:** Update on Ice Skating Rink

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**Item Summary:**

Update on Ice Skating Rink

**Financial Impact:**

None

**Item Discussion:**

Update on Ice Skating Rink

**Recommendations:**

None

# AGENDA MEMORANDUM

## Village of Ruidoso

Village Manager Report - 3.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Matthew Baird, Parks and Recreation Director  
David Tetreault, Assistant Parks and Recreation Director

**Meeting Date:** January 14, 2025

**Re:** Update on Country Club Property

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**Item Summary:**

Update on Country Club Property

**Financial Impact:**

None

**Item Discussion:**

Update on Country Club Property

**Recommendations:**

None

# AGENDA MEMORANDUM

## Village of Ruidoso

Public Hearings - 1.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Alex Koenig, Community Development Director  
Stephanie Warren, GIS Coordinator/Planner  
Phyllis Taylor, Sites Southwest

**Meeting Date:** January 14, 2025

**Re:** Public Hearing for the Adoption of the Chapter 54 Land Use Code of Ordinances Rewrite, Proposed Ordinance 2024-08

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### **Item Summary:**

Public Hearing for the Adoption of the Chapter 54 Land Use Code of Ordinances Rewrite, Proposed Ordinance 2024-08

### **Financial Impact:**

None

### **Item Discussion:**

Adoption of the Chapter 54 Land Use Code of Ordinances Rewrite, Proposed Ordinance 2024-08

### **Recommendations:**

To Approve Adoption of the Chapter 54 Land Use Code of Ordinances Rewrite.

### **ATTACHMENTS:**

Description

Ordinance 2024-08 Cover Page

Draft - Clean Copy

Draft - With Markup

Ordinance Signature Page



**VILLAGE OF RUIDOSO  
ORDINANCE 2024-08**

**AN ORDINANCE RE-WRITING CHAPTER 54- LAND USE OF THE RUIDOSO MUNICIPAL  
CODE OF ORDINANCE**

**NOW, THEREFORE BE IT ORDAINED** by the Governing Body of the Village of Ruidoso, that Chapter 54-Land Use of the Ruidoso Municipal Code of Ordinances is hereby re-written as follows:

**Village of Ruidoso  
Chapter 54 Update  
Village Council Draft  
December 2024**

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
Article I.	In General	Article I. - In General
	Secs 54-1--54-30. - Reserved	Secs 54-1--54-30. - Reserved
Article II.	Zoning	Article II. - Zoning
Division 1	General Provisions	Division 1 Generally
54-31	Statutory authority; territorial jurisdiction	54-33 Statutory authority; territorial jurisdiction
54-32	Purpose	54-32 Purpose of the article
54-33	Applicability	New
54-34	Relationship of article to adopted plans	54-34 Relationship of article to comprehensive plan
54-36	Official Zoning District Map	54-36 Zoning district map; designation of districts; interpretation of district boundaries.
54-37	Interpretation of article; conflicting provisions	54-35 Interpretation of article; conflicting provisions
54-38	Severability	New
	Add Reserved Sections 54-38--54-45	Reserved Sections 54-74--54-90
Division 2	Administration	Division 2 Administration
54-46	Village Council	New
54-47	Board of Appeals	54-62 Board of Appeals, a-f
54-48	Planning and Zoning Commission	54-61 Planning Commission, a-e; f moved to procedures
54-49	Community Development Department	New
54-50	Planning Administrator	54-63 Planning Administrator; enforcement procedures; zoning permit; certificate of zoning, a-c, d-h moved to procedures
54-51	Village Attorney	New
54-52	Judicial Relief: Appeals to District Court	New, replaces 52-62(g)
54-96	Text Amendments to the Zoning Code	54-64 Amendments, moved to procedures
54-95	Zone Map Amendments (Rezoning)	54-65 Rezoning, moved to procedures
54-97	Variances	54-66 Variances, moved to procedures
54-100	Site Development Plan	54-67 Site plan and concept approval moved to procedures
54-98	Conditional Use Permits	54-68 Conditional use permit approval moved to procedures

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-99	Planned Unit Development	54-69 Planned unit development approval moved to procedures
54-101	Annexation	54-70 Annexations moved to procedures
54-93	General Procedures	54-37 Application fees moved to general procedures
54-93	General Procedures	54-38 Violations; penalties; additional remedies moved to general procedures
54-93	General Procedures	54-40 Notice moved to general procedures
	Sec. 54-54--54-65 Reserved	
Division 3	Definitions	54-31 Definitions
54-66	Definitions	54-31 Definitions
Article II.	Use Regulations	Zoning
Division 4	Zoning Districts	Division 3 District Regulations
54-67	General Districts Defined: Permitted and Conditional Uses	54-91
54-68	Organization of Zone Regulations	New
54-69	Residential Districts	54-92 -- 54-98 For all districts, permissive and conditional uses are referenced in the use table
54-70	Nonresidential Districts	54-99 -- 54-103
54-71	Special Districts	54-104 --54-105
54-72	Overlay Zones	54-106
	Sec. 54-73--54-82 Reserved	54-107 -- 54-130
Division 5	Use Regulations	New
54-83	General provisions	New
54-84	Use Table	New
54-85	Use Specific Standards	New
	Secs. 54-86 -- 54-92 Reserved	
Division 6	Procedures	New
54-93	General Procedures	New. General procedures include 54-38 violations, penalitie,; additional remedies; 54-40 notice; and 54-37 application fees
54-94	Administrative	new
54-95	Zone Map Amendments (Rezoning)	54-65 Rezoning
54-96	Text Amendments to the Zoning Code	54-64 Amendments
54-97	Variances	54-66 Variances

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-98	Conditional Use Permits	54-68 Conditional use permit approval
54-99	Planned Unit Development	54-69 Planned unit development approval
54-100	Site Development Plan	54-67 Site plan and concept approval
54-101	Annexation	54-70 Annexations
54-102	Vacation	54-73 Vacation and sale of public right-of-way or easement
	Secs. 54-103 -- 54-113 Reserved	
Division 7	Development standards	Division 4 Development Standards
54-114	Purpose of Division	Sec. 54-131. - Purpose of division.
54-115	Residential terrain management	Sec. 54-132. - Residential terrain management.
54-116	Commercial terrain management	Sec. 54-132.1. - Commercial terrain management.
54-117	Forest Management	Sec. 54-133. - Forest management.
54-118	Screening	Sec. 54-134. - Screening.
54-119	Landscaping	Sec. 54-135. - Landscaping.
54-120	Use of certain areas and structures as dwelling unit prohibited.	Sec. 54-136. - Use of certain areas and structures as dwelling unit prohibited.
54-121	Accessory structures, uses and equipment.	Sec. 54-137. - Accessory structures, uses and equipment.
54-122	Fences	Sec. 54-138. - Fences.
54-123	Retaining Walls	Sec. 54-139. - Retaining walls.
54-124	Setback and height encroachments, limitations and exceptions.	Sec. 54-140. - Setback and height encroachments, limitations and exceptions.
54-125	Off-street parking facilities.	Sec. 54-141. - Off-street parking facilities.
54-126	Off-street loading facilities.	Sec. 54-142. - Off-street loading facilities.
54-127	Nonconforming uses and structures	Sec. 54-143. - Nonconforming uses and structures.
54-128	Miscellaneous performance requirements	Sec. 54-144. - Miscellaneous performance requirements.
54-129	Noise abatement and emission control.	Sec. 54-145. - Noise abatement and emission control.
54-130	Lot Numbering	Sec. 54-146. - Lot numbering.

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-131	Lots not served by public water or sewer systems	Sec. 54-147. - Lots not served by public water or sewer systems.
54-132	Recreational vehicle Parks	Sec. 54-148. - Recreational vehicle parks.
54-133	Architectural design standards	Sec. 54-149. - Architectural design standards.
54-134	Approved structures	Sec. 54-150. - Approved structures.
54-135	Urban-Wildland Interface Code	Sec. 54-151. - Urban-Wildland Interface Code adopted; amendments.
	Secs. 54-136 -- 54-180 Reserved	Secs. 54-152—54-180. - Reserved.
<b>Division 8</b>	<b>Signs</b>	<b>Division 5 Signs</b>
54-181	Purpose of division	Sec. 54-181. - Purpose of division.
54-182	Definitions	Sec. 54-182. - Definitions.
54-183	Permit required	Sec. 54-183. - Permit required.
54-184	Enforcement officers	Sec. 54-184. - Enforcement officers.
54-185	Application for permit	Sec. 54-185. - Application for permit.
54-186	Responsibilities of the permittee	Sec. 54-186. - Responsibilities of the permittee.
54-187	Inspections generally	Sec. 54-187. - Inspections generally.
54-188	Appeals	Sec. 54-188. - Appeals.
54-189	Permit fee; invalid permits; inspections	Sec. 54-189. - Permit fee; invalid permits; inspection upon completion of construction.
54-190	General regulations	Sec. 54-190. - General regulations.
54-191	Regulations for specific signs and uses; sign limitations	Sec. 54-191. - Regulations for specific signs and uses; size limitations.
54-192	Illumination	Sec. 54-192. - Illumination.
54-193	Prohibited signs	Sec. 54-193. - Prohibited signs.
54-194	Signs not requiring permit	Sec. 54-194. - Signs not requiring permit.
54-195	Violations; removal of unlawful signs	Sec. 54-195. - Violations; removal of unlawful signs.
54-196	Advertisement on public property	Sec. 54-196. - Advertisement on public property.
	Secs. 54-197 -- 54-220 - Reserved	Secs. 54-197—54-220. - Reserved.
<b>Division 9</b>	<b>Home Occupations</b>	<b>Division 6 Home Occupations</b>
54-221	Generally	Sec. 54-221. - Generally.
54-222	Intent of division	Sec. 54-222. - Intent of division.

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-223	Conditions for conduct of home occupation	Sec. 54-223. - Conditions for conduct of home occupation.
54-224	Examples of permitted home occupations	Sec. 54-224. - Examples of permitted home occupations.
54-225	Prohibited uses	Sec. 54-225. - Prohibited uses.
	Secs. 54-226 — 54-280. - Reserved.	Secs. 54-226—54-280. - Reserved.
<b>Article III.</b>	<b>Subdivisions</b>	<b>Subdivisions</b>
54-281	General provisions	Sec. 54-281. - General provisions.
54-282	Definitions	Sec. 54-282. - Definitions.
54-283	Platting procedures and requirements	Sec. 54-283. - Platting procedures and requirements.
54-284	Administration and enforcement	Sec. 54-284. - Administration and enforcement.
54-285	Design standards	Sec. 54-285. - Design standards.
54-286	Completion of improvements	Sec. 54-286. - Completion of improvements.
54-287	Fees	Sec. 54-287. - Fees.
54-288	Certain Design and construction standards saved from repeal	Sec. 54-288. - Certain design and construction standards saved from repeal.
	Secs. 54-289 -- 54-320 Reserved	Secs. 54-289—54-320. - Reserved.
<b>Article IV.</b>	<b>Flood Hazard Regulations</b>	
54-321	Statutory authority.	Sec. 54-321. - Statutory authority.
54-322	Findings of fact.	Sec. 54-322. - Findings of fact.
54-323	Purpose of article.	Sec. 54-323. - Purpose of article.
54-324	Methods of reducing flood losses.	Sec. 54-324. - Methods of reducing flood losses.
54-325	Definitions (for purposes of the National Flood Insurance Program).	Sec. 54-325. - Definitions (for purposes of the National Flood Insurance Program).
54-326	Lands to which article applies.	Sec. 54-326. - Lands to which article applies.
54-327	Basis for establishing areas of special flood hazard.	Sec. 54-327. - Basis for establishing areas of special flood hazard.
54-328	Development permit required.	Sec. 54-328. - Development permit required.

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-329	Compliance with article and other regulations.	Sec. 54-329. - Compliance with article and other regulations.
54-330	Abrogation of existing restrictions; conflicting regulations.	Sec. 54-330. - Abrogation of existing restrictions; conflicting regulations.
54-331	Interpretation of article.	Sec. 54-331. - Interpretation of article.
54-332	Warning and disclaimer of liability.	Sec. 54-332. - Warning and disclaimer of liability.
54-333	Designation of floodplain administrator.	Sec. 54-333. - Designation of floodplain administrator.
54-334	Duties of floodplain administrator.	Sec. 54-334. - Duties of floodplain administrator.
54-335	Issuance of development permit.	Sec. 54-335. - Issuance of development permit.
54-336	Variances.	Sec. 54-336. - Variances.
54-337	General standards.	Sec. 54-337. - General standards.
54-338	Specific standards.	Sec. 54-338. - Specific standards.
54-339	Standards for areas of shallow flooding.	Sec. 54-339. - Standards for areas of shallow flooding.
54-340	Standards for subdivision proposals.	Sec. 54-340. - Standards for subdivision proposals.
54-341	Computer programs for identification and mapping of special flood hazard areas.	Sec. 54-341. - Computer programs for identification and mapping of special flood hazard areas.
54-342	Floodways.	Sec. 54-342. - Floodways.
54-343	Severability.	Sec. 54-343. - Severability.
54-344	Penalties for noncompliance.	Sec. 54-344. - Penalties for noncompliance.
	Secs. 54-345 — 54-370. - Reserved.	Secs. 54-345—54-370. - Reserved.
<b>Article V.</b>	<b>Airport Hazard Regulations</b>	
54-371	Scope of article; statutory authority	Sec. 54-371. - Scope of article; statutory authority.
54-372	Definitions	Sec. 54-372. - Definitions.
54-373	Zones	Sec. 54-373. - Zones.
54-374	Height limitations	Sec. 54-374. - Height limitations.
54-375	Use restrictions	Sec. 54-375. - Use restrictions.
54-376	Nonconforming uses	Sec. 54-376. - Nonconforming uses.
54-377	Permits and variances	Sec. 54-377. - Permits and variances.



## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-378	Administration	Sec. 54-378. - Administration.
54-379	Appeals	Sec. 54-379. - Appeals.
54-380	Judicial review	Sec. 54-380. - Judicial review.
54-381	Enforcement and remedies	Sec. 54-381. - Enforcement and remedies.
54-382	Conflicting regulations	Sec. 54-382. - Conflicting regulations.
	Secs. 54-383 -- 54-399	Secs. 54-383—54-399. - Reserved.
<b>Article VI.</b>	<b>Wildfire Hazard Overlay District</b>	
54-400	Intent and purpose of district	Sec. 54-400. - Intent and purpose of district.
54-401	Applicability	Sec. 54-401. - Applicability.
54-402	Duties of director	Sec. 54-402. - Duties of director.
54-403	Identification of district	Sec. 54-403. - Identification of district.
54-404	Development standards	Sec. 54-404. - Development standards.
54-405	Application procedure	Sec. 54-405. - Application procedure.
54-406	Review procedures	Sec. 54-406. - Review procedures.
	Secs. 54-407 -- 54-698	Secs. 54-407—54-698. - Reserved.
<b>Article VII.</b>	<b>Wireless Telecommunications Facilities</b>	
54-699	Short title	Sec. 54-699. - Short title.
54-700	Authority	Sec. 54-700. - Authority.
54-701	Purpose	Sec. 54-701. - Purpose.
54-702	Definitions	Sec. 54-702. - Definitions.
54-703	Application process	Sec. 54-703. - Application process.
54-704	Approval or denial process	Sec. 54-704. - Approval or denial process.
54-705	Reserved	Sec. 54-705. - Reserved.
54-706	Administration and enforcement	Sec. 54-706. - Administration and enforcement.

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# Chapter 54 – Land Use

## ARTICLE II. LAND DEVELOPMENT CODE

### DIVISION 1: GENERAL PROVISIONS

#### SEC. 54-31. STATUTORY AUTHORITY; TERRITORIAL JURISDICTION

This article is created and adopted pursuant to the authority set forth in NMSA 1978, §§ 3-21-1—3-21-11, and shall be applicable to all property within the jurisdiction of the village.

(Code 1985, § 10-1-3)

#### SEC. 54-32. PURPOSE

The purpose of this article is to encourage the most appropriate use of land and to promote the health, safety and general welfare of the community. The regulations within this article are deemed necessary to:

- (a) Implement the Village of Ruidoso Comprehensive Plan vision and long-range development goals.
- (b) Prevent congestion in the streets and other public rights-of-way;
- (c) Secure safety from fire, panic, and other dangers;
- (d) Ensure adequate light and air for all properties;
- (e) Prevent the overcrowding of land and undue concentration of population;
- (f) Facilitate adequate provisions for transportation, water, sewer, schools, parks and other public facilities and reduce the effect of natural hazards;
- (g) Control and abate the unlawful use of structures, buildings or land;
- (h) Protect the public health and general welfare; and
- (i) Encourage the conservation of energy in the use of structures, buildings, and land in the village.

Regulations within this article are established to provide for the administration of this article, to provide for amendments, to prescribe penalties for violation of such regulations, and to define powers and duties of the village staff, the planning commission and the council in relation to this article.

(Code 1985, § 10-1-2)

#### SEC. 54-33. APPLICABILITY

The provisions of this Land Development Code apply to all public and private uses and developments within the jurisdiction of the village, except as provided by state or federal law or as otherwise expressly stated in this Land Development Code.

## **SEC. 54-34. RELATIONSHIP OF ARTICLE TO ADOPTED PLANS**

The administration, enforcement and amendments to this article shall be accomplished in accordance with the recommendations contained in the Village of Ruidoso Comprehensive Plan, as developed and amended from time to time by the planning commission and the council.

(Code 1985, § 10-1-4)

## **SEC. 54-35. OFFICIAL ZONING DISTRICT MAP**

(a) *Official Zoning District Map.* For the purpose of this article, the village shall be divided into zoning districts, and these shall be shown on a map entitled the "Official Zoning District Map."

Designation of official zoning districts. The following shall be the official zoning districts:

(1) General districts:

- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 High-Density Residential District
- AR-1 Agricultural/Residential District
- M-1 Low-Density Mobile Home District
- M-2 Medium-Density Mobile Home District
- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Midtown Commercial District
- C-4 Heavy Commercial District
- I-1 Industrial District

(2) Special districts:

- PUD Planned Unit Development District

*Interpretation of district boundaries.* Where uncertainty exists concerning boundaries of any district shown on the official zoning district map, the following rules shall apply:

- (1) Boundaries shall be construed as the centerline of existing, future or vacated streets, highways, railroads, alleys, drainage or irrigation canals or other public rights-of-way.
- (2) Where property has been subdivided into blocks and lots, the boundaries shall be construed to be the lot line.



- (2) Where property is not otherwise designated, divided or subdivided, the boundary line shall be determined by the scaled distance shown on the official zoning district map.
- (3) No zone boundary line shall hereafter be established to divide one lot into two or more zones unless the size of the lot in question is such that division is determined to be essential by the planning commission and the council.

(Code 1985, § 10-1-7)

**SEC. 54-36. INTERPRETATION OF ARTICLE; CONFLICTING PROVISIONS**

- (a) Minimum requirements. The provisions of this article shall be considered the minimum requirements to meet the purpose and intent expressed in section 54-32.
- (b) Conflicts with local ordinances. Where the provisions of any local ordinance or covenant impose greater restrictions than those of this article, the more restrictive provisions shall prevail.
- (c) Conflicts with federal and state law. Any provision of U.S. law or state law which imposes a greater duty, standard or requirement than those contained in this article shall supersede the provisions of this article.
- (d) Interpretation of meaning. The planning administrator or his designee shall interpret the meaning of the provisions of this article. Disagreement with an interpretation may be appealed to the planning commission and then to the council.
- (e) Conflicting provisions within article. When two or more provisions of this article are in conflict, the most restrictive provision shall apply.

(Code 1985, § 10-1-6)

**SEC. 54-37. SEVERABILITY**

If any portion of this Land Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the Land Development Code and does not affect or diminish the validity of the remainder of the Land Development Code.

**SEC. 54-38—54-45. RESERVED.**

**DIVISION 2: ADMINISTRATION**

**SEC. 54-46. GOVERNING BODY**

In addition to the powers identified elsewhere in the Village code, the governing body of the village has the powers and duties that are expressly identified in this Land Development Code, including:

- (a) Approving members of the planning and zoning commission as provided by Village code;
- (b) Serving as the Board of Appeals:
- (c) Taking final action on Land Development Code text amendments, zoning map amendments, major subdivisions, PUD development plans, annexation and vacation requests;
- (d) Taking such other actions not expressly delegated to the planning and zoning commission or others under this Land Development Code, as the governing body may deem desirable and necessary to implement the provisions of the comprehensive plan and this Land Development Code.

## **SEC. 54-47. BOARD OF APPEALS**

- (a) *Designation of board of appeals.* The village council shall serve as the board of appeals.
- (b) *Notice of appeal.* Any aggrieved person or any officer, department, board or bureau of the village affected by a decision of the planning commission may appeal to the council by filing a notice of appeal with the planning administrator. The notice shall be on a form prescribed by the planning administrator, shall state the name and address of the applicant, and shall specify the error in the decision made by the planning commission in the enforcement of this article or of any ordinance adopted pursuant thereto. The notice shall be filed within 15 days of the decision which is being appealed. Within ten working days of receipt of the appeal, the planning administrator shall forward the notice of appeal to the village clerk along with a request to schedule a hearing on the appeal before village council. Prior to the hearing the planning administrator shall provide the village clerk with copies of all the documents constituting the record of the case appealed, and such further facts as may be pertinent or material to show the grounds of the decision appealed including the approved minutes of the planning commission meeting at which action on the application was taken. The planning administrator shall give written notice of receipt of an appeal to the applicant, the appellant, a representative of the opponents if any are known, and to any other parties who have requested to be so informed. Said notice shall be mailed by regular mail within ten working days of receipt of the appeal.
- (c) *Stay of proceedings.* The filing of a notice of appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee or board from whom the appeal is taken certifies that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. Upon certification, the proceedings shall not be stayed other than by a restraining order granted by the district court on notice to the village clerk with due cause shown.
- (d) *Notice of hearing.* Upon receiving the notice of appeal from the planning administrator, the village clerk, in consultation with the village manager, shall place a request to schedule a public hearing on an upcoming governing body meeting agenda. Once the village council has voted to schedule the public hearing, the village clerk shall cause to be published in a newspaper of general circulation in the village a notice of the time, date, place and purpose of the hearing at least ten days prior to the date of the hearing. The planning administrator shall give written notice of the date, time and place of such hearing to the applicant, the appellant, a representative of the opponents if any are known, any persons who appeared before the planning commission during its consideration of the matter, and any other parties who have requested to be so informed. Such notice shall be mailed at least 12

days prior to the date of the hearing. In addition, if the appeal relates to a specific site, a similar notice shall be mailed by the planning administrator at least 12 days prior to the date of the hearing to each owner of property situated within the required notification area of the property to which the appeal relates. The appellant shall furnish an abstractor's certified property certificate showing the property ownership within the required notification area of the property. The planning administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings. If requested, the planning administrator may provide notice by fax or email, if the planning administrator has facsimile numbers or email addresses available, in lieu of mailed notice. Faxed or emailed notice shall be sent at least ten days prior to the meeting at which the case is to be heard by the village council.

(e) *Review and decision.* No sooner than 15 days from the date of public notice, the council shall hear the appeal, and render a decision within 45 days. The council shall consider oral and written testimony from the appellant, his agent or attorney, village staff members and other interested parties. All such oral testimony, other than attorneys' statements and questions, shall be in accordance with the provisions of section 54-61(f)(8), relating to testimony and evidence before the planning commission. The council shall also study the record of the action on the appeal. If postponed, the council shall make a decision on the appeal at its next regularly scheduled meeting. The council, by a simple majority vote of all of its members present, may:

- (1) Reverse any order, requirement, decision or determination of the planning commission;
- (2) Decide in favor of the appellant; or
- (3) Make any change in any order, requirement, decision or determination of the planning commission.

If the village council fails to so decide by a simple majority vote of all of its members present, or if it decides by a simple majority of those members present to uphold the decision of the planning commission, then the decision of the planning commission shall stand.

(f) *Notice of decision.* The council shall issue a written notice of its decision to all concerned parties and to the village clerk. The notice shall state the facts of the matter as determined by the village council, the reasons for its decision, and any conditions applied to the decision.

REPLACED BY 54-45(Code 1985, § 10-2-2; Ord. No. 96-01, 1-9-96; Ord. No. 98-17, § 2, 11-10-98; Ord. No. 2008-11, 10-14-08)

## **SEC. 54-48. PLANNING COMMISSION**

(a) *Established; purpose.* The planning commission is hereby established for the purpose of preparation and updating of the comprehensive plan or other specific plans through various means such as zoning, subdivision, annexation and other related techniques to promote the general welfare of the village and to secure efficiency, economy and concerted effort in its growth and development and

carry out the purpose of this article as set out in [section 54-32](#), and the duties as set out in subsection (e) of this section. The planning commission may be referred to in this article as the "commission."

- (b) *Membership; appointment of members; compensation of members.* The planning commission may consist of up to seven members, but shall not have less than five members, who shall be residents of the village representing, insofar as possible, different professions or occupations. Two members may be from the three-mile planning jurisdiction. Members shall be appointed by the mayor with the approval of the majority vote of the council. Members of the planning commission shall serve without pay of any kind except actual expenses, and shall hold no other municipal or county office.
- (c) *Term of members; removal of members; vacancies.* The terms of members of the planning commission shall be two years, with staggered terms, with half of the members' terms expiring in March of even-numbered years and half of the members' terms expiring in March of odd-numbered years. All members shall hold office until their successors are appointed and qualified. Any members of the planning commission may be removed by the mayor with the consent of the majority vote of the council for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term by the mayor with the approval of a majority vote of the council.
- (d) *Officers; meetings and rules of procedure.* The planning commission shall elect a chairman from the members of the commission and shall create and fill such other of its offices as it may determine. The chairman shall be eligible for reelection. The commission shall hold at least one regular meeting each month at such time and place as may be fixed by the commission. Special meetings of the commission may be fixed by the commission. Special meetings of the commission may be called by the chairman, or by any five members of the commission. A majority of four members of the commission shall constitute a quorum for the transaction of business. The commission may adopt such other rules and regulations governing its organization and procedures as it may deem necessary so long as they are not inconsistent with this article and the laws of the state. The commission shall keep a record of its resolutions, transactions, findings, policies and determinations, and this record shall be a public record.
- (e) *Duties.* It shall be the duty of the planning commission to:
  - (1) Submit and recommend to the council a proposed official zoning map and recommend whatever regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land it shall deem to be in the best interest of the village and its inhabitants.
  - (2) Prepare and recommend to the council for adoption a comprehensive plan.
  - (3) Hold a public hearing on all requests for zone changes and initial zoning and forward its recommendations to the council.
  - (4) Recommend to the council any amendments to this article that may be needed concerning the plotting or use of land in any district, or restrictions upon buildings or structures therein.

- (5) Review or delegate review of site plans for multiple-dwelling, commercial and industrial developments and determine the appropriate action and requirements for each site plan of the development as set out in this article.
- (6) Make determinations and decisions regarding conditional uses as provided for in this article.
- (7) Make recommendations to the council on matters regarding the interpretation, enforcement and administration of article III of this chapter, pertaining to subdivisions.
- (8) Vary or adjust the strict application of the requirements of this article in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Any such variance granted shall be granted according to the requirements and procedures established by this article. Variances may be granted only for hardships related to the physical characteristics of land. Variances to this article related to permitted, accessory and/or conditional uses in any district shall not be allowed. No variance or adjustment in the strict application of any provision of an ordinance may be granted unless:
  - a. Special circumstances or conditions, fully described in the commission's findings, are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of the ordinance from which this article is derived. Nonconforming lot size shall be considered a special circumstance in accordance with [section 54-117](#)
  - b. For reasons fully set forth in the commission's findings, the circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and
  - c. The granting of the variance is in harmony with the general purpose and intent of this article and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (9) Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least seven years in violation of this article and the village, with knowledge of the existence of the condition, has not taken any steps toward elimination of such violation of this article.
- (10) Oversee reduction of district dimensional requirements for nonconforming lots in accordance with [section 54-117](#).

The planning commission shall be able to grant variances from those sections of this article where the granted variance would not be prohibited by federal or state law, rule or regulation. Areas specifically

excluded from this clause would be sign regulations and building codes unless specifically allowed. This clause would supersede any conflicting clause in this article.

## **SEC. 54-49. COMMUNITY DEVELOPMENT DEPARTMENT**

In addition to the jurisdiction, authority and duties which may be conferred upon the Community Development Department by other provisions of the Ruidoso municipal code and New Mexico Statutes, the Community Development Department has the following jurisdiction, responsibilities and duties under this Land Development Code:

- (a) To review, consider and interpret Land Development Code text and the official zoning map;
- (b) To review and make recommendations for the disposition of applications for permits or approvals;
- (c) To receive applications for development review and development permits for processing pursuant to the procedures of the Land Development Code;
- (d) To serve as the administrative support to the Planning and Zoning Commission;
- (e) To ensure that adequate public notice is provided for development applications pursuant to requirements of the Land Development Code;
- (f) To initiate requests to the city attorney to institute proceedings against the violators of the Land Development Code;
- (g) To undertake the Planning and Zoning Commission's long-range comprehensive planning, development plan review and zoning review responsibilities;
- (h) To review, as necessary, but at least every 5 years, the comprehensive plan and the Land Development Code and recommend amendments to the Planning and Zoning Commission and the governing body;

## **SEC. 54-50. PLANNING ADMINISTRATOR**

- (a) *Office of planning administrator established; staff; supervision.* The staff position of planning administrator is hereby established for the general and specific administration of this article. The duties of the planning administrator may be performed directly by the planning administrator or by such staff as may be designated by the planning administrator specifically for the administration of this article. The planning administrator shall perform all duties under the direction of the village manager or assistant village manager.
- (b) *General duties of planning administrator.* It shall be the duty of the planning administrator to:
  - (1) Receive, process, record and administer all requests for approvals and permits as governed by this article, except that building permits shall be issued by the building official after review by the planning administrator.

- (2) Advise and recommend to the planning commission and the council regarding requests for approvals and permits as required by this article.
  - (3) Perform such inspections, observations and analyses of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the jurisdiction of the village relating to the regulations and restrictions as set forth in this article.
- (c) *Right of entry of planning administrator.* The planning administrator or his agent is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this article and shall have the authority to enter at reasonable times upon any private or public real property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

## **SEC. 54-51. VILLAGE ATTORNEY**

In addition to the jurisdiction, authority and duties that are conferred upon the city attorney by other provisions of the city code, the village attorney has the following authority and duties under the Land Development Code:

- (a) To review for form all written findings of fact and resolutions drafted by the Community Development Department staff, Planning and Zoning Commission and Zoning Hearing Officer in connection with any requirement of this Section;
- (b) To review for form all development agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of this Section; and
- (c) To advise the governing body, Community Development Department staff and Planning and Zoning Commission in regard to the legal issues which may arise during implementation of the Comprehensive Plan and the Land Development Code.

## **SEC. 54-52. JUDICIAL RELIEF; APPEALS TO DISTRICT COURT**

A final decision on the review and approval procedures of [Division 6](#) may be appealed to District Court, pursuant to Section 3-21-9 NMSA 1978, provided that all local appeals and remedies have been exhausted. Matters that could be resolved via a variance or appeal of an administrative decision may be submitted to District Court only upon completion of the local appeal procedures specified in this Land Development Code.

## **Sec. 54-53—Sec. 54-65. RESERVED**

# **DIVISION 3: DEFINITIONS**

## **SEC. 54-66. DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as specifically defined in this article, all words used in this article shall have their customary dictionary definitions.

*General definitions and rules of construction.* Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual. The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The words "used" and "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." The words "map" and "zoning map" mean the official zoning map of the village that delineates the area to be governed by this article.

**Abutting** means the land, lot, or property sharing a common property line with the property in question or separated only by an alley, easement, or street.

**Accessory building or use** means a subordinate building, or portion of the principal building, located on the same lot as the principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of land. Where part of an accessory building is connected to part of the principal building in a substantial manner, as by a roof, such accessory building shall be counted as part of the principal building.

**Adult use, retail and/or entertainment** means an establishment where at least twenty-five (25) percent or more of the gross area is devoted to retail, distribution, depiction, or entertainment distinguished by an emphasis on the description, exposure, or representation of sexually-oriented material, specified anatomical areas, and/or specified sexual activities.

**Agricultural/ranching** means the cultivation of the soil or the raising of livestock and all activities incidental thereto. The terms "farming" and "ranching" shall be interchangeable for purposes of this article.

**Airport Hazard related definitions** (see [section 54-372](#))

#### **Alcohol/ Liquor Related Definitions**

**Bar or nightclub** means an establishment with which derives at least one-half of the total sales from beer or liquor consumed on the premises. This use may include music and entertainment.

**Brewery** means a business which involves manufacturing beer (see Artisan **Manufacturing**).

**Small liquor producer** means the production of beer, wine, or spirits associated with an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978. Annual production shall be limited by State statute. This use does not include alcohol sales. Alcohol sales associated with brewing on-site is regulated pursuant to the tap room or tasting room use.

**Distillery** means a business for the manufacture of spirituous liquors (see Artisan **Manufacturing**).

**Winery** means a licensed premise in which a winegrower manufactures and stores wine or cider (see Artisan **Manufacturing**).



**Tap room/tasting room** means an establishment associated with a local brewery, winery, or distillery. Establishments must have an approved “small brewer’s license” as governed by 60-7A-26.1 (stet) NMSA 1978, an approved “winegrower’s license” as governed by 60-6A-11 NMSA 1978, or an approved “craft distiller’s license” as governed by 60-6A-6.1 NMSA 1978. Annual production shall be limited by state statute. Sale of materials produced on-site for off-premises consumption is allowed.

**Alley** (see transportation related definitions)

**Apartment building** See **Dwelling Multifamily**

**Area of shallow flooding** (see flood related definitions)

**Automotive/ Vehicle Related Definitions:**

**Auto wrecker service** means a lot or yard where three or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, sale of parts, or sale as scrap.

**Automobile** includes all light vehicles, such as passenger cars and light trucks.

**Automobile fuel station** means an establishment with the primary business function of the retail sale of gasoline for passenger car use and convenience retail sales along with minor service and repair work incidental to the operation of passenger automobiles.

**Automobile washing** establishment means a building which has as its primary purpose washing automobiles. Such facilities shall be considered incidental to automobile fuel stations if no more than one auto may be washed at one time and if the fuel station is clearly the principal use.

**Heavy vehicle and equipment sales, rental, fueling, and repair** means a facility that is engaged in the sales, fueling, rental, and/or repair of heavy vehicles and equipment typically used in agricultural, transit, commercial, or industrial operations. Sales of parts, whether new or used, for heavy vehicles and equipment, and incidental storage of heavy vehicles related to sales, rental, fueling, repair, service, and maintenance are included in this use.

**Automobile repair** means any facility providing vehicle repair, service, or maintenance of passenger cars.

**Sales lot for automobiles, boats or recreational vehicles** means a lot or area used for commercial display and sales only of three or more automobiles, boats or recreational vehicles or any combination thereof, with or without a sales office on-site and without service facilities.

**Banner** (see **Sign** related definitions)

**Basal area** (see **Forest Management** related definitions)

**Basement** means a portion of a building located partly underground but having not less than half its floor-to-ceiling height below the average grade of the adjoining ground.

**Block frontage** means all of the property of a given lot or any portion thereof lying adjacent to a public street or highway.

**Boardinghouse** means an establishment in a private dwelling in which more than one guestroom is used to provide or offer overnight accommodations and meals for transient guests.

**Building Related Definitions:**

**Building** means any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or property, except mobile homes and mobile offices.

**Building area** means the maximum horizontal projected area of the principal and accessory buildings, excluding open steps, terraces, unenclosed porches of one story, and architectural appurtenances projecting not more than two feet. Building area, as that portion of a lot upon which construction is permitted, is as follows: that area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line.

**Building, attached** means a building having one or more party walls in common with another building when the principal use of each building is independent of the other and when no interior access exists from one building to another.

**Building, detached** means a building having no party wall in common or structural connection with another building.

**Building envelope** means that area of a lot lying between the front, rear, and side yard setback lines and between ground level and the maximum allowable building height.

**Building, front line of** means the line of the face of a building nearest the front line.

**Building, height of** means the vertical distance from the average contact ground level of the front and rear walls of the building to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

**Building line, front** means the line nearest to the front across a lot establishing the minimum open space to be provided between the front line of a building and the front lot line.

**Building line, rear** means the line nearest to the rear across a lot establishing the minimum open space to be provided between the rear line of a building and the rear lot line.

**Building, nonconforming** means a legally existing building which fails to comply with the regulations set forth in this article applicable to the zone in which the building is located.

**Building, principal** means a building in which is conducted the main or principal use of the lot on which the building is situated.

**Building, public** means a building, supported by government funds, to be used in an official capacity on the behalf of the entire community.

**Business** means the engaging in or the purchase, sale, barter or exchange of goods, wares, merchandise or service; or the maintenance or operation of offices or recreational or amusement enterprises.

**Campground** means any area of land used to temporarily accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.

**Cannabis Related Definitions:**

**Cannabis** means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight manufacture, salt, derivative, mixture or preparation of the plant. its seeds or its resin; and does not include:

- (a) the mature stalks of the plant; basis. whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound. manufacture, salt. derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; and Mature plant means a flowering or nonflowering cannabis plant that has taken root and is taller than 8 inches.
- (b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.

**Cannabis consumption area** means an area where cannabis products may be served and consumed.

**Cannabis manufacturer** means a person that: (1) manufactures cannabis products; (2) packaged cannabis products; (3) has cannabis products tested by a cannabis testing laboratory; or (4) purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.

**Cannabis producer microbusiness** means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.

**Cannabis producer** means a person that: (1) cultivates cannabis plants; (2) has unprocessed cannabis products tested by a cannabis testing laboratory; (3) transports unprocessed cannabis products only to other cannabis establishments; or (4) sells cannabis products wholesale.

**Cannabis research laboratory** means a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.

**Cannabis retailer** means a person that sells cannabis products to qualified patients, primary caregivers, reciprocal participants, or directly to consumers.

**Cannabis testing laboratory** means a person that samples, collects, and tests cannabis products and transports cannabis products for the purpose of testing.

**Vertically integrated cannabis establishment** means a person that is authorized to act as any of the following: (1) a cannabis courier; (2) a cannabis manufacturer; (3) a cannabis producer; and (4) a cannabis retailer.

**Cannabis Courier** means a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

**Integrated Cannabis Microbusiness** Means a person that is authorized to conduct one or more of the following:

- (1) production of cannabis at a single licensed premises, provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
- (2) manufacture of cannabis products at a single licensed premises;
- (3) sales and transportation of only cannabis products produced or manufactured by that person;
- (4) operation of only one retail establishment; and
- (5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

**Commercial cannabis activity** means the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase for resale, sale or consignment of cannabis products; and does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

**On-site Cannabis Consumption Premises** means on-site consumption of cannabis includes the smoking, vaporizing, and ingesting of cannabis or cannabis products on a licensed premise.

**Standalone Building** means a building whose heating, air conditioning and ventilation system services only that building.

**Carport** means a structure consisting of a roof and either walls or columns and is open to the exterior at two full length walls minimum for the purpose of housing automotive vehicles and other chattels. The structure shall be considered as an accessory building when detached from the principal building or as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

**Carport, temporary or portable** means those which are designed to be portable, are prefabricated off-site for assembly and/or installation on-site, having exterior finish of fabric, fiberglass, plastic, thin metal or like materials, whether or not carport is set on permanent foundation.

**Cemetery** means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

#### **Child and Adult Daycare Definitions**

**Adult or Child Day Care Facility** means a facility other than an occupied residence that provides care for more than 12 individual adults or children during the day. [This use includes pre-schools]. This use does not include overnight care. See also see Group Home.

**Childcare center** means a facility required to be licensed by the State of New Mexico that provides care, services, and supervision for less than 24-hours a day to children. A child care center is in a non-residential setting and meets applicable state and local building and safety codes

**Family childcare home** means a private dwelling required to be licensed by the State of New Mexico that provides care, services, and supervision for a period of less than 24 hours of any day for no more than six children. The licensee will reside in the home and be the primary educator.

**Group childcare home** means a home required to be licensed by the State of New Mexico, which provides care, services, and supervision for at least seven but not more than 12 children. The licensee will reside in the home and be the primary educator.

**Church** means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clinic and medical center** mean an establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

**Club, private (nonprofit)** means a nonprofit association of persons who are bona fide members paying annual dues which owns, hires, or leases a building or a portion thereof, the use of such premises being restricted to members and their guests.

**Code enforcement officer** means village staff designated by the village manager to enforce provisions of the ordinances of the village.

**Conditional use permit** means legal authorization to undertake a conditional use as defined by this article.

**Convenience food restaurant** means an establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carryout with consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

- A. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- B. The customer is not served food at his table by an employee but receives it at a counter, window, or similar facility for carrying to another location for consumption either on or off the premises.

**Corporation counsel** means the village attorney or any assistant or special counsel of the village.

**Density, gross residential** means the number of dwelling units per unit of land calculated with no exclusion.

**Density, net residential** means the number of dwelling units per unit of land, excluding streets and publicly owned property.

**Development** means any manmade change to improve or alter real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or cutting of trees whose circumference is greater than 60 inches.

**Drive-in business** means any business in which a customer is served in a motor vehicle and remains on site. Such businesses include but are not limited to the following: drive-in movie theater and drive-in restaurant. This does not include businesses with drive up or drive through service windows. See Drive up or drive through window)

**Drive up or drive through service window** means a customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable a customer to transact business with an employee located within the principal structure without exiting the motor vehicle. Typical businesses that have drive up or drive through service windows include restaurants, pharmacies, and financial institutions,

**Dwellings/ Dwelling Related Definitions:**

**Apartment building** See Dwelling, Multifamily.

**Caretaker quarters** means a dwelling unit that is complimentary to a non-residential principal use and needed for security or 24-hour supervision.

**Condominium** means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial, or industrial in nature.

**Condominium hotel (timeshare condominium)** means a condominium set up like a hotel in which each room is individually owned and in which some or all rooms are available to transients for rent.

**Dwelling, Accessory** means a building, or portion thereof, used for residential occupancy, including single-family, two-family and multiple-family dwellings, and dwelling rentals, but not including hotels, motels or tourist homes.

**Dwelling, multifamily** means a building, or portion thereof, used for occupancy by three or more families living independently of each other. Cabin rentals with fewer than five units are included in this land use type.

**Dwelling, rental** means dwelling units that may be rented on a nightly, weekly, monthly, or long-term basis, provided there is no onsite advertisement; density may not exceed district regulations.

**Dwelling, single-family** means a building used for residential occupancy by one family. A multi-section manufactured home that meets the standards of the Manufactured Housing and Zoning Act ([NM Statutes 3-21A](#)) meets the definition of a single family dwelling.

**Dwelling, two-family** means a building, or portion thereof, used for occupancy by two families living independently of each other, also referred to as a "duplex."

**Dwelling unit** means a dwelling, or portion of a dwelling, used by one family and containing a bathroom, kitchen, and sleeping spaces.

**Live/ work unit** means a single unit consisting of both a commercial/ office space and a residential dwelling component that is operated by the resident. The live/ work unit shall be the primary dwelling of the occupant.

**Townhouse** means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent buildings by party walls or are located immediately adjacent thereto with no visible separation between walls or roof, all of which dwellings may be located on individual and separate lots if individually owned, or upon a single lot if under common ownership.

**Townhouse cluster** means a building consisting of three or more noncommunicating, attached one-family units, placed side by side and having a common wall between each two adjacent dwelling units.

#### **Electrical Vehicle Charging Stations and Equipment Related Definitions:**

**Charging level designation** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

**Level 1** is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

**Level 2** is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.

**Level 3 (DC Fast Charging)** typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

**Electric vehicle (EV) charging station** means a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. Level 1 and Level 2 charging equipment is permitted as an accessory use to any principal use.

**Family** means one or more persons related by blood, marriage or adoption, or not more than three unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority or lodging house.

**Farm** means an area which is used for growing, raising, producing and storage of agricultural products on a commercial basis, such as timber, livestock, poultry, and foodstuffs, including the residence of those conducting and engaged in the operation. A farm shall not include commercial feedlots or sanitary landfills.

**Fence** means a barrier constructed of materials erected for the purpose of protection, confinement, enclosure or privacy.

**Flood Related Definitions** ([see section 54-325](#))

**Forest Management Related Definitions:**

**Advanced infestation** means any insect, pest, fungal growth, parasite or other infestation which threatens the life of a tree according to United States Forest Service standards.

**Basal area** means the cross-sectional area in square feet of each tree in a stand of timber as measured at breast height (4.5 feet). The equation for basal area per tree is:  $\text{Basal Area} = 0.005454 \times \text{DBH} \times \text{DBH}$

**Defensible space** means an area, either natural or manmade, where materials capable of allowing a fire to spread unchecked have been treated, cleared, or modified to slow the rate and intensity of advancing wildfire and create an area for fire suppression operations to occur.

**Diameter at breast height (DBH)** means the diameter of a tree measured 4.5 feet above the ground, on the uphill side of the tree, and outside of the bark.

**Diseased tree** means a tree that shows signs of severe damage, structural unsoundness or advanced infestation.

**Forest/urban interface** means an area where development and forested area meet at a well-defined boundary.

**Forest/urban intermix** means an area where development and forested area meet with no well-defined boundary.

**Fuel break** means, generally, a wide strip of land on which native vegetation has been permanently modified so that fires burning into it can be more readily controlled. Some fuel breaks contain narrow fire breaks, which may be roads or narrow hand-constructed lines. During fires these line breaks can quickly be widened either with hand tools or firing out.

**Fuel modification** means a method of modifying fuel load by reducing the amount of non-fire-resistant vegetation to reduce the fuel loads.

**Healthy tree** means a tree that shows no signs of severe damage, structural unsoundness or advanced infestation.

**Ladder fuels** means fuels which provide vertical continuity between strata. Fire is able to carry from surface fuels into the crown of trees or shrubs with relative ease and ensure initiation and continuity of crowning.

**Mature tree** means a tree measuring ten inches or more in diameter at 4.5 feet above ground level.



**Slash** means the debris created from cutting trees and forest growth.

**Tree manipulation activity** means cutting or thinning of mature trees.

**Tree protective zone** means the portion of any lot or parcel covered by the front, rear and side yard requirements of this article.

**Tree removal** means any act which causes a tree to die within a period of two years, including but not limited to damage inflicted upon the root system by machinery, storage of materials and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation; excessive pruning; or paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

**Forest/urban interface** means an area where development and forested area meet at a well-defined boundary.

**Forest/urban intermix** means an area where development and forested area meet with no well-defined boundary.

**Fuel break** means, generally, a wide strip of land on which native vegetation has been permanently modified so that fires burning into it can be more readily controlled. Some fuel breaks contain narrow fire breaks, which may be roads or narrow hand-constructed lines. During fires these line breaks can quickly be widened either with hand tools or firing out.

**Fuel modification** means a method of modifying fuel load by reducing the amount of non-fire-resistive vegetation to reduce the fuel loads.

**Garage, private** means a detached accessory building, or portion of a main building, used for the storage of self-propelled vehicles, where the capacity does not exceed three vehicles per family housed in the building to which such garage is accessory. Not more than one-third of the total number of vehicles stored in such garage shall be commercial vehicles.

**Garage, public** means any building or premises, except a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**Grocery Store** means an establishment that sells a wide variety of goods organized in departments, including but not limited to fresh produce, meat and dairy, canned and packaged food items, small household goods, and similar items, with more than 50 percent of the gross floor area devoted to the sale of food products for home preparation and consumption.

**Ground floor** area means the square foot area of a building within its largest outside dimension computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

**Group home** means a single residential structure having common kitchen facilities occupied by persons having physical, mental, emotional, or social problems and living together for the purpose of training, observation and/or common support.

**Habitable floor** means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

**Healthy tree** means a tree that shows no signs of severe damage, structural unsoundness, or advanced infestation.

**Home occupation or profession** means any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which meets the requirements of this article.

**Hospital** includes a sanitarium, preventorium or clinic, provided such institution is operated by or treatment is given under the direct supervision of a physician licensed to practice by the state.

**Hotel and motel** mean a building or portion thereof, or a group of buildings, in which lodging with five or more units is provided and offered to transient guests for compensation; this shall not include a lodging house. Cabin rentals with five or more units are included in this land use type.

**Industry, heavy** means those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes, or glare, odor, noise or vibration which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

**Industry, light** means those industries whose processing of products results in none of the conditions described for heavy industry.

**Junkyard** means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including but not limited to use of salvaged base metals or their compounds or combinations; and used or salvaged rope, bags, rags, glass, rubber, lumber, millwork, brick, automobiles and similar property which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

**Kennel** means any lot or premises on which are kept ten or more dogs, cats or small animals over eight weeks of age, for any purpose, or on which there is commercial boarding or breeding of dogs or cats.

**Loading and unloading berth** means the off-street area required for the receipt of or distribution by vehicles of material or merchandise.

**Lodging house** means a building with more than two but not more than ten guestrooms where lodging with or without meals is provided for compensation.

**Lot Related Definitions:**

**Lot** means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this article, and having its principal lot frontage on a street.

**Lot, corner** means a lot at a junction of and fronting on two or more intersecting streets.

**Lot coverage** means the percentage of the lot area covered by buildings.

**Lot depth** means the horizontal distance of a line measured at a right angle to the front lot line and running between the front lot line and rear lot line of a lot.

**Lot, interior** means a lot other than a corner or through lot.

**Lot line, front**, in the case of an interior lot, means a line separating the lot from the street, and in the case of a corner lot means a line separating the narrowest street frontage of the lot from the street, except that, where the lot is square or nearly so, the owner may choose which of the two street frontages is to be considered the front lot line.

**Lot line, rear** means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot line, side** means any lot boundary line not a front lot line or a rear lot line.

**Lot, through** means a lot having frontage on two parallel or approximately parallel streets.

**Lot width** means the distance, measured in a straight line, between side lot lines at the points of intersection with the setback line.

#### **Manufacturing Definitions:**

**Manufacturing** means the creation of products either with machinery or by hand according to an organized plan and with the division of labor.

**Artisan manufacturing** means small-scale manufacturing and related processes or activities — often by an artist, artisan, or craftsman working with materials either by hand or with minimal automation or technology. This use includes incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers. Small breweries, wineries, and distilleries meeting state regulations are considered to be artisan manufacturing.

**Light manufacturing** means assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging, or testing of goods.

**Heavy manufacturing** means mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use creates greater than average impacts on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, but does not include special manufacturing (see special manufacturing).

**Special manufacturing means** processes that input or create hazardous by-products, as defined by federal regulation, during manufacturing, assembly, fabrication, or materials treatment, or that use manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts, including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

**Minimum** means not less than the requirement indicated, but may be greater, if necessary, to meet the development standards of this article.

**Mining** means the extraction of sand, gravel, or other material from the land in the amount of 400 cubic yards or more, and the removal from the site with or without processing.

**Mobile/ Manufactured Home Definitions:**

**Manufactured home** means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer has received certification from the United States Department of Housing and Urban Development and complies with the standards of the Manufactured Home Construction and Safety Standards Act; and except that such term shall not include any self-propelled recreational vehicle (42 USC 5402). A multi-section manufactured home, as defined in the Manufactured Housing and Zoning Act, [NMSA 3-21A](#), is regulated as a single family, site-built dwelling. A single-section manufactured home is regulated the same as a mobile home.

**Mobile home** means a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code ([NMSA 3-21A-2.B](#)).

**Mobile home park** means any plot of ground upon which two or more mobile homes, occupied, or intended to be occupied for dwelling or sleeping purposes, are located.

**Mobile home space** means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Mobile home stand** means that portion of an individual mobile home space which has been reserved for the placement of a mobile home and structures or additions appurtenant to the mobile home.

**Mobile home subdivision** means a subdivision designed for the express purpose of placing mobile homes on the individual lots.

**Modular home** means a structure, built in a manufactured or mobile home building facility, transported in sections to the home site and joined together. Modular homes are built to conform to all applicable standards of state, local, and/or regional building code.

**Multi-section manufactured home** means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 of the Uniform Building Code, as amended to the date of the unit's construction, and installed on a permanent foundation consistent with the Manufactured Housing and Zoning Act ([NMSA 3-21A-2.A](#)). A single section manufactured home does not meet this definition.

**Mobile office** means a factory-assembled structure exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit on its own running gear and designed to be used as an office without a permanent foundation, whether or not the running gear has been removed.

**Mobile Vending Related Definitions:**

**Mobile vending unit** means any wagon, truck, trailer, cart or other vehicle, whether propelled by an engine or motor vehicle or without motive power, and from which any person prepares, sells, offers for sale, or gives away prepared or prepackaged food or beverages, food or beverage items that do not require temperature regulation, raw produce, flowers, arts and crafts, or other non-food items.

**Neighborhood park** means publicly or privately owned land that is maintained for active or passive recreational use and for the use and enjoyment of the general public or the residents or occupants of a the surrounding neighborhood. This use includes areas consisting of vegetative landscaping and/or areas improved for outdoor sports and recreation. Structural improvements are generally limited to those that facilitate the use of the land as a park. Incidental activities and structures include, but are not limited to, playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

**New construction** means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

**Noxious matter or material** means material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

**Offices** means structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold or repaired. These include banks, general and professional offices, governmental offices, insurance offices, real estate offices, taxicab offices (but not taxi stands), travel agency or transportation ticket offices, telephone exchanges, utility offices, radio broadcasting, coworking spaces, and similar uses.

**Open sales (or rental) lot** means any land used or occupied for the purpose of buying, selling or renting, for use away from the premises, any goods, materials or merchandise, and for the exterior storing of such goods, materials or merchandise prior to sale or rental.

**Overlay zone** means a zone superimposed upon an underlying zone, which establishes special requirements in addition to those of the underlying zone. Development or use of land or structures must conform to the requirements of both zones or the more restrictive of the two, if in conflict.

**Parking area, public** means an open area, other than a street or alley, designated for use or used as temporary parking for four or more vehicles, when available for public use, whether free or for compensation or as an accommodation for clients or customers.

**Parking space, off-street** means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley.

**Party wall** means any wall of a building or structure which is common to two or more buildings.

**Paved parking space or surface** means an area covered by an impervious dust free surface of asphalt or concrete designed to specifications of the village engineer.

**Person** includes any individual or group of individuals, corporations, partnerships, associations or any other organized group of persons, including state and local governments and agencies thereof.

**Personal and convenience services** means businesses offering services, such as barbershops, beauty shops, laundromats, laundry and dry cleaning pickup and delivery stations (but excluding actual laundry operations), and similar uses.

**Planning administrator** means village staff designated by the village manager or assistant village manager to be responsible for the administration of this article.

**Plant nursery** means a primary use of land for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted in or outside an enclosed structure or greenhouse. Outdoor sales of plants are allowed. Plant nursery does not include growing, display or sale of cannabis plants.

**Property, personal** means property other than real property, consisting of things temporary and movable.

**Property, real** means property in buildings and land.

**Public hearing** means a meeting announced and advertised in advance and open to the public where the public has the right, within prescribed rules, to participate and be heard.

**Public meeting** means a meeting open to the public where the public has the right to attend and listen to the proceedings. Participation by the public shall be at the discretion of the public body.

**Ranch** means an area utilized for the primary purpose of raising and producing livestock, including the residence of those conducting and engaged in the operation.

**Recreational vehicle (RV)** means the following:

- A. Travel trailers, camping trailers, fifth-wheel trailers and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping or travel uses. For purposes of this subsection, readily movable shall mean movable within 24 hours.
- B. Pickup campers, either mounted or nonmounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping or travel uses.
- C. Chassis mount, motor home, mini-motor home or other recreational structures or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated therefrom and designed to be used for moveable living quarters for recreational, camping or travel uses.
- D. Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping or travel uses.

**Recreational vehicle park (RVP)** means a tract of land at least two acres in size, on which individual recreational vehicles are parked temporarily in rental spaces for periods not exceeding 150 days during any 12-month period. Recreational vehicles may not be stored in recreational vehicle parks.

**Restaurant** means any restaurant (except a drive-in restaurant or a convenience food restaurant), coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drugstore or soda fountain serving food, and all other eating or drinking establishments provided that at least one-half of the total sales are derived from the sale of food.

## **Retail**

**General retail** means an establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, cannabis for medical consumption, or other retail sales not listed as a separate use.

**Shopping center** means any grouping of four or more principal retail uses, whether on a single lot or on abutting lots, under multiple or single ownership, and whether contained in one building or multiple buildings.

**School** means any pre-primary, primary or grammar, public, parochial or private school, high school, preparatory school or academy, public or founded, owned or conducted by or under the sponsorship of a religious or charitable organization; any private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B.A. or B.S. degrees; any junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or any private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders.

**Screening** means a solid or nearly solid barrier (i.e., wall, fence or plantings) constructed or installed for the purpose of visual separation.

**Setback** means the minimum horizontal distance between a building and the street or lot line.

**Short-Term Rental** means one or more dwelling units, including either a single-family detached or multi-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons.

**Sign Related Definitions:**

**Banner** means a sign of temporary construction of lightweight, flexible materials such as cloth, canvas, plastic or paper on which letters, numbers, symbols or pictures are printed or painted, with or without a frame.

**Sign** means any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included in this definition.

**Sign, billboard** means any non-accessory sign, whether freestanding, wall-mounted or roof-mounted.

**Sign, non-accessory** means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Sign, wall** means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not project more than 18 inches from such building or structure.

**Site Plan Related Definitions:**

**Concept plan** means a sketch approximately to scale that shows the intended layout of a proposed development.

**Site plan** means a drawing to a scale not less than one-inch equals 100 feet showing the accurate location of all structures, streets, alleys and parking areas existing and proposed on subject property, or any other information as may be required by this article.

**Construction documents** means an accurate set of drawings and specifications prepared by a licensed professional architect or engineer that meet the required detail for a building permit.

**Concept plan approval** means an approval of a proposed development by a property owner prior to the preparation of a final site plan. The purpose of this approval is to provide relief for the property owner or developer from the expense of the required professionally prepared documents prior to reaching general agreement with the planning commission and the affected property owners of the proposed development.



**Special exceptions** mean any exceptions made to this article. Special exceptions to this article shall be limited to variances, conditional uses, and expansion of nonconforming uses, and shall not be granted except as prescribed in this article.

**Spot zoning** means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

**Stable, private** means any building located on a lot which is designed, arranged, used or intended to be used for not more than four horses for the private use of the owner of the lot, but shall not exceed 6,000 square feet in area.

**Stable, public** means a stable where horses are kept for remuneration, hire or sale.

**Start of construction** means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**Streets/ Transportation Related Definitions:**

**Alley** means a permanent public thoroughfare providing a secondary means of access to abutting lands.

**Street** means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

**Street, arterial** means a major street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the village to another.

**Street, collector** means a street designed to accommodate traffic within residential neighborhoods with the primary purpose of collecting and distributing traffic to and from the arterial streets.

**Street frontage** means any property line separating a lot from a street.

**Street, public** means any street which has been dedicated or is otherwise publicly owned by the village.

**Strip development** means commercial or retail development, usually one store deep, that fronts on a major street.

**Structural alteration** means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

**Structure** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

**Subdivision related definitions** (see [section 54-282](#))

**Substantial improvement** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places.

**Ten-foot zone** means the area within ten feet of a structure, as measured from a line drawn perpendicular from the roofline of the structure to the ground.

#### **Tobacco Products**

**Tobacco manufacturing** means the process of making, producing, creating, fabricating, assembling, combining, or mixing tobacco products licensed under the New Mexico Tobacco Products Act (15.8.2 NMAC).

**Tobacco retail** means the retail sales of tobacco products licensed under the New Mexico Tobacco Products Act (15.8.2 NMAC).

**Unobstructed utility easement** means that no utility easement shall have trees or shrubbery growing into, around, or over, or have branches that with a snow or ice load threaten, any above ground utility line.

**Use** means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

**Use, conditional** means either a public or private use as listed in this article which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such conditional use may or may not be granted pursuant to the requirements of this article. A conditional use may be a principal use or an accessory use.

**Use, nonconforming** means an existing use of land or buildings which was legal prior to the effective date of the ordinance from which this article is derived but which fails to comply with the requirements set forth in this article applicable to the zone in which such use is located.

**Use, permitted** means a use which is lawfully established in a particular district and which conforms with all requirements, regulations and performance standards of such district. A permitted use may be a principal use or an accessory use.

**Use, principal** means a use or structure which determines the predominant or major use of the lot on which it is located. A principal use may be either a permitted or a conditional use.

**Utility Related Definitions:**

**Utilities, major** means a facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including but not limited to major telephone facilities, electric facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire village, or a wide area of the village.

**Utilities, minor** means a facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency. Minor utility facilities provide services that are necessary to support development within the immediate vicinity and involving only minor structures. These include transformers, relay and booster devices and well, water, and sewer pump stations.

**Variance** means a modification or variation of the provisions of this article as applied to a specific piece of property. Dimensional variances only may be allowed, and only as prescribed by section 54-61(e)(8). No variance regarding use of property shall be permitted. No variances decreasing lot area requirements shall be allowed.

**Variance, dimensional** means departure from the terms of this article pertaining to height or width of structures and size of yards and open spaces where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this article would result in unnecessary and undue hardship.

**Warehouse** means an enclosed building designed and used primarily for the storage of goods and materials.

**Warehouse, residential storage and mini warehouse** mean a building or group of buildings in a controlled-access and fenced or screened compound that contains relatively small storage spaces of varying sizes, having individual, compartmentalized and controlled access for the storage of excess personal property of an individual or family generally stored in residential accessory structures, when such building or group of buildings is not located on the lot of the residence.

**Wireless telecommunications facilities related definitions** (see [section 54-702](#))

**Yard** means a space on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, and unobstructed by structures, except as otherwise provided in this article.

**Yard, corner side** means a yard on a corner lot, the area of which is bounded by a line extending from the front of the principal building (the front building line) to a point intersecting the side street right-of-way line (side lot line), then along the side lot line to a point intersecting the line formed by extending the wall of the nearest principal building paralleling the side lot line.

**Yard, front** means a yard extending across the full width of the lot between two side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

**Yard, rear** means a yard extending across the full width of the lot between the two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building, the depth of which is the least distance between the rear lot line and the parallel line.

**Yard, side** means a yard extending between the front building line and the rear building line, the width of which is the least distance between the side lot line and the nearest part of the principal building.

**Zoning authority** means the governing body.

## DIVISION 4: ZONING DISTRICTS

### SEC. 54-67. GENERAL DISTRICTS DEFINED; PERMITTED AND CONDITIONAL USES

- (a) General districts are the residential, commercial, and industrial zoning districts of the village. This division outlines the intended purpose of each general district and states the permitted uses and conditional uses for each district.
- (b) A permitted use is a use which is listed as permitted by right in a zoning district. Nonspecified uses which are similar to those specified are also permitted by right, except as otherwise restricted within this article.
- (c) A conditional use is a use which is of an unusual or unique character, and which may be offensive or incompatible in some cases within a zoning district. A conditional use requires review and approval by the planning commission to determine impacts of the use on the surrounding area. See [Section 54-88](#) for procedures governing a conditional use permit.

(Code 1985, § 10-4-1)

### SEC. 54-68. ORGANIZATION OF ZONE REGULATIONS

- (a) Districts may be base zones or overlay zones. Base zones set out the use, intensity, and dimensional standards for properties within their boundaries. Base districts are grouped into three (3) types –

Residential, Non-Residential, Special Use districts– and shall have the boundaries shown on the Official Zoning Map. Overlay zones are superimposed over portions of one or more underlying base zones with the intent of supplementing general development regulations with additional regulations that address special area-specific conditions or features while maintaining the character and purposes of the underlying base zones. Overlay zones include standards that may modify or supersede standards applied by the underlying base zone, though the uses allowed or prohibited in overlay zones are generally the same as the underlying base zone.

The regulations for each type of zone are organized as described below.

- (1) The purpose of each district
- (2) District Standards that are specific to each district
- (3) Reference to other applicable standards included in Chapter 54

Allowable uses in each district are in the Use Table, [Section 54-74](#). Some uses must meet specific standards. Specific Use standards are listed in [Section 54-75](#), and a link to applicable standards is provided in the Use Table.

## **SEC. 54-69. RESIDENTIAL DISTRICTS**

### (a) R-1 Single-Family Residential District

- (1) *Purpose; maximum density.* The purpose of the R-1 single-family residential district is to provide for the development, at a low density, of single-family detached dwellings and directly related complementary uses. The district is intended to be strictly residential in character with a minimum of disturbance due to traffic or overcrowding.
- (2) Specific District Standards
  - a. A maximum of one (1) principal dwelling structure shall be allowed per lot.
  - b. A maximum of one (1) accessory dwelling shall be allowed per lot as a conditional use if it meets the if it meets the standards for accessory dwellings in [Section 54-75\(i\)\(1\)](#) and the standards for accessory structures in [Section 54-111](#).
  - c. A maximum of one (1) accessory structure may be provided if it meets the standards for accessory structures, uses and equipment in [Section 54-111](#).
  - d. Covered carport open on at least three sides. The open portion of a covered carport must be set back at least ten feet from the front property line.
  - e. Resubdivision. Resubdivision of previously subdivided or platted land shall be as provided herein. The provisions of this subsection shall apply to any land, regardless of size, identified as a lot, tract or similar term and described by lot or tract number or letter, block number or letter, street address or similar means.

- i. Reserved.
- ii. The planning commission and village council shall consider the size of adjoining lots, the effects of the resubdivision on those adjoining lots, the availability of village utilities and the capacity to provide utility service to the newly created lots, and other pertinent factors in determining the actual sizes of the lots to be allowed. Adjoining lots shall include those lots separated from the subject lots by a street or alley.
- iii. The provisions herein shall not apply to:
  - a) Tracts of land described only by metes and bounds;
  - b) Those cases where all of the land in a previously platted subdivision is owned by a single person and an application for replat of the entire subdivision is submitted pursuant to section [54-284\(d\)\(1\)](#).
- vi. Nothing herein shall be construed to prevent the replatting of smaller lots into larger lots or otherwise replatting contiguous or adjacent lots where there is no increase in the number of lots after the replat as otherwise provided by this Code.

(3) Other Applicable Standards

Table 54.41.1: R-1 District Dimensional Standards	
Development Type	Single Family Residential
<b>Lot Standards</b>	
Lot area, min	7,500 square feet
Lot width, min.	75 feet
Lot depth, min.	100 feet
<b>Setbacks</b>	
Front setback, min.	15 feet
Side setback min.	10 feet
Corner side setback, min.	20 feet
Rear setback, min.	15 feet
<b>Setback Exceptions:</b>	
Schools and civic, cultural, and religious institutions, including accessory structures	50 feet, all sides
Schools and civic, cultural, and religious institutions, including accessory structures Setback consistency	50 feet, all sides

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>

	See Note <sup>1</sup>
<b>Height</b>	
Height, max.	35 feet

Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(b) R-2 Two-Family Residential District

(1) *Purpose; maximum density.* The purpose of the R-2 two-family residential district is to provide for the development, at a low density, of single-family detached dwellings, two-family dwellings and directly related complementary uses. The zone is intended to be strictly residential in character with a minimum disturbance due to traffic or overcrowding. Residential densities may be limited to protect the natural character of the village. Such limitations must be approved by the planning commission.

(2) Specific District Standards

- a. Covered carport open on at least three sides. The open portion of a covered carport can encroach up to 10 feet into the front yard setback. The structure must be set back at least ten feet from the property line.

(3) Other Applicable Standards

Table 54.41.2: R-2 District Dimensional Standards	
Development Type	Two Family Residential
<b>Lot Standards</b>	
Lot area, min	9,000 square feet (4,500 square feet per unit)
Lot width, min.	40 feet per unit

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>

<sup>1</sup> When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of-way of greater or lesser amounts than required in this section, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. If a building is to be built where there is an established average setback different from that required in this section and there are existing buildings on one side only, the front setback of the new building need be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback and there are existing buildings on both sides of the new building, the front setback shall not be greater than that which would be established by connecting a straight line between the forwardmost portion of the first adjacent building on each side.

Table 54.41.2: R-2 District Dimensional Standards	
Lot depth, min.	100 feet
<b>Setbacks</b>	
Front setback, min.	15 feet
Side setback min.	10 feet
Corner side setback, min.	20 feet
Rear setback, min.	15 feet
<b>Setback Exceptions:</b>	
Schools and civic, cultural, and religious institutions, including accessory structures	50 feet, all sides
Setback consistency on block frontage	See Note <sup>2</sup>
Encroachments	Provide link
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(c) R-3 Multiple-Family Residential District

- (1) Purpose; maximum density. The purpose of the R-3 multiple-family residential district is to provide for high-density housing in multiple-family structures and directly related complementary uses. The R-3 district is designed to allow highly economical use of land while creating an attractive, functional, and safe residential environment. Residential densities may be

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<sup>2</sup> When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of-way of greater or lesser amounts than required in this section, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. If a building is to be built where there is an established average setback different from that required in this section and there are existing buildings on one side only, the front setback of the new building need be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback and there are existing buildings on both sides of the new building, the front setback shall not be greater than that which would be established by connecting a straight line between the forwardmost portion of the first adjacent building on each side.



limited to protect the natural character of the village. Such limitations must be approved by the planning commission.

(2) Specific District Standards

- a. Multifamily dwellings (townhomes and apartments) cannot exceed six units or 135 linear feet, whichever is less.
- b. Outdoor living area in the minimum amount specified in the Table 54.41.3 must be provided on any lot occupied by the multiple residence or townhouse building. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas having a width of less than 20 feet, and required side or front yards shall not be considered as an outdoor living area, except in the case of interior townhouse units where the unit is less than 20 feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.
- c. Lot area allowances. The minimum lot areas in this section may be adjusted according to the following, except that allowance shall not be made for two- or three-family dwellings
  1. For each parking stall in or under the residence, or otherwise completely underground, subtract 400 square feet from the total minimum lot area.
  2. For each unit with a balcony or patio of not less than 40 square feet, subtract 100 square feet from the outdoor living area.
- d. Distance between buildings. When two or more principal buildings are located on one lot, the minimum separation between any two adjacent principal buildings shall be a distance of not less than an amount equal to the height of the taller of the two buildings or 20 feet, whichever is greater, when developed as a planned unit development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.
- e. Accessory buildings. Accessory buildings shall observe the same setback requirements established for the multiple-residence buildings, except that accessory buildings located within the rear yard of the multiple-residence building may be located within five feet of the rear or interior side property line. The council may require common walls for accessory buildings on the same lot where common walls will eliminate unsightly and hazardous areas. Accessory buildings on the same lot shall otherwise be separated by a distance of not less than ten feet.
- f. Landscaping. Except for two-family lots and their adjacent rights-of-way, all areas not designated for buildings, circulation, parking or storage shall be landscaped in accordance with section 54-135. Landscaping of public parks shall be the responsibility of the village.
- g. Encroachments into yards.
  1. Open decks. Open decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than five feet in the case of front yards and not closer than five feet to the property line in the case of side yards and rear yards.

2. Covered patios, decks, porches or carports with a side wall. Covered patios, decks, porches or carports with side walls shall not be permitted encroachments on any setbacks.
3. Covered carport open on at least three sides. The open portion of a covered carport can encroach up to 10 feet into the front yard setback. The structure must be set back at least ten feet from the property line.
4. Roof projections into required side yards. A house or garage roof may not be constructed closer than two feet to a side property line.

(3) Other Applicable Standards

Table 54.41.4: R-3 District Dimensional Standards						Minimum Setbacks			
Use	Min Lot Area per Unit (Square Feet)*	Min Lot Width (Feet)	Min Lot Depth (Feet)	Outdoor Living Area (Square Feet per Dwelling Unit)	Building Height (feet)	Front	Interior Side	Corner Side	Rear
						Single Family	7,500	75	100
Two-Family	3,600	80	90	600	35	20	5	20	10
Three-family	3,000	80	90	500	35	20	5	20	10
Four-family	2,500	90	90	400	35	20	10	20	10
Townhouse/Condominium	2,000	90	90	400	35	20	10	20	10
Schools and civic, cultural, and religious institutions, includes their accessor structures	Minimum area and lot dimensions to be determined by building area, parking requirements and minimum setbacks.				35	50	50	50	50
Structures accessory to single-family residences					35	20	3	20	3
Other permitted uses					35	30	10	20	50

\* See section 54-59(c)(2)c for exceptions.

Table 54.41.3: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>

<b>Table 54.41.3: Other Applicable Standards</b>	
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-116</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(d) R-4 High-Density Residential District

(1) *Purpose; maximum density.* The purpose of the R-4 high-density residential district is to provide for high-density housing in multiple-family structures and directly related complementary uses. The R-4 district is designed to allow highly economical use of land while creating an attractive, functional, and safe residential environment. Residential densities may be limited to protect the natural character of the Village. Such limitations must be approved by the planning commission.

(2) Specific District Standards

- a. Distance between buildings. When two or more principal buildings are located on one lot, the minimum separation between any two adjacent principal buildings shall be a distance of not less than an amount equal to the height of the taller of the two buildings or 20 feet, whichever is greater, when developed as a planned unit development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.
- b. Accessory buildings.
  1. Accessory buildings shall observe the same setback requirements established for the multiple-residence buildings, except that accessory buildings located within the rear yard of the multiple-residence building may be located within three feet of the rear or interior side property line. The council may require common walls for accessory buildings on the same lot where common walls will eliminate unsightly and hazardous areas. Accessory buildings on the same lot shall otherwise be separated by a distance of not less than ten feet.
  2. Exteriors of accessory buildings shall have an exterior finish compatible with the main structure. Compatibility shall be determined by the village based on type and use of building materials.
- c. Screening. All principal and accessory uses shall be screened from adjacent residential districts (except R-4 districts) as described in section [54-108](#).
- d. Landscaping. All areas not designated for buildings, circulation, parking or storage shall be landscaped in accordance with section 54-135. Landscaping of public parks shall be the responsibility of the village.
- e. Encroachments into yards.
  1. Open decks. Open decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than five feet in the case of front yards and not closer than five feet to the property line in the case of side yards and rear yards.
  2. Covered patios, decks, porches or carports. Covered patios, decks, porches or carports shall not be permitted encroachments on any setbacks.
  3. Roof projections into required side yards. A house or garage roof may not be constructed closer than two feet to a side property line.

(3) Other Applicable standards

Table 54.41.4: R-4 District Dimensional Standards									
Use	Min Lot Area per Unit (Square Feet)*	Min Lot Width (Feet)	Min Lot Depth (Feet)	Outdoor Living Area (Square Feet per Dwelling Unit)	Maximum Building Height (feet)	Minimum Setbacks			
						Front	Interior Side	Corner Side	Rear
Apartment Buildings	1,500	90	90	300	35	20	10	20	20
Townhouse Cluster	2,000	90	90	400	35	20	15	20	20
Schools; civic, cultural, and religious institutions;	Minimum area and lot dimensions to be determined by parking requirements, outdoor living area, and minimum setbacks. Setbacks include related accessory structures.				35	50	50	50	50
Structures accessory to multifamily residences					35	20	3	20	3
Other permitted uses					35	30	10	20	50

\* See section 54-59(d)(2)c for exceptions.

Table 54.41.4: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>

Table 54.41.4: Other Applicable Standards	
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(e) AR-1 Agricultural/Residential District

(1) *Purpose.* The purpose of the AR-1 district is to allow agricultural uses such as farming and ranching and single-family detached dwellings and related complementary uses. The district is intended to be rural in character.

(2) Specific District Standards

There shall be no development requirements for farming and ranching operations.

(3) Other applicable standards

Table 54.41.5: AR-1 District Dimensional Standards	
Development Type	Agricultural/Residential
<b>Residential Lot Standards</b>	
Lot area, min	2 acres
Lot width, min.	
Lot depth, min.	
<b>Residential Setbacks</b>	
Front setback, min.	20 feet
Side setback min.	20 feet
Corner side setback, min.	20 feet
Rear setback, min.	20 feet
<b>Churches, schools and public buildings</b>	
Lot area, min	1 acre
Setbacks	50 feet, all sides
Encroachments	No encroachments into yards permitted

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>

Table 54.41.5: AR-1 District Dimensional Standards	
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(f) M-1 Low-Density Mobile Home District

(1) Purpose; maximum density. The purpose of the M-1 low-density mobile home district is to promote affordable housing and to make economical use of the land by allowing the development of mobile home subdivisions at gross residential densities of not more than five units per acre.

(2) Specific District Standards

a. Encroachments into yards.

1. *Open steps and decks.* Open steps and decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than ten feet in the case of front yards and not closer than ten feet to the property line in the case of side yards.
2. *Covered patios, decks, porches or carports.* Covered patios, decks, porches or carports shall not be permitted encroachments in any setbacks, except as provided under section [54-114](#).
3. *Roof projections into required side yards.* A house or garage roof may not be constructed closer than two feet to a side property line.
4. *Landscaping.* Except for mobile home and single-family lots and their adjacent rights-of-way, all areas not left in their natural state, or which have otherwise been disturbed by construction, and which are not designated for buildings, circulation, parking or storage, shall be landscaped in accordance with section 54-135. Landscaping of public parks shall be the responsibility of the village.

(3) Other applicable standards

Table 54.41.6: M-1 District Dimensional Standards	
Development Type	Mobile Home
<b>Lot Standards</b>	
Lot area, min	8,000 sf
Lot width, min.	60 feet
Lot depth, min.	100 feet
<b>Setbacks<sup>3</sup></b>	

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>

<sup>3</sup> The setback and yard requirements listed in this section are subject to the following additional requirements for front setbacks: When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of-way of greater or lesser amounts than required in this section, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. If a building is to be built where there is an established average setback different from that required in this section, and there are existing buildings on one side only, the front setback of the new building need be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback, and there are existing buildings on both sides of the new building,



Table 54.41.6: M-1 District Dimensional Standards	
Lot area, min	5 acres
Front setback, min.	20 feet
Side setback min.	10 feet
Corner side setback, min.	20 feet
Rear setback, min.	10 feet
Setback Exceptions	
Schools and civic, cultural, and religious institutions	50 feet, all sides
Structures for all other principal, conditional or other uses	Minimum rear setback is 20 feet
Height	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

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the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forwardmost portion of the first adjacent building on each side.

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(g) M-2 Medium-Density Mobile Home District

(1) Purpose; density. The purpose of the M-2 medium-density mobile home district is to promote affordable housing and to make economical use of the land by allowing the development of mobile home communities at gross residential densities of not more than ten units per acre.

(2) Specific District Standards

a. Encroachments into yards.

1. Covered patios, decks, porches or carports. Covered patios, decks, porches or carports shall not be permitted encroachments in any setbacks.
2. Roof projections into required side yards. A mobile home, single-family dwelling or garage roof may not be constructed closer than two feet to a side property line.

b. Landscaping.

1. The front setback area of each mobile home or single-family lot shall be landscaped or left in its natural state.
2. All private commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sandboxes, etc., shall be landscaped and irrigated. Landscaping of public parks shall be the responsibility of the village.

c. *Screening*. All principal and accessory uses shall be screened from adjacent residential zones (except M-2 districts) as described in section 54-134.

(3) Other Applicable Standards

Table 54.41.6: M-2 District Dimensional Standards	
Development Type	Mobile Home
<b>Lot Standards</b>	
Site area, min	5 acres
Lot area, min	5,000 sf
Lot width, min.	50 feet
Lot depth, min.	100 feet
<b>Setbacks</b>	
Front setback, min.	20 feet
Side setback min.	10 feet
Corner side setback, min.	10 feet
Rear setback, min.	10 feet
<b>Setback Exceptions</b>	
Schools and civic, cultural, and religious institutions	50 feet, all sides

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>

Table 54.41.6: M-2 District Dimensional Standards	
Structures for all other principal, conditional or other uses	Corner side 20 feet Rear 20 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

## SEC. 54-70. NONRESIDENTIAL DISTRICTS

### (a) C-1 Neighborhood Commercial District

(1) *Purpose.* The purpose of the C-1 neighborhood commercial district is to provide for establishment of local centers for convenient retail outlets which deal directly with the consumer for whom the goods or services are intended. These centers are located in predominately residential areas and are limited to a type of use compatible with the surrounding residential character of the area.

### (2) Specific District Standards

#### a. Access.

1. Access to commercial activities shall be allowed only from arterial or collector streets or a street specifically designed for such development, provided, the planning commission may grant a variance from this provision upon a showing of good cause, if said commercial activity is located on either U.S. Highway 70 or State Highway 48.
2. Access points shall be located at least 150 feet from any street intersection.
3. Access points on the same street shall not be spaced closer than 100 feet as measured from the centerlines. Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
4. Commercial developments which may not be able to meet the requirements of subsections a.2. and a.3. of this section and which are requesting deviations from such standards shall submit an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - a) Traffic volumes.
  - b) Turning movements.
  - c) Traffic controls.
  - d) Site design.
  - e) Site distances.
  - f) Location and alignment of other access points.

Based upon this data, the planning commission shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

### (3) Other Applicable Standards

Table 54.50.8: C-1 District Dimensional Standards	
Development Type	Neighborhood Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	25 feet
Side setback min.	10 feet
Corner side setback, min.	10 feet
Rear setback, min.	10 feet
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Parking lot <sup>4</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.50.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	<a href="#">Sec. 54-106</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>4</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

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(b) C-2 Community Commercial District

(1) *Purpose.* The purpose of the C-2 community commercial district is to provide for low-intensity retail or service outlets which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and should be located in areas which are served by arterial street facilities.

(2) Specific District Standards

- a. Merchandise which is offered for sale may be displayed beyond the confines of a building in any C-2 district, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies.
- b. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a 100 percent opaque wall or fence not less than six feet tall. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street, or within any required interior side or rear setback.
- c. Additional districts. There are created additional sub-districts within the C-2 district, identified as C-2a through C-2f, as may be designated on the official zoning map after notice and hearing, and which are subject to the C-2 provisions herein, provided that additions or exceptions to the C-2 provisions may be made by ordinance from time to time for specific sub-districts.
- d. The following residential uses are permitted in the C-2 district as conditional uses:
  - 1. Multiple family structures containing four or more dwelling units as part of a mixed-commercial residential use structure where the residential use cannot be located on the ground floor.
  - 2. Attached one bedroom and two-bedroom apartments occupied by the owner of the business on the same premise or by an employee of the business who provides custodial and security services.

(3) Other Applicable Standards

Table 54.50.9: C-2 District Dimensional Standards	
Development Type	Community Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	20 feet

Table 54.50.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	<a href="#">Sec. 54-106</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>

Table 54.50.9: C-2 District Dimensional Standards	
Side setback min.	10 feet
Corner side setback, min.	15 feet
Rear setback, min.	10 feet
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Parking lot <sup>5</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.50.2: Other Applicable Standards	
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>5</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

(c) C-3 Midtown Commercial District

(1) *Purpose.* The purpose of the C-3 midtown commercial district is to allow the development of commercial retail and service establishments with carefully integrated multiple-family residential, entertainment and public parking facilities in the "Midtown" area of the village. The district encourages development to take place in an intensive fashion to facilitate pedestrian circulation and to maximize the use of valuable locations and existing infrastructure and building stock.

(2) Specific District Standards

- a. Merchandise which is offered for sale in the C-3 district may be displayed as follows:
- b. Merchandise may be displayed within the building footprint which includes the area up to and including the edge of the roof overhang.
- c. No display shall occur outside the area of the building footprint (outdoor sales) except as authorized below.
- d. The planning commission may grant a conditional use to authorize outdoor display of merchandise due to a unique configuration of the property or the type of merchandise offered for sale. Application, review and approval shall follow the conditional use procedures set forth in this chapter.
- e. Outdoor sales may be conducted as part of a special event sanctioned by the Ruidoso Midtown Association.
- f. A merchant may conduct an individual outdoor sales event twice a year as follows:
  1. Each event shall be limited to three consecutive days in duration.
  2. Only items of normal inventory of the business may be sold or displayed outdoors during the event.
  3. Merchandise shall not be displayed within any public right-of-way, impede vehicular or pedestrian traffic or obstruct any clear sight triangle required by this chapter.
  4. An outdoor sales special use permit shall be obtained from the planning department prior to each event. The planning department may require submittal of a site plan and event schedule with the application. The planning department may ask for comments by other village departments prior to issuing the special use permit and may impose restrictions on the event when issuing the permit.
- g. The following residential uses are permitted in the C-3 district as conditional uses:
  1. Multiple family structures containing four or more dwelling units as part of a mixed-commercial residential use structure where the residential use cannot be located on the ground floor.



2. Attached one bedroom and two-bedroom apartments occupied by the owner of the business on the same premise or by an employee of the business who provides custodial and security services.

(3) Other Applicable Standards

Table 54.50.10: C-3 District Dimensional Standards	
Development Type	Midtown Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	25 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	No min.
Side setback min.	No min.
Corner side setback, min.	No min.
Rear setback, min.	No min.
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Multifamily structures Interior side and rear setbacks	Same as in the R-4 district
Parking lot <sup>6</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.50.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>6</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

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(d) C-4 Heavy Commercial District

(1) Purpose. The purpose of the C-4 heavy commercial district is to provide for construction-oriented businesses and service operations that are necessary to complement the economy of the village and in a manner consistent with the resort character of the village. Uses allowed in this district shall be located in areas which are served by arterial street facilities. There are no restrictions on outdoor sales or storage of materials, supplies, merchandise or other similar matter in this zone.

(2) Specific District Standards

- a. Access.
- b. Access for uses in the C-4 heavy commercial district shall be allowed only from arterial or commercial collector streets.
- c. Access points on arterial streets shall, whenever possible, be located at least 150 feet from any street intersection.

(3) Other Applicable Standards

Table 54.50.11: C-4 District Dimensional Standards	
Development Type	Heavy Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	20 feet
Side setback min.	15 feet
Corner side setback, min.	15 feet
Rear setback, min.	15 feet
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Parking lot <sup>7</sup>	
Front	4 feet

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-119</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>

<sup>7</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

Table 54.50.11: C-4 District Dimensional Standards	
Interior side and rear	4 feet
Corner side	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

(e) I-1 Industrial District

(1) Purpose. The purpose of the I-1 industrial district is to provide for the development of storage, warehousing, industrial and office facilities that are necessary to complement the economy of the village in a manner which is not detrimental to the overall resort character of the village and does not cause adverse off-site environmental impacts. Uses allowed in the I-1 district are those whose activities, including storage, take place entirely within enclosed buildings or areas not visible off-site, which have little or no emission of noise, smoke, dust, odor, vibration or glare, and which pose little or no danger to the public health and safety.

(2) Specific District Standards

None

(3) Other Applicable Standards

Table 54.41.12. I-1 District Dimensional Standards	
Development Type	Industrial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	35 feet
Side setback min.	15 feet
Corner side setback, min.	30 feet
Rear setback, min.	15 feet
<b>Setback Exceptions</b>	
Abutting residential districts	60 feet
Parking lot <sup>8</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Non-residential terrain management	
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-119</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>

<sup>8</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

Table 54.41.12. I-1 District Dimensional Standards	
Height, max.	55 feet <sup>9</sup>

Table 54.41.2: Other Applicable Standards	
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>9</sup> Buildings over 35 feet in height must be approved by the planning commission upon recommendation of the fire chief and shall be subject to additional fire protection precautions as determined by the fire chief.

## SEC. 54-71. SPECIAL DISTRICTS

### (f) PUD Planned Unit Development Districts

#### (1) Purpose. The purpose and intent of planned unit development is to:

- a. Produce more appropriate development than would result from the strict application of this article.
- b. Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing needs of the community.
- c. Locate housing, recreation, shops, offices and industrial uses conveniently to each other for the benefit of the entire community.
- d. Permit flexibility of land use, placement of buildings, arrangement of open space, circulation facilities and off-street parking areas, and to maximize the potentials of individual sites under development.
- e. Promote the infill of vacant land within established village limits.
- f. Accomplish more aesthetic and desirable developments which can best utilize and protect special features of the geography, topography, size and shape of particular pieces of property and provide a compatible and stable environment in harmony with the surrounding area.

#### (2) Planned Unit Development Types

- a. R-PUD Residential Planned Unit Development. Residential planned unit developments (R-PUD). Residential planned unit developments shall allow the principal permitted uses in the R-1, R-2, R-3, R-4 and C-1 zoning districts and shall contain at least 70 percent residential uses.
- b. C-PUD Commercial Planned Unit Development. A commercial planned unit development shall allow the principal permitted uses in the C-1, C-2 and C-3 districts plus any type of residential use in the R-1, R-2, R-3 and R-4 districts. Residential use shall in no event exceed 50 percent of the total planned unit development area.
- c. M-PUD Mixed-use Planned Unit Development. A mixed use planned unit development shall permit any combination of land uses integrally developed under one concept and shall be permitted in any zoning district or combination of zoning districts. The use mix shall be approved by the planning commission as conforming to the comprehensive plan of the village.
- d. I-PUD Industrial Planned Unit Development. An industrial planned unit development shall include principal permitted uses in the I-1 and C-4 districts only, and may include conditional

uses in the I-1 and C-4 districts on approval by the planning commission. No residential uses are permitted, and there is no open space requirement.

(3) Specific District Standards

- a. The planned unit development shall consist of a harmonious selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit in such a manner as to constitute a safe, efficient and convenient community that complements the resort character of the village. The planned unit development may include one or more principal uses or structures on a single parcel of ground or contiguous parcels.
- b. Requirements and standards. All residential, commercial and industrial planned unit developments shall meet the minimum requirements of this section. In addition, the planning commission may require compliance with such other design standards relating to the construction, placement of buildings, landscaping, streets, pathways, drainageways and other site design features as it may deem necessary.
  1. *Ownership.* The tract shall be a development of land under unified control at the time of application. It shall be planned and scheduled to be developed as a whole, though development may be phased in accordance with this section. No authorization or permits shall be granted unless the applicant has acquired actual ownership of, or executed a binding sales contract for, all of the property comprising such tract. The term "single ownership," as used in this section, shall include individuals who by legal agreement have joined to develop the property.
  2. *Conformance with comprehensive plan.* The proposed planned unit development shall be consistent with the comprehensive plan of the village.
  3. *Minimum total area.* The minimum total area of a planned unit development shall be no less than five acres unless the applicant shows that waiving the minimum area requirements would be in the public interest and that one or both of the following conditions exist:
    - a) Unusual physical features of the property itself or the surrounding area are such that standard development provisions are not appropriate to provide for conservation of terrain or physical features important to the neighborhood or community.
    - b) The property is abutting or across the street from property which has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.
  4. *Use Mix.* All applications for planned unit development approval shall designate the type of use mix for which application is made. Properties designated as planned unit developments in the zoning district map adopted June 28, 1988, may allow any planned unit development use mix designation except industrial planned unit development until

approved by the planning commission in accord with section 54-69. No development shall be commenced until the planned unit development use mix is designated and approved by the planning commission.

5. *Density.* The number of dwelling units per acre allowable within a planned unit development shall be determined by the planning commission; however, in no event shall the number of dwelling units per acre exceed the maximum established by the following schedule, calculated based only upon the areas indicated for residential use:

Designated Use	Dwelling Units/Acre
R-1	6
R-2	10
R-3	18
R-4	25

If the unit density is not consistent with the policies of the Comprehensive Plan, the applicant has the burden to show that such increase in density will not have an undue and adverse impact on existing public facilities, neighborhood properties or the natural environment.

In determining the reasonableness of the increase in unit density, the planning commission and the council shall consider increased efficiency in public facilities and services, based in part upon:

- a) The location, amount and proposed use of common open space.
  - b) The location, design and type of dwelling units.
  - c) The physical characteristics of the site.
  - d) Particular distinctiveness and excellence in siting, design and landscaping.
6. *Building setbacks generally.* Residential building setbacks from all property lines which form the perimeter of the planned unit development shall be no less than 20 feet. Commercial building setbacks shall be no less than 35 feet or the height of the building, whichever is greater.
  7. *Placement of more than one building on lot; compliance with subdivision regulations.* More than one building may be placed on one platted or recorded lot in any planned unit development. Areas for single-family detached dwellings or other housing types providing privately owned lots must comply with the village's subdivision code (article III



of this chapter) in all respects not specifically noted in this section as appropriate variances or waivers.

8. *Developments involving only one housing type.* A planned unit development which only involves one housing type, such as all detached or all attached units, shall not be considered inconsistent with the stated purposes and objectives of this section, and this shall not be the sole basis for denial or approval.
9. *Architectural style and appearance of buildings.* The architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, overall appearance and compatibility of individual buildings with other site elements and with surrounding development will be primary considerations in the review stages of the planning commission and the council.
10. *Issuance of building permits.* No building permits shall be granted for any building on land for which an application for a planned unit development is in the process of village council review or which does not conform to an approved planned unit development.
11. *Staging of development.*
  - a) Any part of a plan for a planned unit development proposed to be constructed in stages shall include full details relating thereto, and the village council may approve or modify where necessary any such proposals.
  - b) The staging shall include the time for beginning and completion of each stage. Such timing may be modified by the village on the showing of good cause by the developer.
  - c) The landowner or developer shall make such easements, covenants and other arrangements and shall furnish such financial guarantees as may be determined by the village to be reasonably required to ensure performance in accordance with the plan and to protect the public.
12. *Streets, utilities, services and public facilities.* The uniqueness of each proposal for a planned unit development may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this chapter and other village codes governing their construction. The village council may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents of the planned unit development or the village. The plans and profiles of all streets, utilities and services shall be reviewed, modified, if necessary, and approved by the village council prior to the final approval of the planned unit development. All planned unit developments shall be served by public or community water and sewer systems.
13. *Open space.* At least seven percent of the total area of the planned unit development shall be set aside for public and/or private open space and recreational use. The village

council shall determine what portion of the seven percent shall be private and what shall be public.

14. *Operation and maintenance of common facilities.* If certain land areas or structures are provided within the planned unit development for private recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the village to ensure a continued standard of maintenance. These common areas shall be placed under the ownership of one of the following, depending on which is more appropriate:

- a) Dedicated to the public where a community-wide use would be anticipated.
- b) Landlord control.
  - 1) Landowners' association, provided all of the following conditions are met:
    - a. The landowners' association must be established prior to any sale.
    - b. Membership must be mandatory for each owner and any successive buyer.
    - c. The open space restrictions must be permanent, not for a given period of years.
    - d. The association must be responsible for liability insurance and the maintenance of recreational, service and other facilities as deemed necessary by the village.
    - e. Landowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property in accordance with state statutes.
    - f. The association must be able to adjust the assessment to meet changing needs.

15. *Landscaping and screening.* Screening shall be provided shall be provided according to a plan approved by the village council. Screening may include landscaping and/or fencing, and shall include a detailed planting list with sizes indicated.

16. *Underground installation of utilities.* All utilities, including electricity and telephone service, shall be installed underground.

(4) Other Applicable Standards

Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	<a href="#">Sec. 54-106</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-119</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

## **SEC. 54-72. OVERLAY ZONES**

(a) Short-Term Residential Rental Overlay Zone

(1) Purpose of zone. The Governing Body of the Village of Ruidoso finds and declares as follows:

- a. Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to seasonal visitors.
- b. Short-term residential rentals are not commercial but are strictly a residential use of the property under the Village of Ruidoso Municipal Code.
- c. The provisions of this section are necessary to prevent a burden on village services and impacts on residential neighborhoods posed by short-term residential rentals.

- (2) Applicability of requirements. This overlay zone applies to all non-commercial residential property within the village regardless of the zoning district. The requirements of [Section 54-62\(a\)](#) shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as a hotel, motel or commercial cabin rental located on a single lot or a group of contiguous lots within a commercial zoning district. These requirements do apply to individual dwelling units on non-contiguous property owned and operated by a hotel, motel or commercial cabin rental owner.
- (3) Definitions. For purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:
- a. *Local contact person* means an owner, representative of the owner or local property manager who lives in the Village of Ruidoso or within proximity of the village limits such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this section and take remedial action.
  - b. *Managing agency or agent* means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or a person, firm or agency owning the residential unit.
  - c. *Operator* means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgagee in possession.
  - d. *Owner* means as defined in section 1-2 of this Code.
  - e. *Remuneration* means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.
  - f. *Rent* means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature, without any deductions therefrom whatsoever.
  - g. *Short-term residential rental* means a dwelling unit or one bedroom within a dwelling unit, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons. ]
  - h. *Sleeping unit* as defined by the International Building Code, 2015, and as amended, means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
  - i. *Third-party internet listing service* means an internet-based (or online) marketplace that connects owners of short-term residential rentals to potential renters by way of a website

and in exchange for a service fee. Third-party listing agent shall not mean local contact person or managing agency or agent as defined in this chapter.

(4) Short-term residential rental permit required. No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Village of Ruidoso. Short-term residential rental permits are issued to the owner for a period of one year and are non-refundable.

a. Nothing contained within this section shall be construed to abridge the ability of bona fide neighborhood covenants and/or deed restrictions to be more restrictive than the regulations within this section. Such covenants and deed restrictions shall not be enforceable by the Village, but remain the responsibility of property owners to ensure compliance within the applicable neighborhood.

(5) Application for short-term residential rental permit. The dwelling unit owner or managing agency shall apply to the village for a short-term residential rental permit and supply, at a minimum, the following information:

a. The maximum number of occupants and vehicles that the dwelling unit can accommodate.

1. The parking calculation shall be based upon a minimum of one off-street parking space provided per sleeping unit. Properties offering a single-room rental must also meet parking requirements as set forth in section [Sec. 115](#).

2. The occupancy per sleeping unit shall be determined by the floor area of each sleeping unit, number of restrooms per dwelling unit, infrastructure suitable to service the occupants and shall be in accord with habitable and occupancy codes contained within the duly adopted Code or successor as required per section [22-31\(a\)](#).

b. The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.

c. The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the agent, representative or local contact person for the owner of the residential rental

d. An application fee of \$50.00 per year.

e. Compliance inspections are required on all short-term permits. The inspections are valid for biennial (every two years), and the fee is \$40.00.

After a permit is issued the compliance inspections will be conducted by Village of Ruidoso staff no later than 30 days.

If the property is not in conformance with the compliance requirements at the time of the inspection, a correction notice will be issued, and a reinspection fee may be assessed of \$40.00 if the inspector is required to return.

The compliance inspection shall meet the following requirements:

1. An ABC type fire extinguisher(s) to be mounted at points of egress, with at least one provided per floor and minimum one per dwelling unit with at least two per dwelling unit if greater than 1,000 square feet, at a height not to exceed 48 inches. Extinguishers must be inspected and maintained according to state requirements and must properly display the inspection history of the device.
  2. Approved (and working) smoke alarms installed as per manufacturer's instructions in every sleeping room, in compliance as required per section [22-31\(a\)](#) of this Code and on every level of the home, including the basement.
  3. Every sleeping room and living area with access to a primary means of escape shall provide a clear, unobstructed path of travel to the outside.
  4. Where approved, an open fire permit in accordance with section 42-42 of the Village of Ruidoso Code of Ordinances shall be posted at, or immediately adjacent to the primary entrance to the building. Outdoor cooking appliances shall be properly maintained and notification visibly posted for their permitted use in accordance with section 42-42. Indoor fireplaces shall be properly maintained and inspected by a qualified person as necessary.
  5. Authority for code compliance inspection. By submitting application, the owner authorizes the Ruidoso Fire Department, the village code enforcement officer or other designated village employee or representative to conduct a code compliance inspection of the residence at intervals deemed appropriate by the village, or if deemed necessary when it is alleged or suspected that a violation of this section may exist or have occurred.
- f. Owner/agent authorization.
- g. Business registrations and taxes.
1. Business registrations are \$35.00 and are required for anyone conducting business within the Village of Ruidoso.
  2. If an owner rents, lists, or books their property with a managing agency, a business registration is not required.
  3. If a property owner rents, lists, or books their property without a managing agency, a business registration is required.
- h. Notification to adjacent property owners shall be required for all short-term rental permits.
1. The notification fee is \$25.00. The staff of the Village of Ruidoso will notify all property owners within 200 feet of the permitted property notifying the intent to use their home as a short-term rental, and the name and number of the local contact person.

2. Managing agent may opt out to perform this task by certifying compliance with the notifications. If the managing agent opts out to perform this task, the \$25.00 fee will not be charged.
- i. The owner or managing agent/agency shall attest that they have met these requirements in each property registered as part of the initial rental registration and each successive renewal registration. The form utilized to attest to these requirements shall be part of the registration form provided by the village and be authenticated by a notary public.
- (6) *Application renewal or update.* Prior to the expiration of the permit or when there is a change to the information contained in the permit regarding ownership, changes in the structure or parking area, or contact person, a new permit application shall be submitted. A transfer fee of \$10.00 shall be assessed.
- (7) *Fees.* Fees are set forth in appendix A to this Code. The initial application fee sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.
- (8) *Review of application and issuance of permit.*
- a. The village shall complete review of the initial permit application within ten business days. Renewals notifications of all permits shall occur 30 days prior to renewal. Such permits that are active at the time of this ordinance adoption shall not need to be prorated if extending their expiration to coincide with the new renewal date.
  - b. Once the application review is complete, the village shall notify the applicant of the decision of whether or not to issue the permit based on compliance with this section. If approval is granted, the village will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within 30 days after the applicable first day of August shall subject the owner to payment of a late permit renewal penalty fee.
  - c. An application for permit or renewal application shall be denied if:
    1. All applicable fees and taxes have not been paid, including lodgers' taxes as provided under chapter 78, article II of the Village of Ruidoso Code of Ordinances; or
    2. Outstanding property nuisance or building code violations exist on the property; or
    3. The applicant has not met the fuels management certification requirements of Section 42-80, or as amended, of the Village of Ruidoso Code of Ordinances; or
    4. The owner of the property is not compliant with subsection (h)(6) herein and has exceeded the number of adjudicated citations afforded under that subsection.
  - d. The Village of Ruidoso recommends all property owners to purchase short-term rental insurance.

- e. Failure to comply with any provision of chapter 78 of the Village of Ruidoso Code of Ordinances may result in a revocation of the permit for a 12-month time period at the discretion of the planning director.
  - f. If the dwelling unit owner plans to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the village and the permit will be revoked.
- (9) Tenant notification requirements. Each short-term residential rental unit shall have a clearly visible and legible notice posted by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:
- a. A copy of the short-term residential rental permit.
  - b. The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which that party can be reached on a 24-hour, seven days a week basis.
  - c. The maximum number of occupants three years of age and older permitted to stay in the unit.
  - d. The maximum number of vehicles allowed to be parked on the property.
  - e. The number of on-site parking spaces and the parking rules for seasonal snow removal (if applicable).
  - f. The specific procedures regarding the disposal of trash and refuse.
  - g. A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of the Village of Ruidoso Municipal Code.
  - h. Notice that noise provisions contained in the Village of Ruidoso Municipal Code section 38-31 will be enforced.
  - i. Notification that the Village of Ruidoso Municipal Code prohibits ground fires, camp fires, fire rings and fire pits other than by permit.
  - j. The 911 address for the property.
  - k. Notice that animal leash laws contained in section 14-8 (prohibited acts; animal nuisances; vicious or dangerous animals) will be enforced.
  - l. Notification that the Village of Ruidoso Municipal Code section 42-40 makes it "unlawful for any person to discard a lit cigarette, cigar, match or other type of incendiary material."
- (10) Exterior advertising or signage. Exterior signage on short-term rental units which indicate availability, phone numbers or other type of information is prohibited. For the purposes of this section, signage shall only be permitted if it includes the name of the dwelling unit or owner's name and does not include advertisement of the property.



(11) Penalties for violation of requirements of this section. In addition to any other penalties or fines authorized by the Village of Ruidoso Municipal Code, the owner of a short-term residential rental unit shall be required to pay a penalty as set forth in appendix A to this Code in order to obtain, retain or renew a short-term residential rental permit.

- a. Each day that an owner rents a unit for a short term without first obtaining a short-term residential rental permit is considered a separate violation of the Village of Ruidoso Municipal Code as provided for in section 1-6.
- b. The village code enforcement officer or other designated village employee or representative shall take action to correct the violation as provided for in this Code or state statute.
- c. The first suspected or observed violation of this section by the village may result in an initial warning notice requesting registration of the unregistered short-term residential rental unit in accordance with the provisions of this code without subject to penalty. Should the property owner fail to comply after receiving such initial notice from the village, penalties may be assessed as provide elsewhere in this Code in section 1-6, including the assessment of a registration fee twice the listed amount.

(Ord. No. 2009-06, 3-10-09; Ord. No. 2017-06 , § 1, 5-9-17; Ord. No. 2019-01 , 1-8-19; Ord. No. 2019-03 , 3-12-19)

## **SEC. 54-73 – SEC. 54-82. RESERVED**

# **DIVISION 5: USE REGULATIONS**

## **SEC. 54-83. GENERAL PROVISIONS**

- (a) [Sec. 54-74](#) identifies the uses allowed as a principal use in each district. Some of the listed uses have use specific standards that further define how uses can be conducted. If use specific standards are in place, they are indicated in the ‘supplemental use standards’ column and a link is provided to the specific standards for that use.
- (b) Accessory Uses identify uses commonly allowed as secondary to principal use, some of which have applicable use specific standards.
- (c) Temporary Uses identify uses allowed on a temporary basis. Applicable use specific standards are identified in the ‘supplemental use standards’ column.
- (d) If a particular use or structure is not specifically listed in [Sec. 54-74](#), the community development department has the authority to interpret the intent of the Zoning Ordinance and to treat the unlisted use or structure in the same manner as a similar use or structure listed in [Sec. 54-74](#). If no similar use or structure is listed for a district, the presumption shall be that the unlisted use or structure is prohibited.

## SEC. 54-84 USE TABLE

Purpose. The purpose of this section is to authorize the establishment and continuation of land uses allowed as the principal uses, accessory and/or temporary uses of a lot. Table 54.53.1 lists the uses allowed in all districts.

(a) Table Abbreviations. the following abbreviations to designate whether and how a principal use is allowed within a zone:

- (1) P: A "P" (Permissive) indicates the use is allowed by right within the respective district. Permitted uses are subject to all other applicable regulations of this Ordinance, including the supplemental use standards in this section and the requirements of [Division 7](#).
- (2) C: A "C" (Conditional) indicates the land use is allowed within that district upon approval of a Conditional Use Permit and upon compliance with any Use-specific standards and with all other applicable requirements of this Ordinance.
- (3) A: An "A" (Accessory) indicates the use is Accessory (i.e. allowed as an accessory use compatible with a Permissive or Conditional use on the lot) and is subject to any applicable Use specific Standards.
- (4) T: A "T" (Temporary) indicates a use that is allowed within that district for a limited time upon approval of a Temporary Use Permit and upon compliance with any Use-specific standards and with all other applicable requirements of this Ordinance.

A blank cell indicates the use is prohibited within the respective district.

Table 54.53.1 Allowable Uses																
P = Permissive Use		T = Temporary Use														
C = Conditional Use		Blank means use is not allowed in the district														
A = Accessory Use																
	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
<b>Agricultural Uses</b>																
Farm and ranch					P											
Plant nursery					P											
Private stables	C				P											
Cannabis producer					P						P	P				<a href="#">Sec. 54-75 (a)(1)</a>
Cannabis producer microbusiness					P							P				<a href="#">Sec. 54-75(a)(2)</a>
<b>Residential Uses</b>																

**Table 54.53.1 Allowable Uses**

P = Permissive Use      T = Temporary Use  
 C = Conditional Use  
 A = Accessory Use      Blank means use is not allowed in the district

	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
Single family dwellings <sup>10</sup>	P	P			P	P	P	C					P	P		<a href="#">Sec. 54-75(b)(1)</a>
Two-family dwelling	C	P	P					C					P	P		<a href="#">Sec. 54-75(b)(2)</a>
Caretaker quarters								C	C	C	C	C			C	<a href="#">Sec. 54-75(b)(3)</a>
Multifamily dwellings		C	P	P	P	C	C	C	C	C	C		P	P		<a href="#">Sec. 54-75(b)(4)</a>
Mobile home						P	P									<a href="#">Sec. 54-75(b)(5)</a>
Single section manufactured home						P	P									<a href="#">Sec. 54-75(b)(5)</a>
Multi-section manufactured home <sup>10</sup>	P	P			P	P	P	C					P	P		<a href="#">Sec. 54-75(b)(1)</a>
Group home			C	C				C	C							<a href="#">Sec. 54-75(b)(6)</a>
Nursing home								C	C							<a href="#">Sec. 54-75(b)(7)</a>
<b>Hospitality/Lodging</b>																
Hotel/motel								P	P	C	C	C		P		<a href="#">Sec. 54-75(c)(1)</a>
Overnight campground									C		C	C				<a href="#">Sec. 54-75(c)(2)</a>
Recreational vehicle park									C		C					<a href="#">Sec. 54-75(c)(3)</a>
<b>Food and Beverage</b>																
Restaurant								P	P	P	C	P		P		<a href="#">Sec. 54-75(e)(5)</a>
Convenience food restaurant									C	C		P				<a href="#">Sec. 54-75(e)(6)(a)</a>
Tap Room/Tasting Room									P	P	C	C		P	P	<a href="#">Sec. 54-75(e)(10)</a>
Bar and nightclub									P	P	C	C		P	P	<a href="#">Sec. 54-75(e)(8)</a>
<b>Commercial Uses</b>																
Light vehicle washing establishment									C		P	P			P	<a href="#">Sec. 54-75(d)(3)</a>
Automobile fuel sales									C		P	P		P		<a href="#">Sec. 54-75(d)(1)</a>
Automobile, boat or RV sales, rental, service and repair									C			P		P	P	<a href="#">Sec. 54-75(d)(2)</a>
Adult or Child Care Facility	C	C	C	C		C	C	P	P	C	P		C	P		<a href="#">Sec. 54-75(e)(1)</a>
Convenience food store								P		P	C			P	P	
Retail, general								P	P	P	C	C		P	P	<a href="#">Sec. 54-75(e)(2)</a>
Cannabis retailer								P	P	P	C	C			P	<a href="#">Sec. 54-75(e)(3)</a>
Cannabis testing laboratory								P	P		P	P				<a href="#">Sec. 54-75(f)(8)</a>
Cannabis research laboratory								P	P		P	P				<a href="#">Sec. 54-75(f)(7)</a>
Cannabis courier								P	P	P	P			P	P	<a href="#">Sec. 54-75(e)(3)(b)</a>

<sup>10</sup> Single family dwellings include site-built homes and multi-section manufactured homes that meet the standards of the New Mexico Manufactured Housing and Zoning Act, NMSA 3-21A-2.A..

**Table 54.53.1 Allowable Uses**

P = Permissive Use      T = Temporary Use  
 C = Conditional Use  
 A = Accessory Use      Blank means use is not allowed in the district

	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
On-site cannabis consumption premises								P	P	P	C					<a href="#">Sec. 54-75(e)(3)</a>
Cannabis manufacturer									C	C	P	P				<a href="#">Sec.54-75(f)(6)</a>
Tobacco sales								P	P	P	C			P		<a href="#">Sec.54-75(e)(4)</a>
Liquor for consumption off site									P	P	C				C	<a href="#">Sec.54-75(e)(9)</a>
Shopping center								P	P		P	C				
Office								P	P	P	C	C		P	P	
Personal and convenience services								P	P	P	C	C		P	P	
Financial institution								C	P	P	C	C				
Club and meeting facility									P	P	C	C				
Hospital									P		C	C				<a href="#">Sec.54-75(e)(7)</a>
Medical or dental clinic									P	P	C	C				
Radio and television studio									P	P	C	C				
Printing and publishing house									P	P	C	C		P		
Media production facility									P	P	C	P		P	P	
Animal hospital and/or clinic									P		P	P		P	P	
Animal hospital and/or clinic with open animal runs									C		C	C		C	C	<a href="#">Sec.54-75(e)(11)</a>
Kennel, within an enclosed building									P	C	P	C			P	
Kennel, with open animal runs									C		C				C	<a href="#">Sec.54-75(e)(12)</a>
Adult entertainment, retail sales and/or live entertainment									C							<a href="#">Sec.54-75(e)(13)</a>
Landscape nursery, retail								C	P	C	C	C		P		
Landscape nursery, wholesale or bulk sales									C		P	P		C	P	<a href="#">Sec. 54-75(f)(10)</a>
Mobile Vending									C	C	C	C	C	C	C	<a href="#">Sec.54-75(e)(14)</a>
<b>Industrial Uses</b>																
Artisan manufacturing									P	C	P	P		C	P	<a href="#">Sec.54-75(f)(1)</a>
Light manufacturing									C	C	P	P		C	P	<a href="#">Sec.54-75(f)(2)</a>
Heavy manufacturing											P	P			P	<a href="#">Sec.54-75(f)(3)</a>
Special manufacturing												C			C	<a href="#">Sec. 54-75(f)(4)</a>
Storage units								C	C		P			C	P	<a href="#">Sec.54-75(f)(5)</a>
Building material sales and storage									C		P	P		C	P	<a href="#">Sec.54-75(f)(9)</a>
Feed, grain and fertilizer sales and storage												P		C	P	<a href="#">Sec. 54-75(f)(11)</a>
Firewood sales, splitting and storage									C		P	P			P	<a href="#">Sec.54-75(f)(12)</a>

**Table 54.53.1 Allowable Uses**

P = Permissive Use      T = Temporary Use  
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 A = Accessory Use      Blank means use is not allowed in the district

	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
Bulk fuel sale or storage									C		P	P			P	<a href="#">Sec. 54-75(f)(13)</a>
Automobile, boat, motorcycle or RV sales, service and repair										C	P	P			P	<a href="#">Sec. 54-75(d)(2)</a>
Heavy vehicle and equipment sales, rental, service and repair											P	P			P	<a href="#">Sec. 54-75(f)(14)</a>
Automotive upholstery shop									P		P	P			P	
Tire sales, service and repair									C		P	P			P	
Contractor's shop and yard									C		P	P			P	<a href="#">Sec. 54-75(f)(15)</a>
Warehousing, storage and distribution											P	P			P	<a href="#">Sec. 54-75(f)(16)</a>
Metalwork and/or machine shop									C		P	P			P	<a href="#">Sec. 54-75(f)(17)</a>
Glass cutting and finishing									C		P	P			P	<a href="#">Sec. 54-75(f)(18)</a>
Engraving shop									P		P	P			P	<a href="#">Sec. 54-75(f)(19)</a>
Towing or wrecker service											C	P		P		<a href="#">Sec. 54-75(f)(20)</a>
Recycling purchase center, not including processing and storage											C	P		P		
Bulk storage of nonexplosive liquids											C	P		P		<a href="#">Sec. 54-75(f)(21)</a>
Television and radio towers									C		C	P			P	<a href="#">Sec. 54-75(f)(22)</a>
<b>Public/Institutional Uses</b>																
Church	C	C	C	C	C	C	C	P	P	C	P		P	P		
School	C	C	C	C	C	C	C	C	P	C	C			P		
Public Buildings		C	C	C	C	C	C	P	P	P	P	C	P	P	P	
Library								P	P		P		P	P		
Instructional center, other than a school									P	P	P			P		
Trade school									P		P	P		P	P	
Airport												C			C	
<b>Recreation and Entertainment Uses</b>																
Neighborhood Park or public open space	C	C	C	C	C	C	C	C	C	C	C	C	C	C		<a href="#">Sec. 54-75(g)(1)</a>
Entertainment, recreational, health and exercise facility, indoor								P	P	P	P	C		P		
Entertainment, recreational, health and exercise facility, outdoor									C			P		P	P	<a href="#">Sec. 54-75(g)(2)</a>
Shooting range, indoor and outdoor									C		C	C			C	<a href="#">Sec. 54-75(g)(2)</a>
Swimming pool, commercial									C	C	C			C		<a href="#">Sec. 54-75(g)(3)</a>
<b>Utilities/Telecommunication</b>																
Utilities, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Table 54.53.1 Allowable Uses																
P = Permissive Use		T = Temporary Use														
C = Conditional Use		Blank means use is not allowed in the district														
A = Accessory Use																
	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
Utilities, Minor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Wireless telecommunications	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Sec.54-75(h)(1)</a>
<b>Accessory Uses</b>																
Accessory dwelling unit	A												A	A		<a href="#">Sec.54-75(i)(1)</a>
Caretaker unit											A	A		A	A	<a href="#">Sec. 54-75(i)(2)</a>
Drive up or drive through service window								A	A		A	A		A	A	<a href="#">Sec. 54-75(i)(3)</a>
Home Occupation	A	A	A	A	A	A	A	A					A	A		<a href="#">Sec. 54-75(i)(4)</a>
Family Child Care Home	A	A	A	A	A	A	A	A					A	A		<a href="#">Sec. 54-75(i)(5)</a>
Outdoor storage, within enclosed yard									A		A	A		A	A	
Electrical Vehicle Charging Station, Commercial or Public			A	A				A	A	A	A	A	A	A	A	<a href="#">Sec. 54-75(i)(6)</a>
<b>Temporary Uses</b>																
Special event								T	T	T	T	T		T	T	<a href="#">Special events permit</a>
Outdoor sales								T		T						<a href="#">Sec.54-75(i)(1)</a>
Circus, carnival, or similar enterprise								T	T		T			T		<a href="#">Sec.54-75(i)(2)</a>

## SEC. 54-85. USE SPECIFIC STANDARDS

(a) Agricultural Uses

(1) Cannabis producer

a. This use must comply with applicable local and state laws and regulations.

(2) Cannabis producer microbusiness

a. This use must comply with applicable local and state laws and regulations.

(b) Residential Uses

(1) Single-family detached dwelling

a. Manufactured or modular homes shall be installed on a permanent foundation consistent with the Manufactured Housing and Zoning Act (NM Statutes 3-21A)

(2) Two-family dwelling

- a. A two-family dwelling must be in a single principal dwelling structure on a single lot. The structure is divided into two dwelling units that share a common wall or floor structure.
- b. An accessory dwelling unit is not allowed on the same lot as a two-family dwelling approved as a conditional use in the R-1 district.

(3) Caretaker quarters

- a. One dwelling unit for security or 24-hour supervision may be allowed on the premises of a nonresidential principal use if approved as a conditional use.

(4) Multifamily dwelling

- a. A multifamily dwelling allowed as a conditional use in the R-2 District may not exceed four dwelling units per building.

(5) Mobile home

- a. Placement and maintenance of mobile homes; mobile home construction standards.
  - 1. No mobile home may be placed upon any lot prior to submittal of a site plan to the village and receipt of subsequent approval of the site plan as provided in [Section 54-90](#).
  - 2. There shall be no occupancy of any mobile home until an occupancy permit is issued. No occupancy permit shall be issued if the mobile home is not connected to public sewer and water lines, unless an alternate system is approved by the village engineer.
  - 3. No mobile home may be parked on a roadway for more than 24 hours.
  - 4. No abandoned, burned or wrecked mobile home may be kept within the M-1 district for more than 30 days.
  - 5. Each mobile home must bear a certification label which attests that the construction of the mobile home meets the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.
  - 6. Standard mobile home skirting must be provided around the entire perimeter of the mobile home between the bottom of the body of the mobile home and the ground.
  - 7. Each mobile home must be anchored to the ground in a manner acceptable to the [New Mexico Regulation and Licensing Division, Manufactured Housing Division](#).
  - 8. Each mobile home must be stabilized from beneath using a concrete masonry and/or metal support system acceptable to the [New Mexico Regulation and Licensing Division, Manufactured Housing Division](#).
  - 9. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment or building materials or supplies.

- k. Inspections.

1. The planning administrator or his agent is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this article and shall have the authority to enter at reasonable times upon any private or public real property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.
2. It shall be the duty of the owners or occupants of a lot in a mobile home subdivision to allow the planning administrator or his agent free access to such premises at reasonable times for the purpose of inspections.

(6) Group home

- a. A group home must comply with applicable local, state, and federal regulations.
- b. In residential districts, the appearance of a group home must be compatible with the character of dwellings in the surrounding neighborhood.

(7) Nursing home

- a. A nursing home must comply with applicable local, state, and federal regulations.

(c) Hospitality/Lodging Uses

(1) Hotel/motel/cabin rentals

- a. An application for a traditional lodging facility (hotel, motel or cabin rentals) must be accompanied by a site development plan as described in [Section 54-90](#).

(2) Overnight campground.

- a. The minimum size of a campground is two (2) acres.

(3) Recreational vehicle (RV) park

- a. The minimum size of an RV Park is two (2) acres.
- b. Commercial uses in an RV Park require conditional use approval as described in [Section 54-88](#).

(d) Automobile Related Uses

(1) Automobile fuel sales

- a. Site improvements such as buildings or structures (permanent or temporary) shall be separated from any residential district by at least 50 feet. Parking areas shall be separated from any residential district by at least 15 feet.
- b. The total site area shall not be less than 12,000 square feet.



- d. Pump islands shall be set back not less than 25 feet from any street right-of-way line, not less than 40 feet from any non-street line, and not less than 75 feet from any residential district boundary.
- e. Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.
- f. No automobile service station on a site contiguous to any residential district shall be operated between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(2) Automobile and motor vehicle service and repair facilities

- a. All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within an enclosed building.
- b. Vehicles that are actively being serviced or repaired may be temporarily stored on site. Vehicles must be screened from residentially zoned properties and public rights of way as required in [Section 54-108](#).

(3) Light vehicle washing establishment

- a. Light vehicle washing establishments shall be subject to the same limitations and conditions as automobile fuel stations as set out in subsections (d)(1)a. through f. of this section.
- b. Sufficient off-street area to provide space for not less than ten automobiles waiting to be washed or three waiting spaces per washing stall, whichever is greater, shall be provided. A space 20 feet by nine feet shall be deemed adequate for each such required space.
- c. All washwater disposal facilities, including sludge and grit removal and disposal equipment, shall be subject to the approval of the village engineer, and shall conform with all village ordinances regarding sewage and health, and shall be designed so as not to detrimentally affect the village water or sewer system.

(e) Commercial Uses

(1) Adult or child care facility.

- a. A minimum of 35 square feet per child shall be provided within a child care facility for indoor activity and at least 50 square feet of fenced-in outdoor play space per child shall be provided on site. Fenced-in outdoor play space shall not include driveways, parking areas or land unsuited for children's play space by virtue of the usage or natural features. A state license shall be obtained prior to commencement of operation of an adult or child care facility.

(2) Retail, general

- a. A retail business can have up to 10% of ground floor area of the principal use for outdoor displays

- b. Outdoor merchandise displays must be screened from adjacent Residential districts or adjacent residences.
- c. Outdoor storage is not allowed.

(3) Cannabis Retail and Related Uses

- a. A cannabis retail use must comply with all applicable local, state, and federal regulations. If the cannabis retail establishment is licensed by the state as a cannabis consumption area and/or a cannabis edible manufacturing facility, a cannabis ventilation, odor control and air filtration plan must be approved by the village building official and the New Mexico Environment Department.
- b. A cannabis courier must hold a valid cannabis courier license. If the courier will transport medical cannabis, the courier must hold a valid medical cannabis courier license.

(4) Tobacco sales

- a. All establishments selling tobacco products must comply with state laws and regulations and licensing requirements.

(5) Restaurant

- a. Alcohol sales for consumption on site are allowed.
- b. Alcohol sales must comply with state laws and regulations.

(6) Convenience food restaurant

- a. Convenience food restaurants shall be subject to the same limitations and conditions as automobile service stations as set out in subsection (d)(1)a. through f. of this section.

(7) Hospital

- a. This use should be screened from Residential districts and any lot with a residential use.
- b. Helipads are allowed as a use incidental to a hospital. This use shall comply with all applicable state and federal regulations regarding design, location, construction, and public safety.

(8) Bar and nightclub

- a. Alcohol sales are for on-premise consumption only.
- b. Alcohol sales must comply with state laws and regulations.

(9) Liquor for consumption off-site

- a. This use must comply with state laws and regulations.

- b. Liquor sales for off-site consumption shall not be located within three hundred (300) feet of an active religious institution or educational facility as measured from the property line of the licensed premises and the property line of the restricting facility.
- (10) Tap room/tasting room
- a. Tap rooms and tasting rooms must comply with state laws and regulations for a small brewer’s license, domestic winery, and craft distiller’s license.
- (11) Animal hospital and clinic, with open animal runs
- a. Outdoor animal runs are permitted as an accessory use provided that they are enclosed with a solid wall or fence at least six feet in height.
  - b. This use must comply with section 38-62 regarding property nuisances
- (12) Kennel, with open animal runs
- a. Outdoor animal runs are permitted as an accessory use provided that they are enclosed with a solid wall or fence at least six feet in height.
  - b. This use must comply with section 38-62 regarding property nuisances.
- (13) Adult entertainment, retail sales and/or live entertainment
- a. These uses are prohibited in the following locations:
    1. Within 500 feet in any direction of any Residential zone district; lot containing any residential use in any Mixed-use zone district; religious institution; or elementary, middle, or high school.
    2. Within 1,000 feet in any direction of another premises containing an adult entertainment or adult retail use.
- (14) Mobile vending
- a. Mobile vending includes any activity involved with food preparation or sales and sales of merchandise from a mobile truck or trailer.
  - b. Other than special events approved as a temporary use, the mobile vending must receive approval as a conditional use and meet the following standards:
    1. The minimum lot size for mobile vending units is 10,000 square feet.
    2. Mobile vending units must be located on a site with an existing business.
    3. The operator of a mobile food truck/retail truck court must provide trash receptacles and hand-wash stations. A waste disposal plan must be approved with the conditional use request.

4. Mobile vending operators shall comply with all applicable City, State, and federal requirements, including food safety, business licenses, and noise.
5. A mobile vending unit and any associated tables, chairs, displays, umbrellas, or the like, do not physically occupy or obstruct access to any parking spaces necessary to meet the minimum parking requirements for any on-premises land uses. A restroom must be accessible to customers when seating is available.

(f) Industrial Uses

(1) Artisan Manufacturing

- a. All activities must be conducted within a completely enclosed building.
- b. Retail sales of goods produced on the property are allowed.
- c. Processes and production that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts shall obtain a Conditional Use Permit

(2) Light Manufacturing

- a. All activities in this use must be conducted in an enclosed building.
- b. Processes and production that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts shall obtain a Conditional Use Permit

(3) Heavy Manufacturing

- a. This use may be conducted outside of an enclosed building.
- b. This use must comply with section 38-62 regarding property nuisances.

(4) Special Manufacturing

- a. All special manufacturing uses must obtain a conditional use permit.
- b. Special manufacturing uses must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits for the duration of the activity.
- c. The conditional use request must demonstrate that noise, smoke, odors, fumes, and other potential health and safety hazards will be managed so as not to have an impact beyond the property boundaries.
- d. This use must comply with section 38-62 regarding property nuisances.

(5) Storage Units

- a. *Minimum site area.* Minimum site size shall be one acre.

- b. On-site circulation drives and driveways.
  - 1. Each storage unit shall provide a minimum of two exits.
  - 2. All one-way driveways shall provide for one ten-foot-wide parking lane and one 15-foot-wide travel lane. Traffic direction and parking shall be designated by painting or signs.
  - 3. All two-way driveways shall provide for one ten-foot-wide parking lane and two 12-foot-wide travel lanes.
  - 4. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
  - 5. At least one parking space for each ten storage cubicles, equally distributed throughout the storage area, shall be provided, in addition to those in the parking lanes.
  - 6. All driveways and parking, loading and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
- c. Fencing and screening.
  - 1. Fencing shall be required around the perimeter of the project at a minimum of six feet in height and constructed of decorative concrete block, as approved by the planning commission.
  - 2. All outdoor storage shall be limited to recreational vehicles and shall be screened from view from surrounding properties.
- d. *Setbacks.* Any side of a building providing doorways to storage areas shall be set back from the property line with not less than 25-foot side and rear yard setbacks; otherwise, sides of a building not providing doorways to storage areas may have a zero side or rear lot line provided the building is of the same material as the fencing. If not of the same material, the rear yard setback shall be at least 15 feet.
- e. *Trash enclosures.* Masonry trash enclosures shall be installed subject to the approval of the planning commission.
- f. *Prohibited uses.* No storage unit may be used for active commercial operations or residential housing.

(6) Cannabis manufacturing

- a. Cannabis cultivation is allowed, provided that the establishment complies with all local, state laws and applicable regulations, including location at least 300 feet from a school or adult or child daycare center.
- b. Site development plan must meet minimum code requirements set forth in [Sec. 54-90](#). Site plan and concept approval.

- c. All activities in this use shall be conducted within the fully enclosed portions of a building unless an incidental storage area is approved in the site plan.
  - d. An incidental storage area is allowed outside of the fully enclosed portions of a building but shall be screened from view from each property line.
  - e. A ventilation, odor control and air filtration plan approved by the Village Building Official and the New Mexico Environment Department is required.
  - f. A manufacturer of edible cannabis products must be permitted by the New Mexico Environment Department as a cannabis edible manufacturing facility.
- (7) Cannabis research laboratory
- a. This use must comply with all local and state laws.
- (8) Cannabis testing laboratory
- a. This use must comply with all local and state laws.
- (9) Building material sales and storage
- a. All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use.
- (10) Landscape nursery, wholesale or bulk sales
- a. All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use.
- (11) Feed, grain and fertilizer sales and storage
- a. All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use.
- (12) Firewood sales, splitting and storage, wholesale
- a. Materials stored outdoors must be screened from adjacent Residential districts and any adjacent residence.
  - b. This use must comply with Sections 38-31 and 38-62 regarding noise and property nuisances.
- (13) Bulk fuel sales or storage
- a. This use must be screened from adjacent non-industrial uses and from public streets.
- (14) Heavy vehicle and equipment sales, rental, service or repair
- a. All materials, merchandise and equipment shall be stored within an enclosed building.
  - b. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.

- c. Vehicles for sale may be displayed on the property as long as they do not interfere with traffic circulation, but vehicles must be screened from view of adjacent non-industrial zoned properties.
  - d. Temporary outdoor storage of vehicles being repaired is allowed. When not within an enclosed building, vehicles being repaired must be screened from view of adjacent non-industrial properties and from any public street.
  - e. Wrecker or towing services may be located on the property provided that they meet all state regulations for such services.
- (15) Contractor's shop and yard
- a. All outdoor storage of materials and equipment must be located behind the principal building and screened from view of any adjacent non-industrial property and any public street.
- (16) Warehousing, storage and distribution
- a. All activities in this use must be conducted in an enclosed building.
  - b. This use must be screened from adjacent non-industrial uses and from public streets.
- (17) Metalwork and/or machine shop
- a. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.
- (18) Glass cutting and finishing
- a. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.
- (19) Engraving shop
- a. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.
- (20) Towing or wrecker service
- a. All outdoor storage of vehicles and equipment must be located behind the principal building and screened from view of any adjacent non-industrial property and any public street.
  - b. This use must meet state regulations for towing services.
- (21) Bulk storage of nonexplosive liquids
- a. This use must be screened from adjacent non-industrial uses and from public streets.
- (22) Television and radio towers
- a. Television and radio towers shall meet the requirements of other sections of this Article. Exemptions from height limitations shall be as defined in Section 54-49. This use does not include wireless telecommunications towers, which are regulated in Article VII of this Chapter.

(g) Recreation and Entertainment Uses

(1) Neighborhood Park

- a. This use must meet local ordinances related to lighting, noise, odors, and other impacts on adjacent properties, including Section [38-31](#) (noise) and Section [38-62](#) (property nuisance).

(2) Entertainment, recreational, health and exercise facility, outdoor

- a. This use shall be screened from any adjacent residential district or lot containing a residential use by a solid wall, fence or other measures. The screening must be designed to prevent objects from the activity from passing beyond the property line onto any surrounding property not owned by the operator of the use.
- b. This use must meet local ordinances related to lighting, noise, odors, and other impacts on adjacent properties, including section [38-31](#) (noise) and section [38-62](#) (property nuisance).

(3) Swimming pool, commercial

- a. Swimming pools must meet all local, state, and federal health and safety standards.
- b. Outdoor swimming pools must be screened from adjacent Residential districts and any adjacent residence.

(h) Utilities/Telecommunication

(1) Wireless telecommunications facilities

- a. This use must comply with [Article VII](#) of this Chapter (Wireless Telecommunications Facilities)

(i) Accessory Uses

(1) Accessory dwelling unit

- a. Accessory dwelling units are allowed only in the R-1 district and must receive conditional use approval.
- b. Accessory dwelling units may not be used as short-term rentals.
- c. The owner or long-term resident of the primary structure must live on site.

(2) Caretaker dwelling unit

- a. Caretaker dwelling units are allowed in RV parks and other commercial businesses as a conditional use.

(3) Drive-up or drive-through service window

- a. Drive-up or drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street.



- b. Drive-up or drive-through service windows, stacking lanes, and circulation are treated as component off-street parking for the purposes of screening as described in [Section 54-108](#) to [Section 54-109](#).
- c. Drive-up or drive-through service windows must meet the standards for drive-up window stacking lanes as defined in Section [54-115](#).
- d. The service lane(s) must be distinctly marked by striping, pavement markings, or traffic islands.
- e. A separate circulation drive must be provided for passage around the outermost service lane.
- f. Screening is not required for walk-up service accessories such as depositories and ATM's.

(4) Home Occupation

- a. Any Home Occupation must meet the standards specified in Division 6. Home Occupations.

(5) Family Child Care Home

- a. An independent childcare provider must be a licensed or registered family child care home with the State of New Mexico and comply with state regulations for family child care homes.
- b. Only permanent residents of the home may provide care.
- c. Outdoor play areas must be enclosed by a wall, fence or landscape screen at least 6 feet in height.

(6) Electrical Vehicle Charging Station

- a. Level 1 and Level 2 EV charging equipment is allowed outright as an accessory use to any principal use in all districts.
- b. Level 3 charging equipment is allowed as an accessory use in commercial zones with permit approval by the Community Development Department.
- c. The permit process for a Level 3 EV charging station is the same as the conditional use process.
- d. EV charging stations must meet the standards of the National Electric Code.

(7) Accessory structures common to permitted and conditional uses of the zoning district

- a. Accessory structures must meet the use and equipment and setbacks, height, and encroachments standards of this Section (section 54-137 and section 54-140).

(j) Temporary Uses

(1) Outdoor sales

- a. Unless a conditional use is granted by the planning commission for outdoor sales, outdoor sales are restricted as follows:
- b. An outdoor sales special events permit shall be obtained from Village as defined in section 26-69 prior to each event. The Community Development Department may require submittal of a site plan and event schedule with the application. The special event application is reviewed by Village departments prior to issuing the special use permit and may impose restrictions on the event when issuing the permit.

(2) Circus, carnival, or similar enterprise

1. This use must obtain a special event permit and described in section 26-69 and section 62-34.

**SEC. 54-86 – SEC. 54-92. RESERVED**

# DIVISION 6: PROCEDURES

## SEC. 54-93. GENERAL PROCEDURES

(a) General Review Processes

Procedures	Planning Administrator (No Public Hearing)	Planning Commission (Public Hearing)	Governing Body (Public Hearing)	Code Citations	
Certificate of Zoning Compliance	Decision	Appeal	Appeal	<a href="#">Article III</a> <a href="#">Division 8</a> <a href="#">Division 9</a> <a href="#">Sec. 54-112</a> <a href="#">Sec. 54-109</a>  <a href="#">Article VII</a>	
Subdivision – Minor	Decision	Appeal	Appeal		
Sign Permits	Decision	Appeal	Appeal		
Home Occupation	Decision	Appeal	Appeal		
Fences	Decision	Appeal	Appeal		
Landscaping	Decision	Appeal	Appeal		
Building Permits	Decision	Appeal	Appeal		
Telecommunications	Decision	Appeal	Appeal		
Variance	Review	Final	Appeal		<a href="#">Sec. 54-87</a>
Conditional Use Permit	Review	Final	Appeal		<a href="#">Sec. 54-88</a>
Planned Unit Development				<a href="#">Sec. 54-89</a>	
1. Concept Plan	Review	Recommendation	Optional		
2. Development Plan	Review	Recommendation	Decision		
3. Final Construction Plan	Decision				
Site Development Plan	Review	Decision	Appeal	<a href="#">Sec. 54-90</a>	
Zone Map Amendment	Review	Recommendation	Decision	<a href="#">Sec. 54-85</a>	
Subdivisions - Major	Review	Recommendation	Decision	<a href="#">Article III</a>	
Text Amendments	Review	Recommendation	Decision	<a href="#">Sec. 54-86</a>	
Annexation	Review	Recommendation	Decision	<a href="#">Sec. 54-91</a>	
Vacation	Review	Recommendation	Decision	<a href="#">Sec. 54-92</a>	

(1) Administrative Review and Decision Processes - The following development requests can be administratively reviewed through the building permit process provided that other additional review processes and standards do not apply:

- a. Sign Permits
- b. Certificates of Zoning Compliance
- c. Subdivision - Minor

(2) Review and Decision Processes Requiring a Public Meeting – The following development requests require a public hearing:

- a. Variance
- b. Conditional Use Permit
- c. Site Development Plan
- d. Planned Unit Development
- e. Zone Map Amendment
- f. Subdivisions - Major
- g. Text Amendments
- h. Annexation

(b) Development Application and Submission Requirements

(1) Authority – The Planning Administrator has the authority ask for application and submission materials, to review plans for completeness, and to assess plans for compliance with relevant code requirements.

(2) Application and Submission Materials – The applicant shall submit to staff an application and the necessary submission materials as determined relevant by the Planning Administrator.

a. The Planning Administrator should provide application checklists with standard application materials required for different development requests.

b. Application materials should be necessary and correspond to the level of review. For example: submission materials for a concept plan should allow for a general review of design themes, building massing, and land uses but should not include technical, construction, or engineering drawings if such materials are beyond the scope of review and if such materials are better evaluated through review of the final construction plan or building permit.

c. More information may be requested to clarify the application or determine its compliance with the provisions of this chapter or other applicable ordinance, resolution, policy, or guideline.

d. Submission materials should not impose an excessive or unnecessary burden on the applicant.

(c) Fees: Application fees related to the cost of processing applications shall be charged in accordance with the fee schedule in Appendix A of this Code.

(1) Application fees should approximately cover the cost of public services necessary for processing the request.

(2) Fees are not refundable.

(d) Withdrawal of Application

- (1) A land development application may be withdrawn by the applicant at any time.
- (2) Withdrawal of an application must be made via a written notification to both the Planning Administrator and the Village Clerk.
- (3) Withdrawn applications do not nullify final decisions, nor do they nullify documents which have been filed and recorded by the County Clerk – such as final plats.
- (4) Application fees are not refundable due to the withdrawal of an application.

(e) Public Hearings

- (1) Notice. The Planning Administrator shall issue a notice of the time and place for a scheduled public hearing. The notice shall identify the nature of the application or proposed action and list contact information where persons can obtain additional details or view the file. A record of all notices issued shall be maintained in the case file.
- (2) Notice of a public hearing shall occur as follows:
  - a. Notice shall be given at least 15 days in advance of the scheduled meeting through the mail or, if requested and such contact information is available, via fax or email to the following:
    1. Property owners within 200 feet of the subject property. Public rights-of-way abutting the subject property shall be considered part of the application or proposed action area for purposes of determining which properties are within the notice area.
    2. The applicant, the applicant's agent, and the property owners if other than the applicant.
    3. Individuals, newspapers of general circulation, and broadcast stations licensed by the federal communications commission who have filed a written request to receive notice.
  - b. Notice shall be posted on the village web site at least 15 days prior to the scheduled meeting.
  - c. Notice shall be posted on the subject property at least 15 days prior to the scheduled meeting.
  - d. Notice shall also be published in a local newspaper of general circulation at least 15 days prior to the scheduled meeting for the following types of applications:
    4. Proposed amendments to the Village Municipal Code related to land use.
    5. Applications or proposed actions involving at least five acres.
    6. Applications or proposed actions involving property along arterial or collector streets within the village.
    7. Any application requiring a public hearing before the planning commission.

8. Any other action that the Planning Administrator deems appropriate for publication due to its impact on the community at large.

(f) Planning Commission Hearing procedures.

- (1) The planning commission shall hold public hearings to consider applications as required under this article.
- (2) Review Packet. Prior to the public hearing, the Planning Administrator shall assemble a packet with the submitted proposal and any supplementary materials available such as a staff report, review by other agencies, or comments made by the public. The packet shall be available for review by both the planning commission and the public. The review packet shall be submitted to the planning commission and shall be made a part of the hearing record.
- (3) Parties to hearing. A written statement giving the name and address of the person making the appearance, signed by him or his agent and filed with the Planning Administrator, constitutes appearance of record. The parties to a hearing shall be any of the following persons who entered an appearance of record either prior to commencement of the hearing or when permitted by the planning commission during the conduct of the hearing:
  - (4) Persons entitled to notice under subsections (e)(2)a. of this subsection.
  - (5) The representatives of any department or agency of the village or another unit of government.
  - (6) A person who demonstrates interest in the subject matter of the hearing to the planning commission.
- (7) Testimony. Each party or witness shall be placed under oath at the time of speaking and shall be offered reasonable opportunity to present evidence and argument on all relevant issues. The planning commission may impose reasonable limitation on the number of witnesses heard and, on the nature, and length of testimony and questioning. The planning commission may call witnesses and introduce papers on its own volition.
- (8) Records. The Planning Administrator or Village Clerk shall make a full record of the hearing by sound recording. Summary minutes shall be kept of all public hearings, and they shall be kept available for public inspection. Any person shall have the opportunity to listen to, copy or transcribe the sound recording of the public hearing at any reasonable time at the office of the Planning Administrator or the Village Clerk.
- (9) Continuation of hearing. An advertised hearing may be continued to a time and place announced at the hearing without re-advertising.
- (10) Prohibited acts by commission. Prior to planning commission action, the Commission shall not:
  - a. Communicate directly or indirectly with any party or his representative in connection with the merits of an issue involved;

- b. Use or rely upon communication, reports, staff review, or other materials prepared in connection with the particular case unless made part of the record; or
- c. Inspect the site with any party or his representative unless all parties are given an opportunity to be present.

(11) Decision by commission. The planning commission shall act on an application on conclusion of the public hearing or at its next regular meeting following the hearing. The commission shall state for the record the key findings of fact on which the commission decision is based.

(12) Notification of decision. When any application is approved, approved with conditions, or denied, written notification of the planning commission action, listing any conditions imposed, shall be sent within two days of the commission action to the applicant and to any other party who has requested to be so informed.

(13) Appeals. Any decision by the planning commission is final unless appeal is initiated to the governing body as prescribed by [Section 54-83](#).

(14) Building Permits. A building permit dependent on a case shall not be issued until an appeal is decided or the time for filing an appeal has expired without an appeal being filed. However, a building permit may be issued before the appeal period has expired if the applicant agrees in writing to surrender the building permit and cease all work if an appeal is duly filed.

(Code 1985, § 10-2-1; Ord. No. 96-01, 1-9-96; Ord. No. 2008-11, 10-14-08; Ord. No. 2019-01 , 1-8-19; Ord. No. 2019-02 , 3-12-19)

Cross reference(s)—Boards, commissions and committees, § 2-81Cross reference(s)— et seq.; planning commission, § 2-161Cross reference(s)— et seq.

(g) Appeals

(1) Appeal Period. A request for an appeal shall be filed within 15 calendar days of the decision which is being appealed unless otherwise noted and receipt of the request will be communicated to the appellant and, if different, to the appellee.

(2) Applicability. Any aggrieved person or any officer, department, board or bureau of the Village affected by a decision of an administrative officer, commission, or committee that erroneously enforces this article or any ordinance adopted pursuant thereto may request an appeal hearing per [NM Stat § 3-21-8 \(2021\)](#).

a. Advisory opinions, recommendations, and informal interpretations of code are not appealable actions.

b. Decisions which are not alleged to be an erroneous enforcement of this article or requests for a variance from or change to the applicable regulations are not valid appeals.

c. Any sign permit application which is rejected, for any reason, by the community development department may be appealed to the planning commission. The applicant shall submit, in writing,

a request to be placed on the planning commission agenda within five working days of the rejection. The appeal will be scheduled for the next planning commission meeting, provided the planning commission agenda deadline has not passed, in which event the matter will be scheduled for the next regularly scheduled planning commission meeting.

(3) Submission. A request for an appeal shall be on a form prescribed by the Planning Administrator, shall state the name, contact information, and address of the applicant, and shall specify how the decision being appealed is based on an error related to the enforcement of this article or of any ordinance adopted pursuant thereto.

(4) Stay of proceedings. Submission of an appeal request shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee or board from whom the appeal is taken certifies that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. Upon certification, the proceedings shall not be stayed other than by a restraining order granted by the district court on notice to the village clerk with due cause shown.

(5) Determination of Appeal Validity and Notice.

a. Within 5 working days of receipt of an appeal request, the Village Attorney or Planning Administrator shall determine and communicate to the applicant whether the submission is a valid request for an appeal based on the applicability and submission requirements or if more information is needed. Applicants will have 5 working days to resubmit.

b. Notification of a valid appeal request shall be sent by the Planning Administrator to the the appellant, the appellee, a representative of the opponents if any are known, and to any other parties who have requested to be so informed.

c. Notification of an invalid request for an appeal shall be sent by the Planning Administrator to the appellant along with a rationale of why the request for an appeal was invalid.

(6) Scheduling of an Appeal. For a valid appeal request, the Planning Administrator shall schedule a public hearing with either the planning commission or the governing body as defined by applicable processes.

(7) Notice of Public Hearing.

a. Notice of a public hearing shall be given according to applicable regulations ([Sec. 54-83](#)).

b. The Planning Administrator shall give written notice of the date, time and place of such hearing to the applicant, the appellant, the appellee, a representative of the opponents if any are known, any persons who appeared before the planning commission during its consideration of the matter, and any other parties who have requested to be so informed at least 15 days prior to the date of the hearing. In addition, if the appeal relates to a specific site, a similar notice shall be sent to each owner of property situated within the required notification area of the property to which the appeal relates. The appellant shall furnish an abstractor's certified property certificate showing the property ownership within the



required notification area of the property. The Planning Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings.

- c. If requested, the Planning Administrator may provide notice by fax or email, if the Planning Administrator has facsimile numbers or email addresses available, in lieu of mailed notice. Faxed or emailed notice shall be sent at least ten days prior to the meeting at which the case is to be heard.
- d. Packet of Materials for Review. Prior to the public hearing the Planning Administrator shall submit a packet containing all the documents constituting the record of the case appealed, evidence provided by the appellant supporting the appeal, comments from other interested parties, and such further facts as may be pertinent or material to show the grounds of the decision appealed.

(8) Review Process. The planning commission or governing body shall hear the appeal and render a decision within 45 calendar days.

- a. The reviewing body shall consider oral and written testimony from the appellant, the appellant's agent or attorney, village staff members, and other interested parties. All such oral testimony, other than attorneys' statements and questions, shall be in accordance with the provisions of section 54-61(f)(8), relating to testimony and evidence before the planning commission. The reviewing body shall also study the record of the action on the appeal.
- b. If postponed, the reviewing body shall make a decision on the appeal at its next regularly scheduled meeting.
- c. The reviewing body, by a simple majority vote of all of its members present, may:
  - 1. Reverse any order, requirement, decision or determination;
  - 2. Decide in favor of the appellant; or
  - 3. Make any change in any order, requirement, decision or determination.
- d. If the reviewing body fails to so decide by a simple majority vote of all of its members present, or if it decides by a simple majority of those members present to uphold the decision, then the decision shall stand.
- e. Notice of decision. The planning commission or governing body shall issue a written notice of its decision to all concerned parties and to the Village Clerk. The notice shall state the facts of the matter, the reasons for its decision, and any conditions applied to the decision.
- f. Judicial review. The exclusive remedy for parties dissatisfied with the action of the governing body shall be the filing of a petition for review in the district court, according to state law.

(Code 1985, § 10-2-2; Ord. No. 96-01, 1-9-96; Ord. No. 98-17, § 2, 11-10-98; Ord. No. 2008-11, 10-14-08)

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(h) Reconsideration of applications.

- (1) An application which is substantially the same as one which has been rejected by the planning commission or governing body, shall not be accepted within 12 months of the final decision.

(i) Approval Expirations

(1) Expiration due to inactivity.

- a. Unless otherwise noted, if work has not started, or if a land development request has not been filed which amends or further refines the approval within one year of issuance, the land development approval shall expire and shall be considered cancelled by the Planning Administrator.

(2) Expiration due to timeliness.

- a. If the work described in a permit or land development request has not been substantially completed within two years of the date of issuance thereof, or within the time limit established by the planning commission or governing body, the permit shall expire and shall be considered cancelled by the planning administrator. Applicants without a specific time limit established by the planning commission or governing body may request up to three, one-year extensions to the Planning Administrator.

(j) Administrative Amendments and Minor Deviations

- (1) Administrative amendments. The planning administrator may approve minor amendments to existing development approvals that would otherwise require review by applicable approval bodies provided such changes do not exceed the following limitations:

- a. Administrative amendments shall be consistent with or neutral in regards to prior actions by the planning commission or governing body, if applicable. No administrative amendments shall be approved would reduce the effect of any existing conditions of approval.
- b. Administrative amendments can be combined with a minor deviation but cannot be used for a change that would require a variance to applicable regulations.
- c. Administrative amendments shall not increase the square footage or building footprint of a proposed development by more than 10% as calculated from the net increase of an existing approval, not the total existing or proposed building area.
- d. Administrative amendments shall not increase the height of a building or structure by more than 12 inches or 10% of the total approved height, whichever is greater. In no event shall the height of a building exceed 35 feet from grade.
- e. Administrative amendments shall not result in changes which are expected to be controversial or which contradict negotiations, agreements, or approvals reviewed and decided upon by the planning commission.

- f. Administrative amendments should not result in noticeable and relevant detrimental effects to surrounding property owners, residents, or the Village.
- (2) Minor Deviations. The Planning Administrator may approve minor deviations to applicable regulations that would otherwise require a variance provided such changes comply with the limitations of administrative amendments and, additionally, do not exceed the following limitations:
  - a. Minor deviations shall be necessary to overcome a hardship, meet the overall intentions of the code, or to improve compliance with planning goals and intentions adopted by the Village of Ruidoso.
  - b. Minor deviations shall not exceed 10% of any dimensional requirements.
  - c. Minor deviations shall not result in the need for a new traffic study.

(h) Enforcement

(1) Applicability

- a. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or structure, or use any land, in violation of this article.
- b. This section describes enforcement actions related to Village land use regulations imposed in this article and to conditions of approval which are directly applied through Village land development processes.
- c. Private covenants shall not be enforced by the Village.

(2) Complaints. When a violation of this article is alleged to have occurred, any person may file a complaint, which shall be in writing. The complaint, stating fully the causes and basis thereof, shall be filed with the code enforcement officer or the Planning Administrator who shall record the complaint properly, investigate in a timely manner and take action as provided by this article.

(3) Notice of violation. If a code enforcement officer or the planning administrator shall find that any of the provisions of this article are being violated, they shall:

- a. Notify, in writing, the owner or tenant of the property, indicating the nature of the violation, the code provision violated, the time by which the violation must be corrected, and ordering the action necessary to correct it.
- b. The notification shall order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; or discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violations of its provisions.

- (4) After a notice of violation has been served, no work shall proceed on any structure or tract of land covered by such the notice except to correct such violation or to comply with the order.
- (5) Remedies for violations. If any building or structure is erected, placed, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this article or any of the regulations promulgated thereunder, the governing body, Village Attorney, administrative official, or any other proper village official may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- (6) Penalties
  - a. Any and all persons who shall violate any of the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any lawful order or regulation made under this article, shall severally, for each and every such violation and noncompliance respectively, be punishable as provided in section 1-6, to which penalty may be added the costs of the action at the discretion of the court.
  - b. The imposition of a penalty shall not excuse the violation or permit the continuation thereof, and all such persons shall be required to correct or remedy such violations and defects within a reasonable time.
  - c. Each day that the prohibited condition is not corrected or remedied shall constitute a separate offense, and the court shall impose a fine on a per diem basis for each day that the violation is maintained.
- (7) In addition to or in lieu of the procedures outlined in this section, this article shall be enforceable in a court of proper jurisdiction, and any or all appropriate remedies at law or in equity shall be available for the enforcement thereof.
- (8) This article shall not be construed to hold the Village, the Planning Administrator, or any other village official responsible for any damage to persons or property by reason of any inspection or reinspection authorized in this article or the failure to so inspect or reinspect or by reason of the issuance of a building permit as required in this article.

## **SEC. 54-94. ADMINISTRATIVE**

### (a) General Administrative Processes

- (1) The Planning Administrator and other City Staff shall review administrative applications per the summary table of review procedures in [section 54-93](#).
- (2) Certificate of Zoning Compliance
  - a. A certificate of zoning compliance can be issued upon applying for a business registration.

- b. A certificate of zoning compliance shall confirm that the requested use is either permitted, subject to a conditional use, legally nonconforming, or not permitted in the applicable zone.

**SEC. 54-95. ZONE MAP AMENDMENTS (REZONING)**

(a) Purpose

- (1) The purpose of a zone map amendment is to change the zoning of an area to meet the land use needs of the Village in conformance with the Village comprehensive plan and in accordance with state statutes.
- (2) Rezoning applications may be initiated by the governing body, the planning commission, the Planning Administrator, the property owner, or by an authorized agent representing one of the above entities.

(b) Criteria for Decision

- (1) An application for a zone map amendment will be evaluated based on the following criteria:
  - a. The existing zoning district is inappropriate for one or more of the following reasons:
    - 1. It was established in error or is the result of a mistake;
    - 2. Surrounding conditions have changed; or
    - 3. The proposed zoning is more advantageous to the community as measured by compliance or fulfillment with the Comprehensive Plan and other, applicable long-range planning priorities.
  - b. A zone map amendment which would result in “spot zoning” as defined per this Chapter shall not be approved.
  - c. Whether necessary infrastructure and public services can be feasibly provided to the property.

**Procedure: Zone Map Amendment (Rezoning)**



(c) Process

- (1) Application. An application for rezoning shall be made on a form provided by the planning administrator. The application shall indicate the legal description of the property, the present zoning classification, and the recommended use of the property by the Village comprehensive

plan. The applicant shall present evidence to the planning administrator of ownership or type of controlling interest in the property (e.g., option to purchase).

- (2) Administrative Review & Staff Recommendation. The planning administrator will provide the planning commission with a staff report including an analysis of the approval criteria and a recommended action to aid the planning commission in making a decision.
- (3) Planning Commission Review. A rezone not initiated by the planning commission shall be referred to the planning commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral or written statements from the applicant, the public, Village staff and its own members. The application may not be postponed more than two meetings in succession. The planning commission shall notify the council, in writing, of its recommendation.
- (4) Village Council Review. Rezone requests will be reviewed by the village council in accordance with the applicable public hearing procedures unless withdrawn by the applicant. During the scheduled public hearing on the matter, the council may approve or disapprove the request for rezoning by ordinance, or postpone the request. The application may not be postponed more than two meetings. If approved, the Planning Administrator shall revise the official zoning map accordingly.

(Code 1985, § 10-2-5; Ord. No. 2008-11, 10-14-08)

## SEC. 54-96. TEXT AMENDMENTS TO THE ZONING CODE (CODE AMENDMENTS)

### (a) Purpose.

- (1) The purpose of a text amendment is to change the details of this article to better regulate land use and zoning regulations. An amendment to this article may involve changes in its text and wording, including but not limited to changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration and/or procedures. Code amendments do not, however, include the rezoning of property.
- (2) Text amendments may be initiated by the village council, the planning commission, the planning administrator, or by petition of a person whose property would be affected by the amendment.

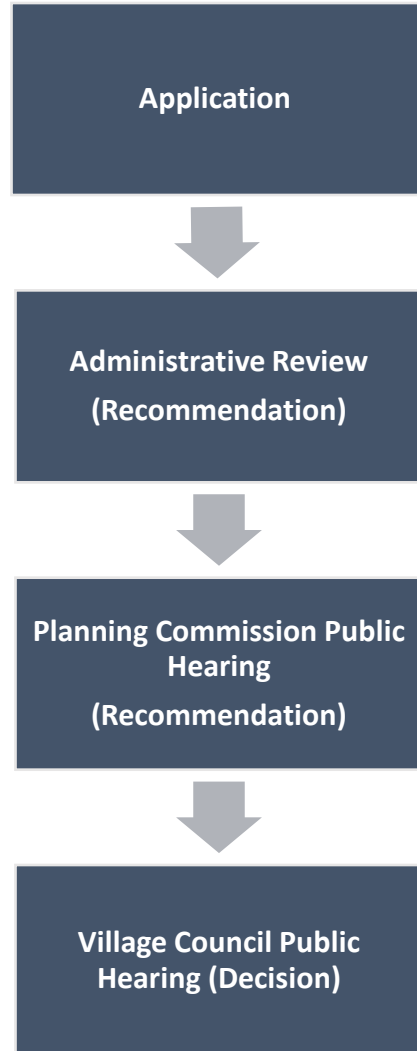
### (b) Criteria for Decision

- (1) A text amendment application will be evaluated based on the following criteria:
  - a. Substantial compliance with, or satisfaction of, community priorities related to the Comprehensive Plan and other applicable long-range plans.
  - b. The proposed change will not result in land use inconsistent with the purpose of the district.
  - c. The proposed change will clarify existing language, remove redundant or inconsistent language, or simplify the understanding and implementation of the code.
  - d. The proposed amendment promotes the public health, safety, and welfare of existing and future community residents.

### (c) Process

- (1) Application. If an individual or other party initiates a request for an amendment to this article, the request must be made on a form provided by the planning administrator. The request must state the exact section of this article proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted, as it will assist in understanding the benefits of the amendment. The submittal must be made to the planning administrator and the processing fee paid at least 30 days prior to the date of the public

### Procedure: Text Amendments to the Zoning Code



hearing by the planning commission. An amendment to this section of the code brought forth by the governing body shall be done in accordance with [Section 54-86](#).

- (2) Administrative Review. The planning administrator will provide the planning commission with a staff report including an analysis of the approval criteria and a recommended action to aid the planning commission in making a decision.
- (3) Planning Commission Review. An amendment not initiated by the planning commission shall be referred to the planning commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral or written statements from the petitioner, the public, Village staff and its own members. The commission may approve, disapprove or postpone an amendment application. The commission shall notify the council, in writing, of its recommendation.
- (4) Village Council Review. The village council may, at its next regular meeting after receipt of the report and recommendation of the planning commission, set a date for a public hearing on the amendment request. In its deliberations on the matter, the council shall consider oral or written statements from the petitioner, the public, Village staff, the planning commission and its own members. The council may approve or disapprove the request by ordinance or postpone the request. A vote of two-thirds of all members of the council shall be required to reverse the recommendation of the planning commission.
- (5) Hearing and decision by the village council of village council initiated amendments. The village council may, from time to time, discuss and amend the planning code. If the matter has been acted on by the village council within the last 18 months, the village council may choose to amend the ordinance through its own public hearing process, without changes being considered in public hearings of the planning commission. Upon approval of the amendment the village council will notify the planning commission of the changes.

(Code 1985, § 10-2-4; Ord. No. 98-10, 5-12-98)



## SEC. 54-97. VARIANCES

### (a) Purpose.

(1) The purpose of a variance is to vary or adjust the strict application of applicable requirements within this article when the strict application of the code cannot be accomplished due to unique characteristics affecting the land or improvements, or when the strict application of the code would result in a practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the property.

(2) Variances should normally be limited to regulations pertaining to height or width of structures or the size of yard and open spaces where a departure from the literal interpretation of this article will not be contrary to the public interest or establish a precedent that would undermine the purpose and intent of this article as described in [section 54-32](#).

(3) Use variances shall not be permitted.

### (b) Criteria for Decision

(1) Variance applications must demonstrate that the following criteria are satisfied:

- a. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.
- b. The Variance will not be materially contrary to the public safety, health, or welfare.
- c. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- d. The Variance will not materially undermine the intent and purpose of this ordinance or the applicable zone district.

### Procedure: Variances



- e. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

(c) Process

- (1) Application. A variance application shall be made on a form provided by the Planning Administrator. The application shall indicate the legal description of the property, the present zoning, and document rationale for why the application meets the above criteria.
- (2) Administrative Review. The Planning Administrator will provide the planning commission with a staff report including an analysis of the approval criteria and a recommended action to aid the planning commission in making a decision.
- (3) Planning Commission Review
  - a. The planning commission shall make a decision based on whether the approval criteria have been met. The commission shall consider oral or written statements from the applicant, the public, Village staff and its own members.
  - b. The planning commission may impose such additional conditions and safeguards as it deems necessary to protect the health, safety and welfare of the community.
  - c. A variance shall not be approved except upon the affirmative vote of two-thirds of all the members of the planning commission present.
  - d. The application may not be postponed more than two meetings in succession. The planning commission shall notify the council, in writing, of its recommendation.
  - e. Appeals to planning commission determinations can be filed per [Section 54-83](#).

(Code 1985, § 10-2-6; Ord. No. 2008-11, 10-14-08; Ord. No. 2019-02 , 3-12-19)

## SEC. 54-98. CONDITIONAL USE PERMITS

### (a) Purpose

- (1) The conditional use process is intended to be a way to evaluate and permit unique, unintended, potentially detrimental, or highly intensive land use types. The incorporation of a public hearing process and a deliberation of the request by the planning commission also allows for the identification, negotiation, and potential mitigation of negative impacts. In reviewing a conditional use proposal, the planning commission should weigh a comprehensive variety of potential positive and negative impacts resulting from an approval or denial.

### (b) Applicability

- (1) Generally. Uses shown in the Use Table, [Sec. 54-74](#), as conditional may be granted a conditional use permit if they meet the criteria of this section.
  - a. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required.
  - b. The permit shall be granted for a particular use and not for a particular person.
- (2) Legally Nonconforming Uses
  - a. Reinstatement of legally nonconforming uses. Legally nonconforming uses, buildings, or structures which have been discontinued for a period that exceeds one year or which are otherwise prevented by this article from reinstating a verified, legal nonconformity shall be required to apply for and receive a conditional use permit.
  - b. Legally nonconforming uses are eligible to change their status from a legal nonconforming use into a conditional use by successfully proceeding through this section and being awarded a conditional use permit.

### (c) Criteria for Review and Approval

- (1) An application for a Conditional Use Permit must demonstrate that the proposed use meets the following criteria:

### Procedure: Conditional Use Permits



- a. The use is listed in this article as a conditional use in the particular district in which it is proposed to be located or is a legally nonconforming use as defined by this article.
- b. The requested use complies with the adopted community priorities related to the Comprehensive Plan and other applicable long-range plans.
- c. The requested use will not create significant adverse impacts to the surrounding neighborhood, including health, safety and general welfare, existing and anticipated traffic conditions, and the impact upon the natural environment.

(d) Process

(1) Application. An application for a conditional use permit shall include information as identified by the Planning Administrator necessary to evaluate the request.

(2) Administrative Review. The Planning Administrator will provide the planning commission with a staff report including an analysis of the administrative review criteria and a recommended action to aid the planning commission in making a decision.

(3) Planning Commission Review and Decision

a. The planning commission shall use the approval criteria to evaluate and debate the request.

b. Approval of conditional use permits shall require a two-thirds vote of the members of the planning commission present.

c. The planning commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

d. If approved, the commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist.

e. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission.

(e) Notice of decision; contents of permit. The applicant shall be notified in writing of the action taken by the planning commission. If the application has been granted, the permit shall be issued upon the signature of the chairman of the planning commission and the Planning Administrator, and any conditions, automatic termination date, or period of review shall be stated on the permit.

(f) Revocation. If the conditions and safeguards set by the planning commission are violated, the conditional use permit, after due process, may be revoked by a majority vote of the planning commission. Appeals may be made in accordance with [Section 54-83](#).

(Code 1985, § 10-2-8; Ord. No. 99-12, 7-27-99; Ord. No. 2008-11, 10-14-08)

## SEC. 54-99. PLANNED UNIT DEVELOPMENT

(a) Purpose.

- (1) The Purpose of a planned unit development is to provide additional review steps for larger or more intensive projects expected to have an impact on the Village as a whole. The process also allows more appropriate development, design flexibility, encourages infill on vacant or underutilized land.

(b) Applicability.

- (1) Any development proposal which meets the requirements of [Section 54-89](#), pertaining to planned unit development, shall be reviewed according to the provisions of this section.

(c) Criteria

- (1) Administrative Review Criteria – Staff will assess whether the application either demonstrates compliance with applicable code requirements or provides a reasonable expectation that all applicable code requirements can be satisfied in the building permit and technical review processes. Such review shall include but is not limited to:
  - a. Relationship of the site plan elements to conditions both on and off the property.
  - b. Conformance to this article.
  - c. The impact of the plan on the existing and anticipated traffic and parking conditions.
  - d. The adequacy of the plan with respect to land use.
  - e. Pedestrian and vehicular ingress and egress.
  - f. Environmental and safety standards.
  - g. The presence or requirement of easements.
- (2) Planning Commission and Village Council Criteria – The planning commission and village council shall consider

### Procedure: Planned Unit Development – Concept Plan



and weigh the following criteria in order to make a balanced and equitable decision:

- a. Substantial compliance with the Comprehensive Plan and other applicable and identified long-range planning priorities such as those related to environmental protection, economic development, affordable housing, or public safety.
- b. Sufficient compliance or a reasonable expectation that major code requirements can be satisfied in the building permit and technical review processes.
- c. The effect of the proposal on the health, safety, and welfare of surrounding neighbors and users.
- d. The effect of the proposal on the health, safety, and welfare of the applicant.
- e. The effect of the proposal on the health, safety, and welfare of Village residents.
- f. Impacts to particularly vulnerable or sensitive individuals or groups such as senior households, low-income households, and small businesses.

(d) Process

- (1) Pre-Application. Prior to submitting an application for a planned unit development approval, the applicant should meet with appropriate Village staff to discuss the development concept, the submittal requirements, and the review and approval process.
- (2) Application. An application for a planned unit development shall include information as identified by the Planning Administrator necessary to evaluate the request. Concept plan exhibits shall accompany the application. The concept plan shall be submitted at least ten days prior to a regularly scheduled planning commission meeting.
- (3) Concept plan. The concept plan stage of the process is intended to be a review of the conceptual, or preliminary project elements. This will typically include a site plan sketch, concept renderings illustrating potential design themes, approximate building massing, and/or approximate land use mixtures and intensities. The concept plan will typically not include technical design details.
  - a. Administrative Review. The Planning Administrator will provide the planning commission with a staff report including an analysis of basic administrative review criteria and a recommended action to aid the planning commission in making a decision.
  - b. Planning Commission Review. The planning commission shall review the concept plan and shall determine whether the conceptual plan appears to be in conformance with approval criteria. The planning commission may instruct the applicant regarding features or design elements to be included in the preliminary development plan and what exceptions or variances to this article may apply.
  - c. Governing Body Review. It is not required that the governing body review the concept plan portion of a planned unit development, however, the applicant may request a concept plan

review by the council following planning commission review and comment. The scope of review and comment by the council shall be the same as that of the planning commission.

(4) Development Plan. The development plan is intended to be a review of general proposal details, similar in scope to the Site Development Plan Process.

a. Administrative Review. The planning administrator will provide the planning commission and governing body with a staff report including an analysis of basic administrative review criteria and a recommended action to aid a decision. The planning administrator will assess whether the application either demonstrates compliance with applicable code requirements or provides a reasonable expectation that all applicable code requirements can be satisfied in the final construction plan, during the building permit process, or through additional technical review processes.

b. Commission Review. The planning commission shall review the development plan and shall make a recommendation to the governing body based on the approval criteria. The planning commission may instruct the applicant regarding features or design elements to be included in the development plan.

c. Village Council Review. Planned Unit Development requests will be reviewed by the village council in accordance with public hearing procedures unless withdrawn by the applicant. The governing body shall review the recommendations from staff, from the planning commission, from the public, and from the applicant and make a final decision based on the approval criteria. The village council may instruct the applicant regarding features or design elements to be included in the final construction plan.

(5) Final Construction Plan. The final construction plan is review and approval by staff to ensure that the applicant has incorporated all technical requirements and any conditions or guidance requested by the governing body. A final construction plan is not intended to be as comprehensive as a building permit but may include technical information or special considerations required to evaluate and work out necessary details prior to submitting for a building permit.

**PROCEDURE: PLANNED  
UNIT DEVELOPMENT –  
DEVELOPMENT PLAN**





## SEC. 54-100. SITE DEVELOPMENT PLAN

### (a) Purpose

- (1) The purpose of a site development plan is to evaluate moderate and higher-intensity development proposals which will likely impact the neighborhood or areas of the Village. The review of a site development plan by the planning commission should assess and mitigate demonstratable adverse impacts of the development and weigh a comprehensive variety of potential positive and negative impacts resulting from an approval or denial. Approved proposals should, on the whole, contribute to - rather than detract from - the broader goals, policies, and objectives established by the Village.

### (b) Applicability

- (1) The following developments shall require site development plan approval before proceeding to building permit review:
- (2) Multi-family residential development which would result in more than five (5) dwelling units.
- (3) New commercial, industrial, or manufacturing proposals of any size including hotels, motels, campgrounds, and RV parks.
- (4) Additions to existing Commercial, Industrial, or Manufacturing uses of more than ten thousand (10,000) square feet.

### (c) Criteria For Review and Approval

- (1) Administrative Review Criteria – In reviewing a site development plan, staff will assess and recommend approval if the application either demonstrates compliance with applicable code requirements or provides a reasonable expectation that all applicable code requirements can be satisfied in the building permit and technical review processes. Such review shall include but is not limited to:

- a. Relationship of the site plan elements to conditions both on and off the property.

### Procedure: Site Development Plan



- b. Conformance to this article.
- c. The impact of the plan on the existing and anticipated traffic and parking conditions.
- d. The adequacy of the plan with respect to land use.
- e. Pedestrian and vehicular ingress and egress.
- f. Environmental and safety standards.
- g. The presence or requirement of easements.

(1) Planning Commission Criteria and Considerations – In formulating a decision for a site development plan, the planning commission shall consider and weigh the following criteria and considerations in order to make a balanced and equitable decision:

- a. Substantial compliance with the Comprehensive Plan and other applicable and identified long-range planning priorities such as those related to environmental protection, economic development, affordable housing, or public safety.
- b. Sufficient compliance or a reasonable expectation that major code requirements can be satisfied in the building permit and technical review processes.
- c. The effect of the proposal on the health, safety, and welfare of surrounding neighbors and users.
- d. The effect of the proposal on the health, safety, and welfare of the applicant.
- e. The effect of the proposal on the health, safety, and welfare of Village residents.
- f. Impacts to particularly vulnerable or sensitive individuals or groups such as senior households, low-income households, and small businesses.

(e) Process

(1) Application: An application for a site development plan shall include information as identified by the Planning Administrator necessary to evaluate the request. The Planning Administrator should have an application checklist with informational items and submission requirements available to the public.

(2) Administrative Review and Staff Recommendation

- a. The applicant(s) and the Planning Administrator shall discuss areas of the code that are applicable to the proposed plan. The Planning Administrator shall provide in writing to the applicant a list of those items required under subsection 54-67(c) of this Code and other information that would help the planning commission make a decision.

- b. The Planning Administrator will provide the planning commission with a staff report including an analysis of the administrative review criteria and a recommended action to aid the planning commission in making a decision.

(3) Planning Commission Review and Determination

- a. The planning commission shall consider oral or written statements from the applicant, the public, village staff members or its own members. It may question the applicant and approve, deny or postpone the development proposal. The application may not be postponed for more than two regular meetings of the planning commission.
- b. Site development plan applications may be approved if the planning commission determines by motion that the proposed plan will not be overall detrimental to the health, safety or welfare of the community as evaluated by the applicable criteria and considerations.
- c. Site development plan applications may be denied if the planning commission determines by motion that the conditions required for approval do not exist.
- d. Appeals to planning commission determinations can be filed per [Section 54-83](#)

- (4) Building permit applications pertaining to approved site development plans may be submitted and reviewed but shall not be issued prior to the end of the appeal period or if the determination by the planning commission is being appealed.

## **SEC. 54-101. ANNEXATION**

- (a) Policy. All petitions for annexation to the village by owners of contiguous territory shall be in accord with §3-7-17 NMSA 1978..

- (1) Generally, the annexation of land shall not impose an economic burden on the village or result in an indirect subsidy of services by the village. Evidence shall be provided by the petitioner that existing infrastructure, including but not limited to streets, sewer and water lines, public facilities including fire stations and parks, and operating services such as fire, police and garbage collection, can accommodate potential development within the area to be annexed.

- (2) Annexation agreements shall be entered into between the village council and the petitioner requesting annexation to cover extension of streets, utilities, facilities and operation services for the area proposed for annexation.

- a. Agreements shall include a provision by the petitioner of all improvements within the annexation area required to serve such area, including streets, water and sewer and public facilities; and a provision by the petitioner of water rights or arrangement for payment for water rights to be used.

- (b) Initial zoning. Simultaneous annexation petitions, the petitioner shall submit an initial zoning request. Annexation and initial zoning shall be a joint and concurrent action and shall have final

approval of the governing body after recommendation by the planning commission. All newly annexed areas shall be considered to be in the R-1 district until otherwise classified.

(c) Annexation petition. Initial submission of an annexation petition and plat must be accompanied by applicable fees and will include the information required on the application for annexation form and any additional details and materials determined by the Planning Administrator to be needed to evaluate the annexation petition:

(d) Review procedure.

(1) In reviewing annexation petitions, the planning department looks at the proposed annexation in conjunction with the comprehensive plan and major transportation plan to determine the initial zoning classification and determine the need for dedication of public right-of-way.

(2) The infrastructure division looks at streets and utilities and the physical relationship of property proposed for annexation to determine the feasibility of serving the subject land. Other departments review the proposed annexation for general input on their particular service. Legal counsel will review the application and annexation agreement to determine compliance with applicable state statutes.

(3) The annexation petition shall also be distributed to the village public schools and all private utilities for review and comment.

(e) Annexation Process

(1) Petition signed by property owners is presented to planning administrator.

(2) The petition is accompanied by a plat of survey and legal description signed by New Mexico professional land surveyor and a map showing the relationship of the territory proposed to be annexed to the existing Village boundary.

(3) Annexation and initial zoning request reviewed by the planning administrator within three weeks of submittal.

(4) Notice of the public hearing is published 15 days prior to planning commission meeting.

(5) Annexation and initial zoning are presented at planning commission public hearing for recommendation to village council.

(6) Upon the planning commission's recommendation, both annexation and initial zoning ordinances are placed on the village council agenda.

(7) If annexation is denied by the village council, the petitioner may appeal to district court.

(8) If the annexation ordinance is approved by the governing body, a copy of the ordinance, with a copy of the plat of the area annexed, shall be filed in the office of the Lincoln County Clerk. After the filing the annexed area is part of the municipality. Two filed copies returned to village. If

zoning is denied, staff and property owners negotiate an alternate zoning request. If initial zoning is approved, district is designated.

(9) Within 30 days after the filing, any person owning land within the area annexed to the municipality may appeal to the district court questioning the validity of the annexation proceedings. If no appeal is filed within 30 days, the annexation shall be deemed complete.

(10) Fees to be paid: Annexation fees plus initial zoning fees as listed in the fee schedule available at the Community Development Department.

(Code 1985, § 10-2-11)

## **SEC. 54-102. VACATION**

(a) Vacation criteria. Vacation (closing) is the method by which land used to provide access for the movement of people, goods, drainage, utilities (surface or subsurface), vehicles and services is closed to those uses. Anyone (including the village) may request a vacation. A vacation may be approved if it is determined that:

(1) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of that right; and

(2) The public welfare is not served by retaining the way or easement; or

(3) The development made possible by the vacation results in a net benefit to the public welfare which is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

(b) Partial vacation. Vacation may not result in closure of all uses. For example, public access may be closed while utility access through creation of a defined utility easement is retained.

(c) Preapplication discussion. Applicant shall meet with the planning administrator prior to submitting a formal application.

(d) Application contents. Applicant shall submit a formal application for vacation of right-of-way or easement to the planning department along with the appropriate application fee as set forth in Appendix A to this Code. Include the following items with the application:

(1) A right-of-way or easement survey meeting the standards of NMAC 12.8.2.13 (New Mexico Administrative Code) showing the area to be vacated and the surrounding properties.

(2) Certification that the applicant has notified all property owners within the notification area as set forth in section 54-40. Certification may be documentation provided by the postal service or a notarized statement from the applicant.

(3) The location, description and ownership of all utilities within the proposed vacation area.

- (4) Statements from all utility companies stating their agreement to the proposed vacation and specifying any conditions of approval. These shall be on company letterhead with the title of the person signing the letter.
- (5) Statements from property owners within the notification area identifying their position on the proposed vacation. These may be in letter form signed by the property owner. It is not necessary to obtain a letter from every property owner within the notification area. The intent of this requirement is to provide an early indication of either support for or objection to the proposed action. It is in the applicant's best interest to have met with or discussed the action with neighboring property owners and obtained their agreement to the proposed action prior to submitting a formal application to the village.
- (6) In the event the parcel vacated exceeds the sum of \$2,500.00 in value based on the acquisition fee schedule set forth in Appendix A, the applicant shall also comply with the provisions of NMSA 1978 § 13-6-2 and the applicable regulation(s) of the state board of finance (a copy of the statute and regulations are available in the village planning department).
- (e) Staff review of application and scheduling for review and action by planning commission. Planning department staff will review the application and advise the applicant when it is complete. The planning staff shall then prepare a staff report and forward a draft copy to the applicant for review. The application will be heard as a regular item at the next planning commission meeting scheduled at least 14 days after completion of the staff report.
- (f) Notification. The planning department staff shall provide notice of the planning commission meeting at which the application is scheduled to be discussed and voted on as specified in section 54-40.
- (g) Planning commission action. The planning commission shall hear the case and vote to recommend that the village council authorize the vacation and sale with conditions, vote to recommend that village council reject the vacation application or vote to forward the application to village council with no recommendation.
- (h) Village council action. The planning department shall forward the recommendation of the planning commission to the village clerk along with a request to schedule the application for review and action by village council. The village clerk, in consultation with the mayor and village manager, shall schedule the application for review and action by the village council. The application shall be heard as a regular item after at least 30 days public notice in newspapers of general circulation in the state. The planning staff shall provide the village clerk with all pertinent information, including minutes of the planning commission meeting at which the item was discussed and voted on, in sufficient time prior to the meeting at which the item will be discussed by village council so that the information may be included in the councilmembers' briefing books.
- (i) Finalization of vacation and sale. If village council votes to approve the vacation and authorize sale of the land, the planning department staff shall coordinate the preparation, signing and recording of the appropriate documents. The applicant's surveyor or engineer shall provide all required legal descriptions and drawings. For those vacations that will require state board of finance review prior to completing the vacation, the applicant or other eligible adjoining property owner shall obtain an appraisal and pay the appropriate acquisition fee as determined by the appraisal. Should the

appraised value of the right-of-way be more than ten percent less than the value set forth in Appendix A, the village may obtain another appraisal and the value of the right-of-way shall be the average of the two appraisals. If the village decides not to seek a second appraisal, the value of the right-of-way shall be the average of the applicant's appraisal and the value set forth in Appendix A.

## **SEC. 54-103 – SEC. 54-113 RESERVED**

# **DIVISION 7: DEVELOPMENT STANDARDS**

## **SEC. 54-114. PURPOSE OF DIVISION.**

The purpose of this division is to establish general development performance standards. These standards are intended and designed to ensure compatibility of uses, to prevent blight, to enhance the health, safety and general welfare of the residents of the community, and to preserve the natural environmental character of the village.

(Code 1985, § 10-5-1; Ord. No. 98-02, § 1, 2-10-98)

## **SEC. 54-115. RESIDENTIAL TERRAIN MANAGEMENT.**

(a) *Purpose; intent.* The purpose of this division is to protect the natural environment of the village for social, economic and environmental purposes. To this end, it is the intent of the terrain management stands in this section to:

- (1) Preserve hillside features within the village in their natural state.
- (2) Encourage the planning, design and development of building sites in such a fashion as to provide the maximum safety and enjoyment, while adapting to, and taking advantage of, the best use of the natural terrain.
- (3) Encourage the maximum protection and retention of natural features such as drainage swales, streams, slopes, ridge lines, rock outcrops, scenic views and trees.
- (4) Minimize the need to pad or terrace building sites on hillsides.
- (5) Minimize the scarring of hillside areas.
- (6) Encourage restoration of disturbed areas to their natural state.

It shall not be the intent or purpose of this section to preclude development, but to ensure that development enhances rather than detracts from, or ignores, the natural topography, resources and amenities of the hillsides.

- (b) *Applicability.* Development proposed or located on any residential site with average slopes in excess of 20 percent within the village shall be subject to the regulations and requirements of subsections (c) and (d) of this section. The following formula may be used to determine the average slope:

$$S = 0.0023 \text{ IcLc} / A$$

Where:

- S = Average percent of slope of the site.
- Ic = Contour interval.
- Lc = Total length of the contour lines within the site.
- A = Area in acres of the site.

For subdivided lots of less than one half acre, average slope may be expressed as the ratio of rise or fall to a distance in percent (i.e., a one percent slope rises (or falls) one foot in 100 feet).

- (c) *Information required.* For proposed developments meeting the conditions of subsection (b) of this section, the following information shall be submitted. This information shall be in addition to any information required elsewhere in this Code.

(1) A proposed grading plan including the following:

- a. The proposed drainage plan shall address roof and driveway surfaces, final ground cover and erosion control.
- b. Detailed plans of all drainage devices, walls, cribbing, dams or other protective devices to be constructed in connection with, or as part of, the proposed work.
- c. The location of easements for drainage.

(2) A map showing:

- a. Accurate contours at five-foot intervals showing existing and proposed topography of the site and of the land within 100 feet of the site.
- b. The location of observed drainage courses, springs, swampy areas and areas subject to flooding, landslides and mud flows.

(3) Additional information, as determined by the planning commission, which is deemed necessary to guarantee compliance with the purpose of this section.

- (d) *Development approval.* Approval for any development in areas meeting the guidelines established in subsection (a) of this section shall be granted in accordance with the development approval procedure set forth in subsection (b) of this section upon a finding that the grading and development plan is designed to meet such guidelines and the following standards:



- (1) Fill and excavation areas shall meet the following standards:
  - a. No organic material may be used.
  - b. Compaction shall be a minimum of 90 percent of maximum.
  - c. Steepness of finished slope shall not be greater than two feet horizontal to one foot vertical, unless a slope and retention plan certified by a qualified engineer is approved.
- (2) The maximum percent of the site to be disturbed (area under building footprint, parking and driveway areas) shall be as follows:

Percent Average Slope	Disturbed Area Allowed
0—20	75
21—35	65
36+	55

Lots nonconforming as to lot size as defined under subsection 54-143(j)(1) may be allowed up to an additional ten percent of disturbed area. Applications for disturbed area increase will be considered under minor amendment procedures set forth under subsection 54-67(g). Disturbed area increase shall be the minimum necessary to allow reasonable development of the property. Disturbed area increase above ten percent shall require variance consideration by the planning commission.

(Code 1985, § 10-5-2; Ord. No. 98-02, § 1, 2-10-98; Ord. No. 2000-01, 3-14-00; Ord. No. 2019-02 , 3-12-19)

**SEC. 54-116. COMMERCIAL TERRAIN MANAGEMENT.**

- (a) The provisions of this section shall apply to all commercial development.
- (b) Fill and excavation areas shall meet the following standards:
  - (1) No organic material may be used.
  - (2) Compaction shall be a minimum of 90 percent of maximum.
  - (3) Steepness of finished slope shall not be greater than two feet horizontal to one foot vertical, unless a slope and retention plan certified by a qualified engineer is approved. Provided, any slope with a steepness of 2 to 1 or greater shall have erosion control satisfactory to the commission.

- (c) Retention ponds or other suitable methods satisfactory to the planning commission shall be utilized to control drainage and erosion during construction.

(Ord. No. 2000-01, 3-14-00)

## **SEC. 54-117. FOREST MANAGEMENT.**

- (a) *Purpose; intent.* The purpose of this section is to protect the natural environment of the village for social, economic and environmental purposes. To this end, it is the intent of the forest protection standards to:
  - (1) Provide for the sound management, protection and maintenance of trees and woodland located in the village in order to prevent unhealthy overgrowth, prevent excessive removal of vegetation, minimize damage from erosion and siltation, maintain or enhance appropriate wildlife habitat, reduce fire danger and ultimately preserve the economic viability of the village, which is dependent upon the proper management of the natural resources in the area and is in the interest of the health, safety and general welfare of the residents of the village.
  - (2) Manage and protect the forest areas of the village to restore their health, preserve and protect old and large trees, and facilitate an added value concept to enhance aesthetics and property values.
    - a. Old or large trees shall be defined as any specie of live tree 20 inches or greater in diameter measured 4.5 feet from the ground (DBH).
    - b. The planned removal of old or large trees must be reviewed and a permit issued by the director of forestry prior to removal.
    - c. Old or large trees shall be subject to the provisions of subsection (c)(4) herein, relating to protected root zone.
- (b) *Administration.* The director of forestry or his duly authorized representative shall have responsibility for administration of this section.
- (c) *Fuels management approval.*
  - (1) Residential fuels management. Inspection by the forestry department and certification is required on all properties. Fuels management shall be in accordance with the provisions of Section 42-80. Properties are required to maintain a forested appearance with a minimum density of 40 trees per acre prorated to the size of the lot excluding area covered by structures, driveways, and parking areas.
  - (2) Multi-family residential and non-residential fuels management: All fuels management on all properties zoned other than R-1, R-2 or M-1 shall be submitted to the director of forestry for approval prior to implementation. The director may require site plan approval and shall utilize the provisions of section 42-80 as minimum standards. Unless otherwise approved by the

director of forestry, clear cutting of any undeveloped portion of a property is not allowed, and the basal area within landscaped portions of a developed property shall not be reduced below 40 square feet per acre.

(3) Reserved.

(4) *Protected root zone.* Trees to remain for consideration according to the approved site plan shall be protected above and below ground from damage caused by construction and site development activities as provided herein:

a. The protected root zone shall be defined as a horizontal radius distance from the trunk of the tree. The distance varies by tree size, subject to the following minimums:

Tree height in feet	Horizontal radius in feet
Less than 10	4
10—20	6
21—30	8
31—40	12
41—50	16
51—60	20
Greater than 60	24

b. No trenching, cut or fill activities, compaction or other ground disturbing activities may intrude closer than 50 percent of the horizontal radius.

c. Paving and other non-pervious surfacing may not reduce the protected root zone more than 30 percent of the horizontal radius.

d. Temporary fencing or equivalent protective measures shall be installed around all trees to be considered for minimum basal area requirements within 30 feet of ground disturbance. The temporary fencing shall be installed at the outer limit of the protected root zone. This protection shall remain in place until all construction and site development activities are complete or removal is approved by the director of forestry.

(5) *Standards for tree removal activities:*

a. All chainsaws weed eaters and like equipment with two-cycle motors used in the removal of trees, slash and debris shall be equipped with spark arresters.

- b. It is the responsibility of the property owner to provide for the disposal of all of the slash in a legal and appropriate manner. Failure to provide for disposal will subject the owner to the nuisance provisions of this Code.
- c. Activity slash from all species to remain on site for firewood must comply with Section 42-80 in terms of size and spacing. In addition, each stack of green wood shall be covered with six ml (minimum thickness) clear/translucent plastic or the like for a minimum of ten months to minimize bark beetle habitat and infestation.
- d. Individuals or contractors removing trees will be fully responsible for any damage to public and private property or utilities.

(6) *Utility easements.*

- a. *Rights and duties of utility franchisees.* To provide for the general safety of the public, the utility franchisees of the village shall have the right and responsibility to maintain unobstructed utility easements or to cut, trim, thin, and control the growth of trees and shrubbery, within, near, or above the public right-of-way and private utility easements in the village that may interfere with, threaten or endanger the operation of the franchisee's overhead lines. Trees will not be topped but shall be completely removed.
- b. *Rights and duties of property owners.*
  - 1. The property owner is primarily responsible for maintaining the low vegetation and other flammable matter in the private easements and rights-of-way in such a manner that the low vegetation and other flammable matter will not be a potential fire hazard.

A property owner who refuses access to the utility easement by a utility franchisee shall be solely responsible for the cost to provide for an unobstructed utility easement.

- (7) *Property owner responsibilities.* Every property owner within the village limits shall maintain their property in accordance with section 42-80 of this Code. If a property owner places green waste on the public right-of-way for grapple pick-up, the property owner shall separate the green waste into two categories: 1) six inches or greater in diameter; or 2) less than six inches in diameter. Any green waste that the property owner places on the public right-of-way for grapple pick-up shall be no greater than six feet in length. Any green wood on the property shall be kept in accordance with section 42-80 of this Code and shall be covered with six ml (minimum thickness) clear/translucent plastic for a minimum of ten months to minimize bark beetle habitat and infestation.

(Code 1985, § 10-5-3; Ord. No. 96-10, § II, 7-30-96; Ord. No. 99-19, § 1, 10-26-99; Ord. No. 2002-07, 6-25-02; Ord. No. 2004-05, 5-11-04; Ord. No. 2013-06, 7-9-13)

## **SEC. 54-118. SCREENING.**

- (a) *Multi-density and medium-density mobile home developments.* All R-3, R-4 and M-2 district principal and accessory uses, except signs, which are situated on a parcel which abuts a residential

district other than R-3, R-4 or M-2, respectively, shall be screened from such district by an approved wall, fence or landscaping not less than six feet in height above the level of the adjacent property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the planning commission if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed. Vegetative screening shall meet the requirements of [Section 42-80](#) Fuels Management Standards. This subsection shall not apply when the apartment development is abutting an already-existing nonresidential use (i.e., a school or church) in a residential district. Such exception to the screening requirement shall only be allowed along that property line between the apartment development and the nonresidential land use.

- (b) *Business and industrial developments.* All principal and accessory uses, except signs, which are situated on a parcel which abuts a residential district shall be screened from such district by an approved wall, fence or landscaping not less than six feet in height above the level of the residential property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the village if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed. Vegetative screening shall meet the requirements of Section 42-80.

(Code 1985, § 10-5-4)

## **SEC. 54-119. LANDSCAPING.**

- (a) *Purpose.* Landscaping requirements as set forth in this article have been established to encourage quality development within the village; to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and buildings located on abutting properties; to provide open space and recreational areas to serve the needs of the residents of the village; to soften the effect of development; to improve erosion and stormwater runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the village and its residents on the part of the developers; and to provide for the health, safety and general welfare of the residents of the village.

(b) *Definition.* Landscaping, for purposes of this article, shall be defined as including any or all of the following:

- (1) Naturally existing vegetation;
- (2) Lawn or grass areas;
- (3) Trees, shrubs, ground cover and other plantings;
- (4) Sprinkler or irrigation systems;
- (5) Decorative rock, natural or manmade;
- (6) Decorative lighting;
- (7) Benches, tables, fountains, planters or other similar outdoor furniture;
- (8) Decorative fences, and detention and retention ponds;
- (9) Waterfalls and manmade streams; and
- (10) Berms or mounds.

(c) *Landscaping plan.*

- (1) A landscaping plan shall be submitted in conjunction with any required site plan, and shall be reviewed and approved, denied or modified in conjunction with the site plan. All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, which are not devoted to drives, parking lots, sidewalks, patios or other such uses shall be landscaped.
- (2) When possible, areas of any particular site allocated to landscaping shall be located on that site in such a way as to provide substantial benefit to the general public as well as to the site itself.
- (3) Landscaping shall also be provided within parking lots in a manner which will serve to visually reduce the expanse of paved areas consistent with the parking lot design standards of [Section 54-115](#).

(d) *Minimum landscaping.*

- (1) *Single family residential*
  - a. All areas not used for buildings, parking, drives or other impervious materials, or for storage of materials, or left in a natural and undisturbed state, shall be landscaped according to an approved landscape plan.

- b. For townhouses, landscaping shall be required only in the front yards, side yards and unpaved rights-of-way.
- (2) *Multifamily, commercial and industrial developments.* All areas in front and corner side yards not used for parking, drives or other impervious materials or storage shall be landscaped according to an approved landscape plan based on the standards of subsections (3) and (4) below.
- (3) *Planting of trees.*
- a. Perimeter landscaping: Each commercial or industrial application shall provide for one tree and ten shrubs for every 1,500 square feet of lot area or a portion thereof not utilized for structures or vehicular use areas to be located within the perimeter of the site and around structures. This requirement shall be in addition to landscaping required by subsection b. below. Trees being retained on site to meet the standards of sections [54-107](#) and [42-80](#) of the Village municipal code, may be credited towards meeting minimum tree numbers of this section.
- b. Replacement trees required to be installed to meet the basal area standards of sections [54-107](#) and Section [42-80](#) of the Village municipal code shall be of the species listed in the "Village Approved Replacement Tree List".
- c. Parking lot landscaping: Trees shall be provided for all parking lot areas. A minimum of one tree shall be provided for each ten parking spaces. Trees shall be distributed throughout the lot to maximize shading and eliminate large expanses of unbroken paved parking areas. Not less than six percent of the interior of a parking lot shall be landscaped with trees, shrubs or other durable landscaping materials consistent with the requirements of [section 54-115](#) addressing terminal and landscape islands.
- d. Trees wells to be constructed to protect existing trees on site shall be built so that the outer edge of the well is no closer to the trunk than the drip line of the tree as determined by the village forester. A minimum size tree well of four feet in radius shall be required for all new tree plantings. The tree well shall constructed according to standards set by the village forestry department, and will also incorporate appropriately amended soils to encourage proper growth. Paving shall not be maintained closer than four feet to existing established or newly installed trees.
- e. Trees to be installed pursuant to this chapter shall be a minimum size of two inches in diameter as measured at 4½ feet above ground.
- f. The primary means of irrigating all required landscaping for shall be thru the use of a drip irrigation system.
- g. The use of cisterns to collect rain water shall be incorporated into all new site development applications, but excluding single-family residential units. While cisterns are not required for single family residential units, the use of these features will be encouraged.

- h. Landscape plans shall be based on a modified xeriscape concept consistent with the village's "xeriscape standards". This shall mean that landscape plans shall incorporate drought- tolerant plant species and the use of drip-irrigation systems.
- (4) *Peripheral landscaping for parking lots.* Peripheral landscaping shall be required along any side of all parking lots. A landscaping strip consistent with the provisions of the property's zoning district shall be provided between the parking area and adjoining property. Where a commercial parking area adjoins a residential district, a wall, or other permanent landscaping barrier shall be installed. The height of such landscaping barrier shall be not less than six feet.
- (e) *Installation or financial guarantee required prior to issuance of occupancy permit; maintenance guarantee.*
- (1) All landscaping materials and equipment as provided for on the approved landscape plan for any residential, business or industrial development, or in the case of phased development, for the particular phase, shall be installed prior to the issuance of any occupancy permit, unless a financial guarantee in the amount of 150 percent of the cost of the materials and labor is submitted to the village. Financial guarantees shall be of the types and forms provided in [section 54-286](#).
- (2) Upon completion of the landscaping requirements as provided on the approved landscape plan, the financial guarantee shall be released except for a portion in the amount of 20 percent of the cost of materials and installation, which shall be retained for a warranty period of one year as a guarantee for proper installation and maintenance. Following the warranty period, the remaining 20 percent guarantee shall be released upon a finding that installation and maintenance has occurred as per the approved landscape plan.
- (f) *Maintenance standards; prohibited uses.* All landscaped areas shall be kept neat, clean, uncluttered, and consistent with the approved landscape plan in terms of landscape materials for the life of the approved development order. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- (g) *Protection of existing trees during construction.* During the installation and site work, all activities shall remain consistent with the provisions of [section 54-107](#).
- (h) *Inspection fee.* A landscaping inspection fee as set forth in Appendix A to this Code shall be assessed and paid with the building permit fee. The landscaping inspection fee shall cover the cost of inspection after completion of installation of the landscaping and a follow-up inspection at the end of the warranty period. An additional fee shall be charged if more than one re-inspection is required either during initial installation or at the end of the warranty period.
- (i) *Maintenance of detention/retention facilities.* On-site private detention/retention facilities, including ponds, cisterns, rain barrels and related pumps and piping, that were installed as mandated by a condition of approval, final plat requirement, approved site plan, approved construction plans, development order or development agreement shall be maintained by the property owner to insure that they function as designed. The property owner shall, at least



annually, remove any accumulated dirt and debris from detention/retention facilities, clean piping of obstructions and service mechanical equipment per manufacturer's instructions.

- (j) *Inspection of detention/retention facilities.* Once every two years or after any officially recognized flood event the Public Works Department may inspect the private detention/retention facilities to insure that they are in working order and provide the capacity for detention/retention as originally designed. The village shall charge a fee for the inspection as set forth in appendix A to this Code.
- (k) *Failure to maintain detention/retention facilities.* If, at any time, there is evidence of failure to maintain the private detention/retention facilities, the code enforcement officer or planning administrator shall notify the property owner in writing. The notification shall set a time limit not to exceed 90 days for bringing the facilities into compliance. Should the property owner fail to comply with the ordered repairs, the village may make the needed repairs and lien the property.
- (l) *Detention/retention facility security.* The planning commission shall require that any detention/retention facility located on private property be secured with appropriate barriers or alternate safety measures.

(Code 1985, § 10-5-5; Ord. No. 2006-09, 10-31-06; Ord. No. 2007-04, 4-24-07; Ord. No. 2007-09, 9-11-07; Ord. No. 2009-02, 1-13-09)

## **SEC. 54-120. USE OF CERTAIN AREAS AND STRUCTURES AS DWELLING UNIT PROHIBITED.**

No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating and sleeping purposes, provided it is properly permitted, approved and meets the requirements of [Section 22-31](#) and any other applicable requirements of this article or this Code.

(Code 1985, § 10-5-6; Ord. No. 2019-02, 3-12-19)

## **SEC. 54-121. ACCESSORY STRUCTURES, USES AND EQUIPMENT.**

- (a) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered walkway or other similar structure.
- (b) Accessory structures and garages in residential districts shall not be located within a utility easement.
- (c) Construction of more than one accessory detached private garage structure for each dwelling shall not be permitted.

- (d) No accessory building shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by conditional use permit.
- (e) Accessory structures in commercial or industrial districts shall be as required:
  - (1) Shall not exceed the height of the principal building except by conditional use permit.
  - (2) Must be located any place to the rear of the principal building.
- (f) Accessory structures that exceed 120 square feet shall meet the requirements of section 22-31 and other applicable sections of this article or this Code.
- (g) Carport(s) shall have foundations and be constructed per section 22-31 of this Code and shall be characteristic of building types within the area.
- (h) Accessory structures shall not require construction permits when all the following are met:
  - (1) Does not exceed 120 square feet, and maximum ten-foot eave height and is a minimum of ten feet from other structures.
  - (2) Does not encroach less than five feet of side or back property lines.
    - a. Exceptions: Schools and civic, cultural and religious institutions accessory structures shall have setbacks of 50 feet minimum on all sides.
  - (3) Does not encroach less than 20 feet of front property line.
    - a. Exceptions:
      - 1. Schools and civic. Cultural and religious institutions accessory structures shall have setbacks of 50 feet minimum on all sides
      - 2. C-1, C-2, C-3 and I-1 district requirements apply as required.
  - (4) Only one exempted accessory structure on property meeting the requirements of this article shall be permitted. Additional similar structures shall meet the requirements of [section 22-31](#) and other applicable sections of this article or this Code.
  - (5) Is limited to storage structures, tool houses, play houses, green houses, sheds, agricultural structures and other similar uses.

(Code 1985, § 10-5-7; Ord. No. 2019-02 , 3-12-19)

**SEC. 54-122. FENCES.**

- (a) *Building permit; site development approval.* No person, except on a farm and as related to farming, shall hereafter construct or cause to be constructed or erected within the village, in any residential district, any fence without first making an application for and securing a building permit. Site development approval and building permits shall be obtained for all fences in C-1, C-2, C-3, C-4 and I-1 districts.
- (b) *Location.* All fences shall be located entirely upon the private property of the person constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties.
- (c) *Construction and maintenance; restricted materials; nonconformities; height.*
- (1) *Construction and maintenance.* All fences shall be constructed in a substantial, workmanlike manner of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Roofing materials are not allowed. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage or unsightliness, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect, is a public nuisance, and the planning administrator shall commence proper proceedings for the abatement thereof.
- (2) *Restricted materials.* Site development approval is required by the planning commission for all installations of barbed wire and/or razor wire. Use shall be restricted to properties where necessity has been shown that security is required to protect hazardous processing, products, equipment, storage or attractive nuisances or in situations of exceptional need. Barbed wire and razor wire are prohibited fencing materials except under one of the following conditions:
- a. Public and private utilities may install barbed wire or razor wire at the top of fencing.
  - b. Commercial and industrial development may install barbed or razor wire at the top of fencing.
  - c. Buildings and properties which involve attractive nuisances may install barbed wire at the top of fencing.
- (3) *Effective date; nonconforming fences.* Any fencing existing on the effective date of the ordinance from which this section is derived, September 24, 1994, which does not comply with the regulations of the district in which it is located, shall be deemed a lawful nonconforming fencing installation. All new or replacement fencing shall fully conform to regulations established in this section.
- (4) *Measurement of height.* The height of any fence shall be calculated to the uppermost points as follows:
- a. In required yards abutting a street, the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.

- b. In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.
  - c. On property lines, the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.
- (d) *Residential districts.* In all parts of the village zoned residential, no fence shall be erected or maintained more than eight feet in height, and also:
- (1) Solid fences, walls or hedges which are parallel or approximately parallel to the front property line shall be set back from the front line a minimum of five feet.
  - (2) On corner lots in all districts, no fence or planting in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: measured 30 feet along the front and side street lines of a corner lot from the intersection of the property lines of such lot and a line connecting points 30 feet distant from the intersection of the property lines of such lot.
  - (3) In those instances where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be installed, shall remain unobstructed and shall measure a minimum of three feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.
- (e) *Business and industrial fences.* Fences in all commercial and industrial districts shall not exceed 12 feet in height, except that boundary line fences abutting residential districts shall not be greater than eight feet in height.
- (f) *Finished side to face adjoining property.* In all districts, any fence so constructed as to have only one elevation "finished," which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property.

(Code 1985, § 10-5-8)

## **SEC. 54-123. RETAINING WALLS.**

- (a) *Site development approval.* No person shall construct or cause to be constructed or erected along any property lines within the setback areas within the village, any retaining wall above four feet in height without first obtaining site development approval from the planning commission, except that all retaining walls within the floodplain area shall be approved in accordance with article IV of this chapter. Site development plans for individual retaining walls on previously developed lots may be approved by the planning administrator subject to concurrence by the chairman and vice-chairman of the planning commission. Following site development plan approval, a building permit shall be obtained from the building official.

- (b) *Location.* All retaining walls shall be located entirely upon the private property of the person constructing or causing the construction of such retaining wall, unless the owner of the adjoining property agrees, in writing, that such retaining wall may be erected on the division line of the respective properties. The planning administrator may require an applicant for a retaining wall permit to establish the boundary lines of his property by a survey thereof, to be made by a registered land surveyor.
- (c) *Construction and maintenance.* All retaining walls shall be constructed in conformance with applicable building codes in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the retaining wall is proposed to be used. All retaining walls shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such retaining wall which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the planning administrator shall commence proceedings for the abatement thereof.
- (d) *Maintenance easement.* In any instance where a retaining wall is constructed within four feet of a rear or interior side lot line, the property owner shall be required to obtain an easement from the adjoining landowner allowing access for construction and maintenance of the retaining wall. Such easement shall be presented to the planning administrator for inspection prior to issuance of the necessary building permit.

(Code 1985, § 10-5-9)

## **SEC. 54-124. SETBACK AND HEIGHT ENCROACHMENTS, LIMITATIONS AND EXCEPTIONS.**

The following shall be considered as permitted encroachments on setback and height requirements, except as otherwise provided in this article:

- (a) *Permitted encroachments in any yards.* The following are permitted in any yards: posts, off-street open parking spaces, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, flagpoles, ornamental features, open fire escapes, sidewalks and fences, except as otherwise provided in this article; also, yard lights and nameplate signs in residential districts, trees, shrubs, plants, floodlights or other sources of light illumination, and authorized lights or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
- (b) *Permitted encroachments in side and rear yards.* Balconies eight feet above grade may extend into the yards to within five feet of a lot line, provided the balconies do not extend over nonresidential driveways. Detached outdoor picnic shelters, open arbors and trellises may extend to within five feet of a side or rear lot line, except that no such structures shall exceed 500 square feet. Recreational equipment, picnic tables and apparatus needed for the operation of active and passive solar energy systems are permitted encroachments.

- (c) *Permitted encroachments in rear yards.* The following are permitted in rear yards: laundry drying equipment; patios; covered porches; breezeways and detached outdoor living rooms may extend 20 feet into the rear yard but not closer than ten feet to the rear lot line.
- (d) *Exemptions from height limitations.* Height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flagpoles, public and private utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennas, parapet walls extending no more than four feet above the limiting height of the building (except as otherwise provided in this article), and solar energy collectors and equipment used for the mounting or operation of such collectors.
- (e) *Exemption from building setback requirements for buildings with party walls.* Subject to regulations in section 22-31 and as required by other applicable sections of this article or this Code, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an integral unit.
- (f) *Covered decks, porches and breezeways in front yards.* Covered decks, porches and breezeways in R-1, R-2, M-1 and M-2 districts may extend into the front yard, but not closer than 15 feet to the front property line, provided that they are not enclosed.

(Code 1985, § 10-5-10; Ord. No. 2017-07 , § 3, 6-13-17; Ord. No. 2019-02 , 3-12-19)

## **SEC. 54-125. OFF-STREET PARKING FACILITIES.**

- (a) *General provisions.*
  - (1) *Calculation of floor area.* The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior area dimensions of the building, structure or use times the number of floors, minus ten percent, except as may be otherwise provided or modified in this article.
  - (2) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building, including additions thereto requiring more parking, shall not be permitted until such additional parking spaces as required by this article are furnished. This provision does not apply to buildings with principal permitted uses in C-1, C-2, or C-3 districts that existed prior to August 1, 1999.
  - (3) *Use of parking facilities accessory to residential use.* Off-street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable passenger automobiles and trucks, with no trucks exceeding 5,500 pounds, and recreational vehicles and recreational equipment. Under no circumstances shall required parking facilities accessory to a residential structure be used for storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.

(b) *Design standards.*

(1) *Stall and aisle dimensions; traffic flow.*

- a. Parking stalls and aisles shall be provided according to the following minimum requirements in all districts:

Parking Angle	Stall Width (feet)	Stall Base (feet)	Width of Aisle		
			Stall Depth (feet)	One-Way Traffic (feet)	Two-Way Traffic (feet)
30°	9	18	18.2	15*	25
45°	9	6.5	19	15*	25
60°	9	10.5	22	20	25
75°	9	9.5	21.5	20	25
90°	9	9	20	20	25
Parallel parking	9	9	22	15*	25

\*Except where needed as a fire lane, in which case a 20-foot minimum is required.

- b. All angle parking, except 90-degree and parallel parking, shall have aisles designed for one-way traffic flow only, except that two-way traffic is permitted in designs approved by the planning administrator and Public Works Department. All parking designs shall have ingress and egress to a public street. There shall be no through traffic access to adjoining properties or private easements, except within designated shopping centers.

- (2) *Parking within structures.* The off-street parking requirements may be furnished by providing spaces so designed within the principal building or a structure attached thereto; however, no building permit shall be used to convert the parking structures into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this article.

- (3) *Circulation; backing onto public street.* Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking areas shall be designed so that there is circulation between parking bays and not upon a public street or alley. Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking area design which requires backing into the public street is prohibited.

- (4) *Preservation of off-site parking.* When required accessory off-street parking facilities are provided elsewhere than on the lot with the same ownership or control, either by deed or longterm lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with the village and county clerk requiring the owner and his heirs and assigns to maintain the required number of off-street spaces during the existence of the principal use.
- (5) *Driveways required.* All off-street parking spaces shall have access from driveways and not directly from the public street.
- (6) *Distance of access points from street intersections.* No access point (measured to the middle of the driveway) shall be located less than 40 feet in residential districts, 150 feet in commercial districts, or 150 feet in industrial districts, from the intersection of two public street rights-of-way.
- (7) *Length of parallel parking spaces.* Parallel parking spaces shall be a minimum of 22 feet in length.
- (8) *Approval of driveways; sight line triangle.* All drive accesses shall be approved by the planning commission for width and location. A minimum sight line triangle measured 20 feet along the public right-of-way line and ten feet along the edge of the access drive shall be provided on both sides of a driveway access.
- (9) *Distance between driveways.* Driveway access openings on a public street, except for single-family, two-family and townhouse dwellings, shall not be located less than 40 feet from one another as measured from inside of drive to inside of drive.
- (10) *Number of driveways.* Each property shall be allowed one drive access for each 100 feet of street frontage. Single-family uses shall be limited to one drive access per property. These conditions shall apply unless otherwise granted approval by the planning commission.
- (11) Requirements for specific types of development.
  - a. *Commercial and industrial development.* The grade of ingress and egress driveways and parking lot aisles shall not exceed 12 percent. All driveways shall provide and maintain a six-foot section from the edge of the traveled way with approximately a three-inch dip to the center (eight percent grade) from both directions. The dip section shall be paved with asphalt or concrete for the full driveway width. The base shall be a minimum of four inches with either 1½ inches of asphalt or four inches of concrete paving. The state highway and transportation department may require a lesser grade for driveways to N.M. Highway 48 and 70. Commercial and industrial development subject to state highway and transportation department approval shall provide evidence of approval by the department prior to issuance of a village permit. Drainage pipe under driveways, where required, shall be a minimum of 18 inches in size. Parking area grades shall not exceed three percent.
  - b. *Multifamily residential development.* The grade of ingress and egress driveways and parking lot aisles shall not exceed 12 percent. All driveways shall provide and maintain a



six-foot section from the edge of the traveled way with approximately a three-inch dip to the center (eight percent grade) from both directions. The dip section shall be paved with asphalt or concrete for the full driveway width. The base shall be minimum of four inches with either 1½ inches of asphalt or four inches of concrete paving. Multifamily development subject to state highway and transportation department approval shall provide evidence of approval by the department prior to issuance of a village permit. Drainage pipe under driveways, where required, shall be a minimum of 18 inches in size. Parking area grades shall not exceed three percent.

- c. *Single-family and duplex development.* Ingress and egress drives shall be provided and maintained to give a clear sight line for street access. Drainage ditch, driveway profile or surfacing shall be so constructed so that surface water from the driveway or lot will not wash dirt, gravel and debris onto the traveled roadway. Driveways that wash dirt, gravel or debris onto the traveled roadway shall be considered a nuisance under subsection 38-62(a)(12). Driveways on the downhill side of the street shall be constructed to prevent erosion of the driveway or adjoining private property by runoff from the street. Driveways will be inspected by the street department inspector during final inspection of the residence for compliance and be required for a certificate of occupancy. The drainage pipe under the driveway, where required, shall be not less than 18 inches in size. Development subject to approval by the state highway and transportation department shall provide evidence of approval of such department prior to the issuance of a village permit.
- d. *Variations.* Variations from requirements of subsections (b)(11)a and b of this section shall be requested in connection with the application for site plan approval (see section 54-67). Variations from the requirements of subsection (b)(11)c of this section shall be considered under section 54-67(f) and approved only on favorable finding of the planning administrator with approval by the chairman and vice-chairman of the planning commission. Variance requests not approved under section 54-67(f) will automatically be appealed to the full planning commission.

- (12) *Surfacing.* All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Plans for paving and drainage of driveways and stalls for five or more vehicles shall be submitted to the planning commission for review, and the final drainage plan shall be subject to the written approval of the Public Works Department.
- (13) *Striping.* Except for townhouses and single-, two-, three- and four-family dwellings, all parking stalls shall be marked with painted lines not less than four inches wide. Where possible, hairpin striping shall be used.
- (14) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and shall be in compliance with this article.
- (15) *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to division 5 of this article.

- (16) *Perimeter curb and gutter.* Except for townhouses and single-, two-, three- and four-family dwellings, all open off-street parking areas and driveways shall have a perimeter curb and gutter around the entire parking lot built according to standards provided by the planning administrator.
- (17) *Vehicles not to protrude over property lines.* All of such parking stalls which abut property lines shall be designed and constructed so that parked vehicles will not protrude over property lines.
- (18) *Drainage.* Runoff from new multifamily and commercial development areas after the site is improved shall not exceed the prior runoff from the site when unimproved. On-site delay or interception of additional runoff by vegetation, temporary ponding, percolation pits or other approved methods shall be used to minimize any adverse effect on other properties.
- (c) *Maintenance.* It shall be the joint and separate responsibility of the lessee and owner of the principal use or building to maintain, in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fences.
- (d) *Use of parking areas.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, distribution of public relations material, or storage of inoperable vehicles.
- (e) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses:
- (1) Dwellings:
    - a. Single-family, two-family, townhouse, three-family, four-family and multiple-family dwellings: Two spaces per unit.
  - (2) Motels, motor hotels and hotels: One space per each rental unit, plus one space for each ten units, plus additional spaces as may be required in this section for related uses contained within the principal structure.
  - (3) Churches, theaters and auditoriums: At least one space for each four seats based on the designed capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this article.
  - (4) Sanitariums, convalescent homes, rest homes, nursing homes or day nurseries: Four spaces, plus one space for each three beds for which accommodations are offered, plus one space for each employee on the shift of greatest employment.
  - (5) Elderly (senior citizens) housing: One space per unit.
  - (6) Convenience food restaurants: At least one space for each three seats, or one space for each three occupants based on the design capacity, whichever is greater.
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- (7) Bowling alleys: At least five spaces for each alley, plus additional spaces as may be required in this section for related uses contained within the principal structure.
- (8) Motor fuel stations: At least four spaces, plus two spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable provisions of this article.
- (9) Retail store and service establishment: At least one off-street parking space for each 250 square feet of floor area for retail or service area, plus one space for each 500 square feet of area devoted to storage, warehousing or processing.
- (10) Furniture and carpet store: One space for each 500 square feet of floor area.
- (11) Manufacturing, fabricating or processing of products or materials: One space for each 350 square feet of floor area, plus one space for each company-owned truck (if not stored inside the principal building).
- (12) Warehousing, storage or handling of bulk goods: That space which is solely used as office shall comply with the office use requirements plus one space per each 1,000 square feet of floor area, plus one space for each employee on the maximum shift and one space for each company-owned truck (if not stored inside the principal building).
- (13) Automobile washing establishments (in addition to required stacking space):
  - a. Automatic drive-through, serviced: A minimum of three spaces, or one space for each employee on the maximum shift, whichever is greater.
  - b. Self-service: A minimum of two spaces per stall.
  - c. Service station carwash: None in addition to that required for the station.
- (14) Private racquetball, handball and tennis courts: Not less than three spaces per each court.
- (15) Offices (except medical and dental offices): One space for each 350 square feet of gross floor area; minimum of four spaces.
- (16) Medical and dental offices: Four spaces for each doctor or dentist, plus one per employee.
- (17) Restaurants and taverns: One space for each three seats, or one space for each three occupants based upon the design capacity, whichever is greater, plus one space for each two employees.
- (18) Schools, public and private:
  - a. Elementary and junior high schools: 1½ spaces for each classroom, library, lecture hall and cafeteria, plus one additional space for each three fixed seats in the auditorium,

gymnasium or other place of public assembly or one space for every 21 square feet of area available for public assembly where no fixed seats are provided.

- b. Senior high schools: 1½ spaces for each classroom or lecture hall, plus one additional space for each five students that the school is designed to accommodate, plus one additional space for each employee or staff member. For theaters, auditoriums, sports arenas, gymnasiums and similar places of public assembly, in addition, there shall be one space for each three fixed seats or one space for every 21 square feet of area available for public assembly where no fixed seats are provided. In no event shall less than ten spaces be provided for any use, regardless of the number of employees.

- (19) Day care facilities: One space for each eight enrollees, and one space for every employee.
- (20) Convention centers, civic/events centers and similar places of assembly: One space for every four fixed seats, or one space for every four persons based upon the design capacity of the building where fixed seats are not provided.
- (21) Drive-in banks: One space for every 300 square feet of building floor area, and storage space for four vehicles at each drive-in window.
- (22) Funeral homes: One space for each four seats in funeral service and state room areas, in addition to one space for each hearse or other commercial vehicle.
- (23) Hospitals: One space for every two beds.
- (24) Automobiles and garages for repair, tire recapping, muffler, battery, brakes and other similar services: Three spaces for each service bay.
- (25) Drive-in or walk-up food or drink services: One space for each three seats plus one space per employee and storage lanes a minimum of 15 feet wide and 100 feet in length for each drive-up service window. Drive-up only establishments shall provide a minimum of five parking spaces in addition to required employee parking.
- (26) Laundry and dry cleaning, self-service: One space for every three pieces of rentable equipment.
- (27) Recreation uses:
  - a. Golf courses, driving ranges, miniature golf or similar recreation:
    - 1. Four spaces per green for golf courses.
    - 2. One space per each two practice tees.
    - 3. Two spaces per green for miniature golf courses.
  - b. Health exercise facilities: One space per 50 square feet of floor area.

- c. Swimming pools: One space per 140 square feet of pool area.
  - d. Skating rinks (ice or roller rinks): One space per 200 square feet of building area.
  - e. Electronic games: One space per each three games.
  - f. Go-carts, tube boats and similar devices: One space for each three pieces of rental equipment.
- (28) Cafeterias, nightclubs, taverns, dancehalls and lounges: One space for every 50 square feet of floor area, or one space for every four persons based upon the design capacity, whichever is greater.
  - (29) Boardinghouses, bed and breakfast establishments, and fraternal organizations: Two spaces, plus one space for each sleeping unit or resident member.
  - (30) Art galleries, museums and similar uses: One space for each 250 square feet of floor area.
  - (31) Wholesale establishments: One space for each 500 square feet of floor area.
  - (32) Contractors' yards, material yards and lumberyards: One space for each 350 square feet of floor area, plus one space for each employee working on the premises, plus one space for each company owned truck, vehicle or equipment, plus a minimum of five spaces for visitor parking.
  - (33) Retail sales of vehicles, heavy equipment and other large products: One space for each company vehicle, in addition to one space for each 350 square feet of building floor area, plus one space for each employee.
- (f) *Handicapped parking spaces.*
- (1) For parking areas with five to ten spaces, at least one handicapped space shall be provided. For parking areas with more than ten spaces, one handicapped space per ten spaces shall be provided. Handicapped parking spaces in lots having 15 spaces or more shall be a minimum of 12 feet by 20 feet and shall be permanently marked with signs restricting use to handicapped persons. On-pavement marking or portable signs shall not be used as substitutes for permanent signage.
  - (2) Each parking space for the handicapped shall be designated by its own conspicuously posted upright sign, either freestanding or wall mounted, showing the international disabled symbol of a wheelchair; it may include such wording as "disabled parking" or "handicapped parking." Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four feet above grade. Signs shall be maintained in good condition. In parking lots serving nonresidential uses, barriers shall protect freestanding signs from being hit by motor vehicles. However, for any such spaces required for dwelling parking, where the premises are required to have ten or fewer off-street parking spaces, no sign need be displayed so long as no person with need of a designated disabled parking space is a resident on the premises.

(g) *Joint use of parking facilities by schools or churches and business establishments.*

- (1) Authorized. Up to 80 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities of the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, or manufacturing, wholesale and similar uses.
- (2) *Conditions.*
  - a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
  - b. The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
  - c. A properly drawn legal document, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to form and manner of execution by the village attorney, shall be filed with the village clerk and recorded with the county clerk.

(h) *Off-site parking.*

- (1) Any off-site parking which is used to meet the requirements of this article shall be a conditional use as regulated by this article and shall be subject to the conditions listed in this subsection.
- (2) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this article.
- (3) Reasonable access from off-site parking facilities to the use being served shall be provided.
- (4) The site used for meeting the off-site parking requirements of this article shall be under the same ownership as the principal use being served, or under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the village clerk and county clerk.
- (5) Off-site parking for multiple-family dwellings shall not be located more than 200 feet from any normally used entrance of the principal use served.
- (6) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being used.
- (7) Any use which depends upon off-site parking to meet the requirements of this article shall maintain ownership or parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(i) *Joint use of parking by businesses on adjacent property.* When it can be established by the owners that two businesses located on adjacent property operate at different hours, parking requirements may be shared jointly according to the maximum parking requirements of the two properties, provided there is a written agreement ensuring retention for such purposes and stating the hours of operation. The agreement shall be properly executed by the owners of both properties, and approved as to content and form by the village attorney and planning administrator and filed with the application for site development approval. The planning commission shall determine the extent of allowable joint use parking based on the owners' submission and staff recommendation.

(j) *Variances.*

(1) The planning commission shall be able to grant variances from the parking requirements of this article on all buildings existing prior to the adoption of the ordinance from which this article is derived. If a preexisting building is to be expanded, then the new portion of the building shall have to meet the parking requirements of this article.

(2) The planning commission may grant a variance of the parking requirements only where the granting of such variance is not contrary to the public interest and will avoid unnecessary hardship and serve substantial justice while meeting the spirit of this article.

(Code 1985, § 10-5-11; Ord. No. 97-05, 5-27-97; Ord. No. 97-09, § 2, 7-29-97; Ord. No. 98-01, 1-13-98; Ord. No. 99-18, 9-28-99)

Cross reference(s)—Traffic and vehicles generally, ch. 82Cross reference(s)—.

## **SEC. 54-126. OFF-STREET LOADING FACILITIES.**

(a) Location.

(1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.

(2) Except for loading berths required for apartments, no loading berths shall be located closer than 50 feet to a residential district unless within a structure.

(3) Loading berths shall not be located within the minimum front yard building setback.

(4) Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:

a. Loading berths shall not conflict with pedestrian movement.

b. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

- c. Loading berths shall comply with all other requirements of this section.
- (b) Screening. Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses.
- (c) Size. Unless otherwise specified in this article, the first loading berth shall be not less than 70 feet in length, and additional berths required shall be not less than 30 feet in length, and all loading berths shall be not less than ten feet in width and 14 feet in height, exclusive of aisle and maneuvering space.

(Code 1985, § 10-5-12)

Cross reference(s)—Traffic and vehicles generally, ch. 82Cross reference(s)—.

## **SEC. 54-127. NONCONFORMING USES AND STRUCTURES.**

- (a) Any structure or use lawfully existing upon the effective date of this article may be continued at the size and in the manner of operation existing upon such date, except as otherwise specified in this section.
- (b) Nothing in this article shall prevent the placing of a structure into safe condition when the structure is declared unsafe by the building official.
- (c) When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (d) Whenever a lawful nonconforming use of a building or structure shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be reconstructed.
- (e) Whenever a lawful nonconforming use of a building or structure or land is discontinued for a period of 90 days, any future use of the building or structure or land shall be in conformity with the provisions of this article. This does not apply to residential units existing in nonresidential zones.
- (f) Subject to the provisions of section [54-181](#) et seq., pertaining to signs, as amended from time to time, normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary structural repairs, provided such structural repairs do not enlarge or intensify the nonconforming use unless they meet the provisions of this section.
- (g) If no structural alterations are made, any nonconforming use of land or a building or structure may be changed to another nonconforming use provided that the planning commission makes a finding in the specific case that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The planning commission may require appropriate conditions and safeguards in accordance with the purpose of this article.



- (h) Alterations and additions may be made to a structure or building containing lawful nonconforming residential units when they will improve the liveability thereof, provided they will not increase the number of dwelling units. Nonconforming residential units shall be subject to the appropriate residential setbacks and restrictions.
- (i) A maximum expansion of 25 percent of the ground or floor area of a legally nonconforming use may be permitted one time by the planning commission. The expansion of a nonconforming use shall be approved if and only if, in the circumstances of the particular case and under the conditions imposed, the applicant shows that:
  - (1) The expanded use will not significantly interfere with the enjoyment of other land in the vicinity.
  - (2) The expanded use will not significantly damage surrounding structures or activities.
  - (3) The expanded use is consistent with the spirit of this article, substantial justice, and the general public interest.
  - (4) The owner will experience unnecessary hardship, and in addition will be denied a continued reasonable use of the property, if the expansion is not approved.
  - (5) The expansion does not exceed 25 percent of the floor or ground area in nonconforming uses on the site at the time it became nonconforming.

The planning commission shall hold a public hearing to consider applications for expansion of a nonconforming use in accord with the provisions of section 54-61(f).

- (j) Existing lots.
  - (1) At the time of the enactment of the ordinance from which this article is derived, if an owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements or does not have sufficient lot width to conform to the minimum lot width requirements, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the planning commission.
    - a. In the R-1, R-2 and M-1 zones, the reductions shall permit only a single-family residence. In M-2 zones, a mobile home shall be less than 18 feet in width.
    - b. In the R-3 zone, the reduction shall permit only a duplex.
    - c. In the R-4 zone, the reduction shall permit only a townhouse cluster or apartment containing no more than four units.
  - (2) No lot, even though it may be part of one or more adjacent lots in the same ownership at the time of passage of the ordinance from which this article is derived, shall be reduced in size so

that lot width or size of yards or lot per area per family or any other requirement of this article is not maintained. This subsection shall not apply when a portion of a lot is acquired for a public purpose.

(Code 1985, § 10-5-13)

## **SEC. 54-128. MISCELLANEOUS PERFORMANCE REQUIREMENTS.**

- (a) Glare and lighting.
  - (1) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent lightbulbs shall not be permitted in view of adjacent property or public rights-of-way. Any light or combination of lights which causes light on a public street, other than lights specifically intended for that purpose, shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights which casts light on residential property shall not exceed four footcandles (meter reading) as measured from the property.
  - (2) No light which is flashing, revolving or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.
- (b) Surface water ponding. Natural impoundment shall be retained as much as possible or, if necessary, enlarged or modified as directed by the Public Works Department to reduce the off-site runoff.
- (c) Trash and garbage incinerators; storage of trash or garbage. No exterior incineration of trash or garbage is permissible. No exterior storage of trash or garbage is permissible except in an accessory building enclosed by walls and roof or enclosed containers within a totally screened area, except for single-family and duplex residential uses.
- (d) Public street frontage. Except as otherwise allowed or required by this article, no lot shall contain any building unless such lot abuts, for at least 50 feet, on a public street.
- (e) Clear sight triangles.
  - (1) An area of unobstructed vision at street intersections, entrances and exits, permitting a vehicle driver to see approaching vehicles to the right or left, shall be maintained. Nothing over 30 inches in height, measured from the street centerline grade, shall be permitted to obstruct a sight line triangle area. The sight line triangle shall be bounded by lines measured 30 feet along the front and side street lines of a corner lot from the intersection of the property lines of such lot and a line connecting points 30 feet distant from the intersection of

the property lines of such lot. Any existing trees located within the clear sight triangle may be allowed to remain if all branches are trimmed to a height of eight feet.

- (2) No post or column within the designated triangle shall exceed 12 inches in thickness at its greatest cross-sectional dimension.

(Code 1985, § 10-5-14; Ord. No. 2011-11, 6-12-11)

## SEC. 54-129. NOISE ABATEMENT AND EMISSION CONTROL.

All uses shall be constructed and operated to ensure that there is no excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the parcel on which the use is located. For purposes of this section, excessive is defined as to a degree exceeding that caused in their customary manner of operation by uses permitted in the I-1 district, to a degree injurious to the public health, safety or welfare, or to a degree in which it is a nuisance by reason of excessiveness.

(Code 1985, § 10-5-15)

Cross reference(s)—Noise generally, § 38-31Cross reference(s)— et seq.

## SEC. 54-130. LOT NUMBERING.

- (a) *Short title.* This section shall be known as the Road Naming and Site Addressing System for the Village of Ruidoso, New Mexico.
- (b) *Applicability.* This section shall apply to parcels and tracts of land, within the incorporated areas of the village.
- (c) *Definitions.*

**Address management system (AMS).** Address management system (AMS) offices of the United States Postal Service (USPS) each serve several regional post offices. Their primary purpose is to maintain official records of valid mailing addresses for their region. In addition to maintaining current records of valid mailing addresses, AMS offices also review and approve address changes for adherence to USPS standards.

**Address number.** The numeric designation for an addressable structure or unit. e.g.: If 101 Main St is the site address, 101 is the address number.

**Address placard.** An individual address plate identifying the address number of a structure.

**Addressable structures or units.** Generally, the habitable or occupied structures(s) on a lot, parcel or tract.

**Addressing committee.** A committee composed of members from the community development department, the village fire department, the village police department, public works department, code enforcement and emergency management. This committee will be responsible for changes to new and existing addresses and road names.

**Building permit.** A permit issued by the village and/or the division of manufactured housing before any construction activity can commence.

**Directional.** A maximum of two letters within an address that consists of any combination of the cardinal directions of North, South, East, West.

**Driveway.** A means of vehicular access, beginning at the property line of a lot abutting a public road, private road, access easement, or private right of way, that provides access to a building or structure on that lot.

**Homonym.** Road names that have identical or phonetically similar names.

**Inconsistent site address or road name.** A site address or road name that causes confusion to or hinders the efficient operation of the post office or delivery service, fire response agency, emergency medical service or law enforcement agency serving the village (e.g. duplicate road names, road signage discrepancies, address numbers or ranges that are out of sequence).

**Lot.** A lot, parcel or tract of land created by legal conveyance of said lot, parcel or tract; a lot, parcel or tract shown on a subdivision plat which was approved and recorded, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by approval of the village in conformance with subdivision regulations in effect at the time of approval.

**Mailing address.** The address to which mail from the U.S. Postal Service is sent.

**Private road.** Any road not included in a right of way dedicated to the public.

**Public road.** Any road included in a right of way dedicated to the public.

**Road.** A general term denoting a public or private way used for access to four or more lots, parcels, or tracts of land, including the entire area within the right of way and/or access easement.

**Site address.** A property identification comprised of an address number, a directional, a road name, a road type, and a unit number if applicable.

**Subdivision.** All types of land divisions subject to the village subdivision and land use codes.

**Village addressor.** Person(s) designated by the village manager to administer the village road naming and site addressing system.

(d) *Road naming and site addressing system requirements.*

(1) *General.*

- a. Addressable structures or units.
  - 1. All new addressable structures or units shall be assigned a site address by the village addresser. A site address is allotted every 100 feet of parcel frontage.
  - 2. Existing addressable structures or units that do not have a site address shall be assigned a site address by the village addresser.
  - 3. The site address of existing addressable structures or units that have an inconsistent site address shall be changed when necessary by the village addresser.
  - 4. The state construction industries division and/or village community development department shall not issue a building permit to any lot, parcel, or tract of land subject to this section until after the village addresser has assigned a site address.
  - 5. No person or utility company shall install or cause to be installed any utility service, including, but not limited to, electric, gas, water, sewer, telephone or cable television to any building required by this section to be assigned an address without first receiving an address from the village addresser.
- b. Roads.
  - 1. New roads shall be assigned a road name approved by the village governing body.
  - 2. Existing roads without a name shall be assigned a road name approved by the village governing body.
  - 3. Existing roads with inconsistent road names shall be renamed when necessary by the village addresser and approved by the village governing body.
- c. Display of address numbers and road name signs.
  - 1. Address numbers shall be displayed, where the driveway meets the road, on every addressable structure. Commercial address placard placement shall be approved by the addressing committee staff prior to installation.
  - 2. The village standard road name signs shall be required at all road intersections on private and public roads.
- d. Assignment or modification of address numbers or road names.
  - 1. The village addressing committee shall be responsible to assign or modify address numbers or road names.
- e. *Ownership of road name signs.* All road name signs required by this section shall be the property of the village. No one shall willfully destroy or remove any such road name signs.

(2) *Road naming.*

- a. new road names.
  1. The final plat for all new lots, including new subdivisions, shall not be recorded until the addressing committee has reviewed and accepted the names of all roads.
  2. All public or private roads, including private access easements, that serve more than four parcels shall be named, have road name signs, and have address ranges calculated.
  3. Driveways shall not be assigned road names. The site address will include the name of the public or private access road with which the driveway intersects.
  4. The village's assignment of a road name shall not constitute or imply acceptance of the road into the village road maintenance program.
  5. The road name shall not be a proper name or family surname, unless historically significant.
  6. Road names shall not use corporate trade names unless coincidental.
  7. Upon adoption of this section, road names shall not be duplicated within the village or surrounding communities.
  8. Road names should not be inconsistent, possibly hindering the operations of any of the following agencies: post office or delivery service, fire response agency, emergency medical service, or law enforcement agency serving the village.
  9. Adjectives may be duplicated in a road name as long as they are not duplicated in the same subdivision (e.g. Red Stone Road and Red Fox Road).
  10. Homonyms/phonetic duplications of road names are prohibited (e.g., Maple Trace Road and Maple Chase Lane).
  11. Road names shall not include obscene, racial, and/or derogatory terms.
  12. Because North, South, East and West are directional features of the addressing system and lead to confusing addresses if included as part of the name, cardinal directions shall not be part of any road name (e.g., Westover Road or Southwick Dr are not acceptable). VOR example North Loop Rd. Acceptable abbreviations for cardinal directions are N, S, E, and W or some combination thereof to represent direction.
  13. Numbers shall not be used in road names except for those used in state or federal road systems.
  14. Continuous roads must retain the same road name and cannot change at intersections.
  15. The names of state and federal highways are assigned based on their state or federal highway number. If any given section of a road has multiple designations, e.g.: State and

a federal highway number or two federal highway numbers, the following hierarchy shall be used within the village addressing/road naming system:

- (i) Federal highway number (lowest federal highway number takes precedence if more than one.
- (ii) Forest service roads.
- (iii) State highway number (lowest state highway number takes precedence if more than one.

- 16. Abbreviations used for road name prefixes and suffixes must be compliant with the United States Postal Service (e.g. N, S, E, W, DR, BLVD, ST, AVE). This list of abbreviations is in the office of the village addresser. The following suffixes will not be used: Drive, boulevard, street or avenue.
- 17. The main title of a road name shall not be abbreviated (e.g., Mount Shasta Dr NOT Mt. Shasta Drive)

b. *Renaming existing road names.* The standards listed in subsection (d)(2)a., apply when existing roads are renamed except as follows:

- 1. Historically significant road names shall be retained where feasible. The desire to maintain these road names to commemorate local history will be balanced with the goal of making road names easy to use by citizens, visitors, and service providers.
- 2. Road names governed by this section shall not be duplicated with the village.
- 3. If two existing roads have duplicate names, one road name must be changed. If it cannot be determined or verified which road used the name first, the road with fewer addressable structures or units shall be renamed.
- 4. The village addresser may initiate a change to an existing road name if necessary pursuant to subsection (d).

(3) *Road name signs.*

a. Road name signs for roads that are maintained by the village.

- 1. Road name signs are required on all public roads that are maintained by the village. These signs shall be displayed at all road intersections in the village.
- 2. The composition, size and height of road name signs on village maintained roads must comply with the village road standards.
- 3. Letters on road name signs, on village maintained roads, shall be a standard size of four-inch high letters and have a green background with white letters, unless in an approved historic district, where brown background with white letters shall be used.

4. The signs shall be placed at a standard height of seven feet from the ground level when mounted and shall consist of a U-channel posts and breakaways.
  5. Road name signs shall be placed in the right-of-way. The location of road name signs must not obscure any potential traffic hazard. At any location where the typical placement of a sign interferes with a safe sight distance, an alternate location shall be found.
  6. Only those road name signs assigned and approved by the addressing committee are allowed at roadway intersections. The village may remove any road name sign displaying unapproved road names or road name signs that do not comply with the village road standards.
  7. Personal signs that are similar to village signs, or any other type of sign that may cause confusion, may not be placed within 200 feet of any road right-of-way.
  8. The funding, manufacture, and installation of village standard road name signs on village maintained roads shall be the responsibility of the village except as in subsection 10. below.
  9. The ongoing maintenance of village standard road name signs on village maintained roads shall be the responsibility of the village.
  10. Road name signs for new and existing public roads in all subdivisions, claims of exemption, or any other plat(s) approved by the village, including land plans, shall be installed, paid for by the developer (purchased through the village addresser, at village's costs), and maintained, including all road name signs that must be changed or added between the location of the subdivision and the village road or state/federal highway providing access to the subdivision.
- b. Road name signs for roads that are privately maintained.
1. Road name signs are required on all roads that are privately maintained. These signs shall be displayed at all road intersections in the village.
  2. The composition, size and height of road name signs on privately maintained roads must comply with the village road standards.
  3. Letters on road name signs on privately maintained roads shall be a standard of four-inch high letters and have a blue background with white letters, unless in an approved historic district, where brown background with white letters shall be used.
  4. The signs shall be placed at a standard height of seven feet from the ground level when mounted and shall consist of U-channel posts and breakaways.
  5. The location of road name signs must not obscure any potential traffic hazard. At any location where the typical placement of a sign interferes with a safe sight distance, an alternate location must be found.



6. Only those road name signs assigned or approved by the addressing committee are allowed at roadway intersections. The village may remove any road name signs displaying unapproved road names or road name signs that do not comply with the village road standards.
7. Personal signs that are similar to village signs, or any other type of sign that may cause confusion, may not be placed within 200 feet of any road right-of-way.
8. Village standard road name signs are required on roads not maintained by the village.
9. The funding, manufacture, and installation of all new village standard road name signs required as a result of this section on privately maintained roads will be the responsibility of the property owners using the road.
10. The costs associated with ongoing maintenance for the village standard road name signs on privately maintained roads will be the responsibility of the property owners using the private road.
11. Road name signs for new and existing private roads in all subdivisions, claims of exemption, or any other plat(s) approved by the village, including land plans, shall be installed, paid for by the developer (purchased through the village addresser, at village's costs), and maintained, including all road name signs that must be changed or added between the location of the subdivision and the village road or state/federal highway providing access to the subdivision.

(4) *Address numbers.*

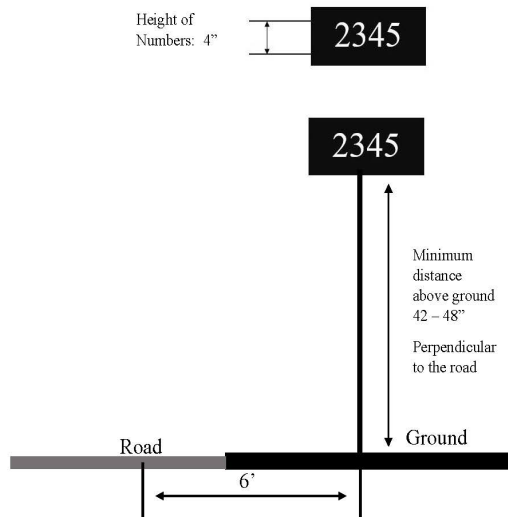
- a. Assignment of an address number to new addressable structures or units on existing lots.
  1. All new addressable structures or units on all exiting platted lots, unplatted tracts/parcels, and tracts/parcels developed by metes and bounds shall be assigned site addresses only after the property owner/developer has made a final determination of the driveway/access point and is ready to apply for a building permit.
  2. Before a building permit is issued, a driveway location and permit must be obtained from the village street department and a site address must be assigned by the village addresser.
  3. Only one address per parcel will be issued. If more than one residence is on a single parcel, the owner will be given a master number (i.e., 100 Main Road) and the owner/developer must assign numbers (i.e., 100 Main Road #2) to each residence and provide the numbers and a map showing the location of each residence to the village addresser.
  4. Addresses will be issued to improved parcels. Vacant parcels or lots will be assigned for village purposes but are subject to change when parcel or lots are developed, and driveway/access point is determined.

b. *Display of address numbers.* All owners of addressable structures or units shall establish and display their assigned address number in conformity with the following standards:

1. The address placard shall be double-sided, numbers placed in a horizontal position, a standard of three inches high reflective numbers, have a black background with white numbers, and be displayed facing the roadway where the driveway meets the road, no more than six feet from the road, perpendicular to the road on a post four feet to bottom of sign from road level.
2. Any address number associated with an incorrect site address shall be removed and replaced with the correct number by the property owner within 45 days of notification of the correct address by the village addresser. The village will provide the first address placard to the property owner and will install it free of charge. Damaged or placards needing replacement shall be the responsibility of the owner to purchase, install, and maintain. Failure to comply with this ordinance may result in a fine as defined in section 1-6 of the Village Code.
3. See diagram below for placement example:

### **HOW TO DISPLAY ADDRESS NUMBERS**

SO THEY CAN BE SEEN AT NIGHT – BY POLICE, FIRE, AND RESCUE PERSONNEL  
COMING FROM ANY DIRECTION



IF YOUR HOUSE IS NOT VISIBLE OR IS TOO FAR FROM THE ROAD FOR NUMBERS  
TO BE SEEN AT NIGHT, DISPLAY YOUR ADDRESS AT BOTH THE DRIVEWAY  
ENTRANCE AND ON YOUR HOUSE. ESPECIALLY IF SHARING A DRIVEWAY.

ADDRESS PLACARD MUST BE PERPENDICULAR TO THE ROAD  
AND VISIBLE FROM BOTH DIRECTIONS

(e) *Site address and/or road name assignment and modification.*

- (1) *Property owner-initiated.* Any property owner may initiate a change to an existing road name for public or private road that provides vehicular access to his/her property through the following procedures:
- a. Property owners (petitioners) must contact the village addresser to request procedures and application materials for a road name change.
  - b. Petitioners must complete the appropriate form and indicate the reason for the requested road name change. The petitioners shall list three or more desired names ranked in their order of preference on the form. At least 75 percent of property owners with land taking vehicular access from the road must agree to the road name change by signing the form and indicating their property parcel identifier(s).
  - c. Petitioners shall submit the completed form to the village addresser. The village addresser will verify the information supplied on the form. The addressing committee will approve one of the suggested road names, provided it is in accordance with the road naming requirements, the change will not impair the intent and purpose of this section, and the new site address has been approved by the address management system.
  - d. If the form is not completed properly, or if the proposed road name does not meet these requirements, the village addresser will notify the petitioners that their request has been denied, list reason(s) for denial, and provide information describing additional action required.
  - e. If the location of the subject road is not yet field verified and digitized, the village will map the road prior to acting on the petition.
  - f. The recorded original plat will not reflect changes to road names. The owner's deed need not be corrected at the time of the road name change. When the property is sold, the property owner should reflect the new road name on the deed. The change may be reflected on the deed as follows:

Street address: 2000 XYZ Road, formerly known as 2001 ABC Road
  - g. Owners of property taking vehicular access along the road with the changed name are responsible for the cost of as many road name sign(s) as are required by the village road standards and the cost of installation thereof. When the petition is submitted, full name and billing information (mailing address, physical address, and phone number) for one petitioner must be left with the village for the purpose of billing for the costs of signs and installation.
  - h. A bill covering the costs for the road name signs and installation will be sent to the individual listed within the billing information on the petition, along with the village addresser's preliminary approval of road name change.

- i. Final approval for the road name change is contingent on acceptance by the addressing committee and full payment of the bill covering the costs for the road name signs and installation.
  - j. The village will commence installation of the road name signs once the bill for the signage costs has been paid in full and final approval of the road name change has been given by the village addresser.
  - k. The village will be responsible for the manufacture, installation, and maintenance of road name sign(s) only on those signs where the roads are maintained by the village. On privately maintained roads, it is the responsibility of the property owners to call the village addresser for replacement signs. Costs for signs, posts and/or hardware will be the responsibility of the property owners.
- (2) *Village-initiated.* The village shall balance the need to modify existing address numbers and/or road names for compliance with this section and postal standards with the desire to retain existing address numbers and/or road names where possible. The village may initiate one or more of the following: the naming of an unnamed road, the modification of an existing road name, the assignment of an address number to an unaddressed structure or unit, or the modification of an existing address number through the following procedures:
- a. Where the village addresser is proposing to name or rename a road. The village addresser shall complete the appropriate form describing the proposed road name assignment or change and listing three pre-approved road names on the form. The village addresser will mail the form to the affected property owners. Affected property owners include those persons whose land has vehicular access to the road proposed to be named or renamed.
    - 1. The form will encourage affected property owners to hold a neighborhood meeting to try to reach consensus on one of the pre-approved road names listed on the form or on a different road name that complies with this section.
    - 2. No later than 45 days from the date on the form, each property owner may state his/her preferred road name by completing, signing and returning the form to the village addresser.
    - 3. The addressing committee will approve the new road name based on the name selected by the majority of property owners on the forms completed and returned by the property owners. In the event of a tie vote or in the event no property owners return the form, the addressing committee shall select the road name at their sole discretion.
    - 4. Changes to site addresses, which include changes to road names where addressable structures or units exist, are subject to approval by the United States Postal Service Address Management System (AMS). If a site address is not approved, then the above steps will need to be repeated until the address management system approval is attained.

5. After site addresses have been approved by the address management system, the village addresser will send a site address notification letter to affected property owners. At this time, the village addresser will notify property owners of any site address changes or road name changes.
  6. The village will be responsible for the manufacture and installation of road name sign(s). The village will be responsible for maintenance only on village maintained roads. On private roads, the property owners using the road will be responsible for contacting the village addresser for replacement signs and for payment of the sign(s).
- b. Where the village addresser is proposing to assign or change an address number:
1. The assignment of the address number is not subject to the property owners' approval.
  2. After new site addresses have been approved by the address management system, the village addresser will send a site address notification letter to affected property owners.
- (f) *Appeals.* Affected property owners may appeal the decision of the village addressing committee within 15 days of the decision to the planning commission. The planning commission's decision may be appealed to the village council. Appeals must be received in writing in accordance with [Section 54-83](#), appeals to council.
- (g) *Compliance and enforcement.*
- (1) All provisions of this section may be enforced by any legal or equitable means recognized by the New Mexico Revised Statutes and New Mexico Court Rules, as amended. In addition to any other remedies that may be recognized in law or equity, for any unlawful use or development, the village may:
    - a. Deny and withhold all permits, certificates or other forms of authorization to use or develop any land, structure or improvements thereon. This provision applies whether or not the current owner is responsible for the violation.
    - b. Revoke any development permit or other authorization if it determined there is a departure from the approved plans, specifications or conditions of approval or the development permit was obtained by false representation or issued in error. Written notice of revocation must be served upon the owner, the owner's agent or the owner's contractor to whom the permit was issued or the notice may be posted in a prominent location at the place of the violation.
    - c. Initiate injunction or abatement proceedings or other appropriate legal action in district court or other court having jurisdiction against any person, firm, corporation or entity who fails to comply with any provision of this section or any requirements or conditions imposed under this section.
    - d. Seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation.

e. Withhold all public road improvements and public maintenance from all rights-of-way that have not been accepted for those purposed by the planning and zoning commission.

(2) All remedies provided for violations of this section are cumulative.

(Code 1985, § 10-5-16; Ord. No. 2020-05 , §§ 1—7, 8-11-20)

## **SEC. 54-131. LOTS NOT SERVED BY PUBLIC WATER OR SEWER SYSTEMS.**

- (a) Lots not served by public water or sewer systems may not be developed unless approved by the environmental improvement division of the state health and environment department and the planning commission.
- (b) Lots not serviced by public water and sewer systems shall conform to required minimum lot sizes, required minimum setback distances and such other standards as are required by the environmental improvement division of the state health and environment department and the planning commission.

(Code 1985, § 10-5-17)

Cross reference(s)—Utilities, ch. 86Cross reference(s)—.

## **SEC. 54-132. RECREATIONAL VEHICLE PARKS.**

- (a) *Conditional use permit required; occupancy of recreational vehicles.* A conditional use permit is required for all recreational vehicle park developments and is intended to provide for the development of recreational vehicle parks at standards consistent with the health, safety and welfare of the village. Recreational vehicle parks are permitted by conditional use permit only in C-2 districts. Recreational vehicles, as defined in section 54-31, when used for living purposes, shall be located solely in recreational vehicle parks.
- (b) *General requirements.*
  - (1) *Access; minimum area.* Recreational vehicle parks shall abut and have access from major arterial streets and shall be a minimum of two acres.
  - (2) *Utilities.* Water, sewer, electricity, telephone and other necessary utilities shall be available at the recreational vehicle park, and placement shall be approved by the planning commission.
  - (3) *Driveways.* Access and interior driveways shall be designed to increase ease of access, increase privacy and provide safety. Placement shall be approved by the planning commission.
  - (4) *Density of spaces.* The density of spaces in any recreational vehicle park shall not exceed 20 spaces per acre.

- (5) *Setbacks.* Setbacks shall be the same as for other permitted uses in a C-2 district.
- (c) *Development standards.*
- (1) *Size of spaces.* Spaces for recreational vehicles shall be a minimum of 1,500 square feet, with minimum dimensions of 30 feet by 50 feet.
  - (2) *Pads.* Recreational vehicle pads shall be a minimum of 14 feet by 35 feet, and shall be paved with asphalt or other all-weather surface.
  - (3) *Setbacks within spaces.* Setbacks within the recreational vehicle space shall be a minimum of eight feet in the front, and five feet in the side and rear.
  - (4) *Landscaping.* A landscaping concept plan shall be approved by the planning commission for all areas not covered by structures or paved.
  - (5) *Screening.* Screening of the perimeter of a recreational vehicle park by a wall and/or other approved landscaping shall be required.
  - (6) *Arrangement of spaces and accessways.* Private accessways and individual space arrangements shall be designed to accommodate frequent movement of recreational vehicles.
    - a. Interior streets shall be a minimum of 20 feet for one-way traffic and 27 feet for two-way traffic, and shall be paved with asphalt, concrete or crushed rock.
    - b. The street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible.
  - (7) *Recreational area.* There shall be active recreational area for tenants, comprising not less than seven percent of the gross site area, which shall not include required setback areas.
  - (8) *Community building.* There shall be a community building which shall provide for recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers and a laundry. No dry cleaning shall be permitted in the recreational vehicle park. The community building may not be included as part of the required recreational area.
  - (9) *Refuse collection facilities.* Adequate refuse collection facilities shall be provided, constructed and maintained in accordance with all village health regulations, and shall be screened and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.
  - (10) *Lighting.* Lighting shall be provided to illuminate accessways and walkways for the safe movement of vehicles and pedestrians at night.
  - (11) *Sewage disposal.* An approved means for emptying sewage holding tanks shall be provided.
  - (12) *Expansion of existing parks.* Expansion of existing recreational vehicle parks shall be in accordance with provisions of this section.
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- (13) *Caretaker's residence.* One mobile home may be placed in the recreational vehicle park for use by a caretaker.

(Code 1985, § 10-5-18)

## **SEC. 54-133. ARCHITECTURAL DESIGN STANDARDS.**

- (a) *Purpose; objectives.* The architectural design standards set forth in this section are intended to encourage innovative design with a reasonable degree of freedom of choice while showing a concern for visual amenities and preserving the special qualities inherent in the village that attract tourists and residents alike and that are the basis of the village's economic stability and growth. Objectives of architectural design standards are to:
- (1) Protect property;
  - (2) Maintain the high character of community development; and
  - (3) Protect real estate from impairment or destruction of value.
- (b) *Definitions.* As used in this section, the following terms shall have the meanings designated in this subsection:
- (1) *Accessory building* is as defined in section 54-31.
  - (2) *Enamel* means a glassy, opaque substance fused to metal as a protective coating.
  - (3) *Exposed* means open to view.
- (c) *Metal siding; cinderblock and cement.* Metal siding, cinderblock and cement on buildings are permitted in all districts with the following limitations:
- (1) Cinderblock and cement walls on structures or portions of structures are permitted in all districts.
  - (2) The planning administrator may approve metal siding on structures in all districts upon finding that:
    - a. Such siding is characteristic of building types within the area; and
    - b. Metal siding is permitted in residential districts as follows:
      - I. On mobile homes permitted by this Code;
      - II. On residences and accessory structures, except that raised rib metal, v-rib metal, R-panel siding types are prohibited;



- III. On prefabricated storage structures meeting the requirements of subsection 54-92(d)(3) and provided that the storage structure does not exceed 120 square feet.

(Code 1985, § 10-5-19; Ord. No. 96-15, 9-10-96; Ord. No. 99-02, 3-30-99; Ord. No. 2019-02, 3-12-19)

## **SEC. 54-134. APPROVED STRUCTURES.**

- (a) Use of property permitted by this article shall be conducted from or within a permanent structure conforming to the requirements in section 22-31(a) of the Ruidoso Code for the use or uses to be conducted in the respective zone district, unless approved as a mobile vending stand pursuant to subsection (b) of this section or unless approved under subsection 54-100(c)(24) allowing use of fiber or membrane tent in a C-2 zone district.
- (b) Mobile vending stands are expressly prohibited except when licensed and approved in C-2 and C-3 zone districts as a conditional use or where use is temporary and operated in connection with special community and civic events which have been licensed and approved by the village under section 26-69 and the operation is limited to the approved location and jurisdiction for such event.

(Code 1985, § 10-5-20; Ord. No. 97-12, § 3, 7-29-97; Ord. No. 2017-07, § 3, 6-13-17)

## **SEC. 54-135. URBAN-WILDLAND INTERFACE CODE ADOPTED; AMENDMENTS.**

- (a) *Adoption of Urban-Wildland Interface Code.* There is hereby adopted by the Village of Ruidoso for the purpose of prescribing regulations mitigating the hazard to life and property from intrusion of fire from wildland fire exposures, fire exposures from adjacent structures and prevention of structure fires from spreading to wildland fuels, that certain code known as the Urban-Wildland Interface Code (U/WIC) published by the International Fire Code Institute, being particularly the 2000 edition thereof and the whole thereof, including all amendments thereto and all future editions thereof, save and except such portions as are hereinafter deleted, modified or amended by this ordinance. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the jurisdiction of the Village of Ruidoso, as provided by law.
- (b) *Establishment and duties of code official.* The U/WIC as adopted and amended herein shall be enforced by the planning director or his designee. In areas of overlapping jurisdictions, appropriate sections shall be enforced by either the planning director, director of forestry, or the fire chief, as applicable.
- (c) *Amendments to the U/WIC.* The U/WIC adopted herein is amended as follows: Section 504.3 is amended to read: Combustible eaves, fascias and soffits shall be enclosed. Any exposed material must be a minimum of one-hour-rated fire-resistive material. Appendix I-C is replaced with a new Fire Hazards Rating Form which shall reflect the standards in subsection (g) below. Appendix I-B is repealed and in its place shall be adopted the Fuels Management Standards of the Village of Ruidoso found in section 42-80 of this Code.

- (d) *Appeals.* Whenever the code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the code official to the planning and zoning commission and thereafter to the governing body and district court, all as provided in this chapter.
- (e) *New materials, processes or occupancies which may require permits.* The planning administrator, the building inspector, director of forestry, and the fire chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The planning administrator shall post such list in a conspicuous place at the planning department and distribute copies thereof to interested persons. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule of this code.
- (f) *Enforcement.* The provisions of the U/WIC shall be enforceable according to the provisions of this chapter.
- (g) Fuels Management Requirements (section 42-80 of this Code) and the site related portion of the Fire Hazard Rating Form (section 42-81 of this Code) must be assessed BEFORE issuance of a building permit.
  - (1) Volume of forest debris to be removed from the building site (footprint) shall be assessed by the director of forestry. applicant shall either pay the fees set forth in Appendix A to this Code or make other disposal arrangements as approved by the director of forestry.
  - (2) For sites located within village limits, forest material, including tree stumps, that will be picked up by the village solid waste department; must be placed at curbside or alternate approved locations. Stumps must be piled separately from branch and trunk material.
    - a. Complete removal and disposal of tree stumps is the responsibility of the permittee.
    - b. If outside the village, see [Section 54-107](#).
  - (3) Fuels Management Standards (section 42-80) shall be completed and inspected prior to issuance of a certificate of occupancy or re-certification of the site plan.

(Ord. No. 2002-04, 6-25-02; Ord. No. 2004-02, 5-11-04; Ord. No. 2007-09, 9-11-07)

**SEC. 54-136-SEC. 54-180. RESERVED.**

**DIVISION 8: SIGNS**

**SEC. 54-181. PURPOSE OF DIVISION.**

- (a) The purpose of this division is to protect and promote the general welfare, health, safety and order within the village through standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights-of-way or properties. The regulations set forth in this division are intended to preserve the special qualities inherent in the village that attract tourists and residents alike, and that are the basis of the village's economic stability and growth.
- (b) The provisions of this division are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this division, while at the same time ensuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

(Code 1985, § 10-6-1; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-182. DEFINITIONS.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Sign** means any display to the public view of letters, numerals, emblems, logos or any parts or combination thereof, designed to inform, advertise or promote merchandise, services or activities. Sign content shall pertain only to the business, industry or pursuit conducted.

**Signage** means the eligible area allowed.

(Code 1985, § 10-6-2; Ord. No. 97-07, § 1, 7-29-97)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

## **SEC. 54-183. PERMIT REQUIRED.**

All signs erected within the village must be reviewed and approved by the appropriate officer of the village prior to being placed on any building, pole or other structure, except as otherwise provided in this division. Permits shall be issued for all approved signs and shall be maintained on the premises where the sign is displayed, except that permits for off-premises signs shall be maintained on the premises of the permittee. Failure to obtain a sign permit is a violation of this division.

(Code 1985, § 10-6-3; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-184. ENFORCEMENT OFFICERS.**

This division shall be enforced by any employee designated by the village manager.

(Code 1985, § 10-6-4; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-185. APPLICATION FOR PERMIT.**

The application form for a sign permit shall be obtained from the enforcement officer and shall require the following information:

- (1) The name and address of the owner of the sign.
- (2) The name of the business and the location of the sign (address).
- (3) A drawing of the sign, indicating size, materials, texture and finish and illumination to be used.
- (4) A site plan showing where the sign will be located on the premises, as well as all other signs existing on the premises.
- (5) Indication on the site plan of the location of buildings on the site and the dimension and area of building frontages.
- (6) Written consent of the owner of the building, structure or land on which the sign is to be erected.
- (7) Any electrical permit required and issued for such sign.
- (8) The contractor's name, address and license number, where applicable.

(Code 1985, § 10-6-5; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-186. RESPONSIBILITIES OF THE PERMITTEE.**

- (a) It is the responsibility of the permittee to comply with all provisions of this division and sections 54-37 and 54-38, as may be applicable.
- (b) It is the responsibility of the permittee to be aware of and obtain any license, permit and/or inspection required under the Construction Industries Licensing Act, NMSA 1978, §§ 60-13-1 to 60-13-59, or the construction industries division rules and regulations of the state. Enforcement of any such rules or regulations shall be by the appropriate state inspectors.

(Ord. No. 97-07, § 1(10-6-6), 7-29-97)

## **SEC. 54-187. INSPECTIONS GENERALLY.**

The building inspector shall inspect, as he deems necessary, and subject to section 54-186, each sign regulated by this division for the purpose of ascertaining whether such sign is secure or insecure, or in need or repair and for compliance with the requirements of this division. The applicant must call for final inspection on all signs permitted pursuant to this division.

(Code 1985, § 10-6-7; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-188. APPEALS.**

- (a) Any sign permit application which is rejected, for any reason, by the enforcement officer may be appealed to the planning commission. The applicant shall submit, in writing, a request to be placed on the planning commission agenda within five working days of the rejection. The appeal will be scheduled for the next planning commission meeting, provided the planning commission agenda deadline has not passed, in which event the matter will be scheduled for the next regularly scheduled planning commission meeting.
- (b) Any denial by the planning commission may be appealed to the council by submitting a written request to the village clerk within 15 days of the rejection.

(Code 1985, § 10-6-8; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-189. PERMIT FEE; INVALID PERMITS; INSPECTION UPON COMPLETION OF CONSTRUCTION.**

- (a) The fee for a sign permit for permanent signage shall be set from time to time and is listed in the fee schedule in appendix A to this Code.
- (b) The fee is due at the time the application is approved.
- (c) A sign permit shall be issued at the time the fee is paid.
- (d) The fee shall be waived where only change of copy is being made for an existing business.
- (e) A sign permit shall become null and void:
  - (1) If the sign for which the permit was issued has not been completed and erected within a period of six months after the date of the permit.
  - (2) Thirty days after a business closes or ceases to operate if no new business is established at that location. It shall be the responsibility of the owner of the building to see that any sign is removed which pertains to a business which has closed.

If the owner does not remove signs as provided under section 54-193, the enforcement officer will follow the procedures outlined in section 54-195 to effect removal.

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(f) Subject to the provisions of section 54-187, final inspection is required on completion and installation of all signs to determine that the sign conforms to the permit issued pursuant to the provisions of this division. The sign permit applicant is responsible for obtaining final inspection, and failure to do so will constitute a violation with penalties as prescribed under section 54-38(d).

(Code 1985, § 10-6-9; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-190. GENERAL REGULATIONS.**

- (a) *Moving of signs; changing copy.* Moving an approved sign to a new location or changing copy on an existing sign shall require a new permit, except for signs with movable letters as described in section 54-191(a)(7). The appropriate enforcement officer shall be notified prior to the move or change in order to:
- (1) Ascertain that the sign meets the conditions of this division.
  - (2) Update records.
- (b) *Permit not required for painting, cleaning or repair.* Maintenance consisting of painting, cleaning or repair of an existing sign does not require a new permit unless a structural or copy change is made.
- (c) *Maintenance required.* Maintenance of signs consisting of painting, cleaning or repair is required to maintain signs in the same condition and appearance as when originally installed.
- (d) *Erection of signs on or over public property.* No sign shall be erected or maintained on or over public property, unless licensed by the council, subject to approved criteria. However, wall signs may project over a front property line when the building wall is less than one foot from the property line, provided that such sign shall not impede or endanger pedestrians or vehicular traffic and shall project no more than one foot from the wall.
- (e) *Special encroachments.* Special encroachments on Highways 48 and 70 may be allowed by the state highway and transportation department, such as decorations and banners advertising special events when erected by governmental authorities. Encroachments may be allowed for a limited time provided they provide minimum 18-foot clearance and do not interfere with traffic control devices and signs.

(Code 1985, § 10-6-10; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-12, 5-26-98)

## **SEC. 54-191. REGULATIONS FOR SPECIFIC SIGNS AND USES; SIZE LIMITATIONS.**

- (a) *Sign types.*

- (1) *Freestanding signs.*

- a. A freestanding sign shall not exceed 35 feet in height, and must have at least eight feet between the base of the sign and the ground, and may not restrict view of traffic. Freestanding signs shall not exceed 150 square feet in area except for shopping center signs as provided under subsection (b)(5) of this section, or as approved by the planning commission.
  - b. An area directly under the freestanding sign shall be landscaped at the base of the sign.
  - c. The premises around the freestanding sign shall be maintained by the sign owner in a clean, sanitary and inoffensive condition and shall be free and clear of obnoxious substances, rubbish and weeds.
  - d. A minimum sight line triangle measured 20 feet along the right-of-way line from the base of the sign and ten feet in depth at a right angle to the right-of-way line 20 feet in distance from the base of the sign shall be maintained.
- (2) *Projecting signs.* The bottom of projecting signs shall be at least eight feet above the ground or sidewalk and shall not project more than four feet from the supporting wall. No projecting sign may rise above the roofline or parapet, and signs may not project into the public right-of-way.
  - (3) *Hanging signs.* The minimum height to the bottom of a hanging sign shall not be less than eight feet above the ground or sidewalk, and signs shall be not more than six inches thick. Hanging signs shall be secured, fastened to support beams and supported by heavy chain or material of like strength.
  - (4) *Wall signs.* Maximum projection of a wall-mounted sign shall be six inches, unless the bottom of the sign is at least eight feet above the ground or sidewalk, in which case the maximum projection shall be 12 inches.
  - (5) *Window signs.* Permanent signs painted in a window shall be measured by the area enclosed within a sign border, or if no border exists, the area of the minimum imaginary rectangle enclosing the words and symbols and spaces between them. Neon or similar sign devices mounted in a window area shall be measured on the same basis.
  - (6) *Marquees.* Maximum projection of marquees shall be eight feet from the supporting wall, and there must be not less than ten feet from the bottom of the marquee to the ground or sidewalk. The marquee may not be erected or maintained on or above the public right-of-way.
  - (7) *Signs with movable letters.* The movable letter portion of any one sign shall not exceed 70 percent of the total area of that particular sign, except for electronic signs which are allowed full movement of the sign message.
  - (8) *Ground signs.* Ground or low-profile signs shall only be permitted when set back a minimum distance of ten feet from the property line. Signs may be installed at or above grade level. Ground signs shall not be installed within the sight line triangle of streets or driveways and

shall not restrict view of traffic. Ground level signs shall not exceed 100 square feet in area, except for shopping center signs as provided under subsection (b)(5) of this section or as approved by the planning commission. Ground sign installation shall conform to the provisions of subsections (a)(1)b and c of this section.

- (9) *Canopy and awning signs.* Signs on canopies and awnings shall be measured by the area enclosed by a border or imaginary triangle enclosing the words, symbols or spaces between them. Awnings may be constructed of canvas, plastic or similar materials.
- (10) *Banner signs.* A banner sign is a sign printed on lightweight, flexible material such as cloth, canvas or plastic. Each business shall be allowed a banner four times per calendar year in increments up to 14 consecutive days, not to exceed a total of 56 days per year. A permit fee set from time to time and listed in the fee schedule in appendix A to this Code will be required per each 14-day period. Banners shall not exceed a total of 32 square feet. Banners shall be attached flat against a wall or structure of the business which is permitted for such banner, or between the supports of a permitted freestanding sign. Banner area does not count against allowable sign area.
- (11) *Neon signs.* Neon signs or similar tube signs are permitted sign types. Sign area shall be measured by the area enclosed within a sign border, or if no border exists, the area of a minimum imaginary rectangle enclosing the words, symbols and spaces between them.

(b) *Sign sizes; regulations for specific uses.* Seventy percent of the total allowable signage must be permanent signs. The remaining 30 percent may be devoted to signs of a temporary nature if not otherwise prohibited by this division. Sign permits shall be obtained for both permanent and temporary signs.

- (1) *Commercial businesses, all categories.* The amount of signage shall be computed using the formula 0.076 times the square footage of the front of the building as designated by the owner or leaseholder. This amount of sign footage may be used as wall mounted, freestanding or a combination of both. The amount of signage for a business conducted on a property which has no permanent business structure or structures of less than 250 square feet shall be allowed one freestanding sign based on the linear feet of lot frontage, as follows:

Lot frontage (linear feet)	Sign area (square feet)
0—150	32
150—300	64
301—600	100

Lots in excess of 600 linear feet shall be allowed two freestanding signs, provided that signs are separated by a minimum distance of 300 linear feet.



- (2) *Corner lots.* In addition to signs allowed on the front of buildings, wall-mounted signs only shall be allowed on the side of a building which fronts on a side street. Square footage shall be determined by using the formula of 0.076 times the square footage of the designated side of the building. This sign area may not be transferred to any other area of the premises.
- (3) *Churches.* Churches shall apply for approval of their signs, and shall be allowed square footage as determined by using the formula of 0.076 times the square footage of the designated front of the building.
- (4) *Buildings with multiple tenants.* In cases of more than one business located within one building (but less than four businesses), the owner of the building shall determine the percentage of the total allowable sign size which each business within the building is allowed. The total amount of square footage of signs erected, for all businesses within the building, shall not exceed the total amount allowed as determined by the formula.
- (5) *Shopping centers.*
  - a. To be designated a center, four or more shops or businesses must be on the premises. Shopping centers may be comprised of one or more tracts or ownerships maintaining a center identity under written agreement.
  - b. A center is allowed one freestanding sign for the purpose of identification of the center and of the businesses therein.
    1. The size of the freestanding sign shall be computed from the formula of one square foot of sign space per each linear foot of the designated front of the property, with a maximum of 200 square feet allowed.
    2. At least 50 percent of the center sign shall designate the shopping center, and the remaining 50 percent shall or may be used for riders to advertise the individual businesses within the center.
  - c. A center is also allowed wall-mounted signs using the formula of 0.076 times the square footage of the designated front of each building, as in provided in subsection (b)(1) of this section.
  - d. Individual businesses within shopping centers in the C-3 business district may have one projecting sign pursuant to subsection (a)(2) of this section, provided that such sign shall not exceed ten square feet and shall not project into the traveled roadway.
  - e. A temporary freestanding on-site sign may be allowed for a business within a center prior to erection of a center sign. Such temporary sign shall be removed within 30 days following construction of a center sign. Temporary signs must be joint signs with other businesses within the center wherever possible.
- (6) *Across-street banners.*

- a. The maximum size allowed shall be three feet by 30 feet on street banners advertising a community or civic event as defined in subsections 54-194(11)b and (11)c and at a location approved by the council and the state highway and transportation department district office in the village.
- b. There shall be one approved location on Mecham and one approved on Sudderth for across-street banners. The council shall approve the poles used to support such banners.
- c. A banner may be displayed up to 14 days prior to an event and must be removed within three days after the event.
- d. Applications shall be submitted to the village manager at least 90 days prior to the event. The village manager shall develop policies, and the manager (or designee) shall resolve conflicting requests in a fair and equitable manner.

(7) *Civic and quasipublic off-premises signs.*

- a. Off-premises name, directional and information signs of service clubs, places of worship, civic organizations and quasipublic uses shall not be more than four square feet in area. Sign height shall not exceed 16 feet.
- b. If a need exists for more than one such sign at one location, all such signs must be consolidated and confined within a single frame.

(8) *Commercial, off premises directional signs.*

- a. No off-premises sign shall be nearer than 200 feet to any other off-premises sign. There shall be no more than one off-premises sign per location. Commercial off-premises signs shall not be placed on any residential zoned property.
- b. No directional advertising sign of the same commercial enterprise shall be nearer than one mile to any other off-premises sign advertising the same commercial enterprise. The one-mile distance shall be determined from point to point on any single highway, street or other public thoroughfare. This provision shall not be construed as prohibiting off-premises signs within one mile of each other advertising the same commercial enterprise, where off-premises signs are located on different highways, streets or public thoroughfares.
- c. Off-premises sign areas shall not exceed 32 square feet.
- d. Off-premises directional advertisement signs shall pertain only to a business conducted on a site within the village limits or within two miles extraterritorial of the village if approved by the planning commission. The area of any off-site sign, when added to the area of any existing business sign, shall not exceed the allowable sign area for the business being directionally advertised. Off-premises signs are allowed only for businesses without frontage on Highway 48, Mechem Drive, Sudderth Drive or Highway 70. Signage shall not count against allowable sign area of the property where the off-premises sign is located.

- e. Off-premises signs may be placed on vacant property but shall be limited as to size based on allowable signage for property with no permanent structure as set forth in subsection (b)(1) of this section but in no event to exceed 32 square feet.
- f. Businesses with allowable square footage for off-premises signage shall be limited to two signs per business.

(9) Residential signs:

- a. Multifamily premises or mobile home parks with up to 24 dwelling units may have wall signs identifying the development or apartments, provided the signs are mounted flush to the perimeter wall or fence and the total sign area does not exceed 32 square feet. There shall be no more than five words which contain any character equal to or exceeding six inches in height. However, words with characters of less than six inches in height may be used without limit as to number.
- b. Multifamily premises or mobile home parks with more than 24 dwelling units may have signs identifying the premises as follows: Multifamily premises may have wall- or fence-mounted signs, provided the signs do not exceed 40 square feet. Mobile home parks may have wall- or fence-mounted signs, provided the signs do not exceed 100 square feet. Multifamily premises or mobile home park wall-mounted signs may have no more than five words which contain characters equal to or exceeding six inches in height. However, there shall be no limit to words containing characters of less than six inches in height, except as limited under subsection (b)(1) of this section.

(10) *Service station canopy signs.* The area of signs allowable for freestanding canopies over service station service islands or like installations shall be calculated based on 1.5 times the horizontal plane of the canopy structure times 0.076. Not less than 25 percent of the allowable sign area shall be on the canopy facade. The allowable area for canopy signs shall be in addition to allowable sign area for other structures on the premises.

(11) *Resort signs.* Resorts shall be permitted, as *conditional uses*, signs in addition to those otherwise identified herein according to the following provisions:

a. Definition.

- 1. *Resort.* A resort is a hotel, under one roof or consisting of detached buildings, containing at least 200 guest rooms, together with at least seven of the following additional amenities:

Dining facilities: at least two restaurants which, together or separately, provide full meal service;

Lounge;

Golf course—18-hole championship;

Casino licensed by the State of New Mexico or qualifying as an Indian casino recognized by the State of New Mexico;

Horse or dog race track;

Tennis courts(s);

Swimming pool;

Day spa;

Retail shopping-minimum two separate shops;

Theater: performing arts or film;

Horseback riding;

Outfitting for hunting, fishing, camping, eco-tours and the like.

2. *Location.* A resort is a facility located within the municipal limits of the Village of Ruidoso or the City of Ruidoso Downs, or in the unincorporated areas of Lincoln County within two (2) miles of the village limits of the Village of Ruidoso, or within the Mescalero Apache Reservation within two miles of the Lincoln County line.
  3. *Ownership.* All aspects of a resort shall be under unified ownership, except to the extent that condominium units may be separately owned.
- b. *Sign size.* Sign size shall be constrained by the structure upon which it is mounted. The structure on which the sign is mounted shall not exceed 20 feet in height nor 20 feet in width, except upon approval by the planning commission as a conditional use.
  - c. *Sign location.* Resort signs may be located both on-premises and off-premises, according to other provisions of this code, provided that the square footage of the off-premise location(s) shall not count against the on-premise size limitations, and provided further that no resort sign shall be located in the C-3 (midtown commercial) district.
  - d. *Sign features.* Resort signs may incorporate all features otherwise included in this code, together with industry additions such as LED signs, and the like, provided, that plastic back-lit signs and marquee signs with manually changeable letters are prohibited.
  - e. *Sign structure.* All signs shall be ground-mounted or building-mounted. Pole signs are prohibited.
  - f. *Landscaping.* The area immediately adjacent to the sign shall be professionally landscaped in a minimum area not less than the total size of one face of the sign structure.

(Code 1985, § 10-6-11; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-12, 5-26-98; Ord. No. 99-22, 10-26-99; Ord. No. 2004-14, 7-27-04)

## **SEC. 54-192. ILLUMINATION.**

- (a) Light from any source intended to illuminate a sign shall be shaded, shielded or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrians or vehicle operators on public and private streets, driveways or parking areas and shall not adversely affect any surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.
- (b) Signs involving the use of revolving lights, beacons, strobe lights or spotlights are specifically prohibited.

(Code 1985, § 10-6-12; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-193. PROHIBITED SIGNS.**

The following signs are prohibited:

- (1) Signs contributing to confusion of traffic control lighting, unauthorized signs, signals, markings or devices which purport to be or are imitations of official traffic control devices or railroad signs or signals, or signs which hide or interfere with the effectiveness of any official traffic control devices.
- (2) Unauthorized signs which attempt to control traffic on the public right-of-way.
- (3) Signs with audible devices.
- (4) Freestanding signs with overhead wiring to supply electricity. However, off-premises signs are excluded unless underground power lines supply the site.
- (5) Banners, except as otherwise allowed by this division, and portable signs of any type, including signs placed in or carried on vehicles.
- (6) Canopy signs, if the bottom of the sign is less than eight feet above grade.
- (7) Building-mounted signs which extend above the roofline of the building, except on approval by the planning commission. Angle irons or similar supports shall not be visible from public rights-of-way; guy wires or cables may be visible.
- (8) Signs with missing letters (including approved signs with movable letters) or signs which are in a state of disrepair.
- (9) No sign, except an approved banner, may hang over, or in, any public right-of-way, unless licensed by the council, subject to approved criteria.
- (10) Billboards or other off-premises signs relating to a business not located within the village limits or within two miles extraterritorial.

- (11) Signs of temporary construction shall not be used as permanent exterior signs.
- (12) Flag signs with the name of a business, name of products, words or numbers, except as provided in subsections 54-194(10) and (17).
- (13) Inflatable signs and tethered balloons.

(Code 1985, § 10-6-13; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-194. SIGNS NOT REQUIRING PERMIT.**

Provided they conform to all other portions of this division as provided, the following types of signs do not require a permit:

- (1) Nonilluminated names of buildings, dates of erection, monuments, citations, commemorative tablets and the like are allowed when carved into stone, concrete, metal or any other permanent type construction and made an integral part of an approved structure, or made flush to the ground (but not obstructing view of traffic).
- (2) Signs required by law or signs of a duly constituted governmental body, traffic signs or directional signs which are approved by the village council, are allowed.
- (3) Signs placed by a public utility for the safety, welfare or convenience of the public are allowed, such as signs identifying high voltage, public telephones or underground cable.
- (4) Signs upon a vehicle are allowed, provided that any such vehicle with a sign face of more than two square feet is not conspicuously parked so as to constitute a sign. Nothing in this subsection prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.
- (5) Holiday decorations.
- (6) Special political signs on private property shall be allowed up to a total area of six square feet in area for each premises in a residential zone and up to 32 square feet for each sign in a nonresidential zone. Special political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Signs shall be maintained as specified under subsection 54-190(c).
- (7) One construction sign shall be allowed for all building contractors, one for all professional firms, and one for all lending institutions on premises under construction. Each sign's area shall not exceed 32 square feet, and not more than a total of three such signs are allowed on the premises. Such sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within 14 days of the beginning of the intended use of the project.
- (8) Real estate signs are allowed as follows when located on property for sale, rent or lease (not to be confused with the business sign on the real estate office):

- a. One temporary real estate sign located on the property it refers to shall be allowed for each street frontage of developed premises or undeveloped lot of less than two acres. Signs shall be removed within 14 days after sale or complete leasing.
    - 1. In residential zones, the signs shall not exceed six square feet in area, including name identification riders. An additional add-on sign area of one-half square foot indicating that the property has been sold or leased is allowed.
    - 2. In nonresidential zones, the signs shall not exceed eight square feet in area on improved lots and 16 square feet in area on unimproved lots.
  - b. One temporary real estate sign not exceeding 16 square feet in area and located on the property it refers to shall be allowed for each lot of two acres or more. If the lot has multiple frontage, one additional sign not exceeding 16 square feet in area shall be allowed on the property, to be placed facing the additional frontage. Under no circumstances shall more than two sign units be allowed on the lot. Signs shall be removed within 14 days of sale or complete leasing.
  - c. Temporary real estate directional signs not exceeding four square feet in area, three feet in height, and four in number, showing a directional arrow and placed on private property, may be allowed on approach routes to an open house.
  - d. Up to two temporary subdivision identification signs located on the vacant residential property shall be allowed for each subdivision or builder's development of ten lots or more. Such signs shall not exceed 32 square feet in area, and sign height shall not exceed 35 feet. Signs shall not be displayed prior to the date of the recording of the plat and shall be removed upon completion of the project.
  - e. The height of real estate signs shall not exceed five feet when located in a residential zone.
- (9) Signs located inside a building or structure for temporary sale notices or play bills, and so located as to be conspicuously visible and readable from outside the building or structure, are allowed.
- (10) Signs designating "open" or "closed" are allowed, provided that they are limited to one per business and 15 square feet or less in area.
- (11) Banners advertising community or civic events maintained for a temporary period of not in excess of one month prior to the event and not more than seven days after the close of the event are allowed. Banner shall not exceed 32 square feet and shall be limited to the following locations:
- a. School House Park, tennis court area.
  - b. Two Rivers Park, Chamber office.
  - c. Free parking lot, Midtown area.

Community or civic events advertised at the above locations shall be those which are either sponsored by non-profit organizations, approved for expenditures of lodger's tax funds, or approved by the village council according to the lodgers' tax criteria of chapter 2,

article IV, division 3. The village council may authorize additional locations for banner display within the areas approved for community or civic events to facilitate crowd control. Banners provided to sponsor of community or civic events may contain a logo or other donor identification of not more than ten percent of the banner area.

- (12) Official national, state or village flags are allowed for any period of time.
- (13) Residential name and street address signs are allowed. A resident's name sign not exceeding three square feet in area per face shall be allowed for each house or townhome. Street address signs shall not exceed three square feet. Premises may have one freestanding sign at any location on the site; provided, however, premises with more than 750 linear feet of public street frontage may have one additional freestanding sign for each 500 feet of additional frontage or fraction thereof. However, no sign shall exceed 16 feet in height or 32 square feet per sign face.
- (14) Parking or directional signs in a private parking lot are allowed, not to exceed four square feet.
- (15) Business identification on vehicles used for company or business use is allowed where the sign is permanently painted on a vehicle or where the sign is magnetically attached to the side of the vehicle. Advertisement place cards may also be placed on vehicles classified as common carriers.
- (16) Incidental signs. A sign, generally informational, that has a purpose secondary to the business on the lot on which it is located, such as entrance, exit, parking, loading, telephone, no smoking, user directions or instructions and other similar directions. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- (17) Flags containing logos or emblems.
- (18) Signs located within an enclosed sports complex for view by sports event participants and spectators only and under the following conditions:
  - a. Signs may be banners or signs of permanent materials attached to or placed within 18 inches of fenced, enclosed play areas and directed for viewing from the field of play. Sign shall not be directed toward public right-of-way or adjoining properties. Banner or sign placement is regulated by the facility manager.
  - b. Area of banner or sign shall not exceed 32 square feet. Banners shall have wind slits to reduce wind resistance.
  - c. Signs shall be displayed only during sports events and shall be removed immediately thereafter. Permanent signage is not allowed.
  - d. Type of sign, placement and manner of attachment or installation must be approved by the village park and recreation director when displayed on village property or property under village control.
  - e. Signage shall not count against allowable sign area for business or pursuit being advertised nor property where signage is located.



f. For purposes of this section the following are designated as sports complexes; and are exempt from the provisions of subsection 54-191(b)(8):

1. White Mountain Recreational Complex.
2. Eagle Creek Ball Fields.
3. School House Park Tennis Courts.
4. North Park Complex.
5. Ruidoso High School Playing Fields.
6. Middle School Football Field.

g. Other properties may be designated as a sports complex by the planning and zoning commission subject to conditions a. through f. above.

(Code 1985, § 10-6-14; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-19, § 1, 12-8-98; Ord. No. 99-03, 3-9-99; Ord. No. 2000-18, 12-12-00)

## **SEC. 54-195. VIOLATIONS; REMOVAL OF UNLAWFUL SIGNS.**

- (a) A sign permit shall be issued for all signs regulated by this division and shall be maintained on the premises where the sign is located, except that all off-premises sign permits shall be maintained on the premises of the permittee.
- (b) Any sign existing prior to the effective date of this article for which the necessary approval and sign permit was not obtained pursuant to the provisions of any previous code shall continue to be illegal and shall be removed or brought into conformance with this division, and, further, the owner thereof shall continue to be liable for the penalties described in this section.
- (c) The code enforcement officer shall give seven days' notice, in writing, by certified mail, to the owner of any sign erected without approval or otherwise in violation of this division, informing the owner that the sign must be brought into conformance with this division or must be removed.
- (d) Upon failure to remove the sign or to comply with this notice, the code enforcement officer shall have the sign removed. Any cost of removal incurred by the village shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien upon the property and may be filed with the county clerk in the manner that municipal liens are filed.
- (e) In addition, any person who violates any provision of this division shall be punished by a fine as provided in section 54-38, except that notice and penalty for violation of subsection 54-191(a)(10) pertaining to banners shall be as provided below:

- (1) First violation—warning and order for immediate removal.
  - (2) Second violation—citation issued, each day constitutes a separate violation with penalty of a minimum of \$25.00 per day.
  - (3) Third and successive violations—citation issued, each day constitutes a separate violation with penalty of a minimum of \$50.00 per day plus the loss of allowable days in the current and the successive year.
- (f) Nonconforming or illegal signs required to be removed shall be deemed to be amortized after the expiration of the time period specified under section 54-193(b). The amortization period shall equal just compensation for constitutional and statutory purposes.
- (g) Signs placed in the public right-of-way in violation of this division may be removed by the code enforcement officer. Such signs shall be disposed of or destroyed if not claimed within 15 days of removal.

(Code 1985, § 10-6-15; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-196. ADVERTISEMENT ON PUBLIC PROPERTY.**

- (a) It shall be unlawful to tack or place any sign, bill, banner, poster or advertisement of any nature in the public right-of-way except as provided under this division.
- (b) Political signs pertaining to candidate or ballot initiatives of an upcoming election may be located in the public right-of-way for periods specified under subsection 54-194(6). Applications for such sign permits shall be submitted to the community development department and shall be applied for by the candidate or recognized political party officer. The size of the sign is limited as to size under section [54-194\(6\)](#). Signs shall be maintained as specified under subsection [54-190\(c\)](#). Signs for the same candidate shall be spaced a minimum of 300 feet apart and shall be no closer than ten feet from signs for another candidate. No political sign shall be placed on or adjacent to public parks, buildings or facilities. Signs placed in any sight line clear sight triangle shall not exceed 30 inches in height nor be closer than ten feet from edge of pavement. Signs shall not distract or interfere with traffic control signs. Special political signs on private property shall be allowed up to a total area of six square feet in area for each premises in a residential zone and up to 32 square feet for each sign in a non-residential zone. Special political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Signs shall be maintained as specified under subsection [54-190\(c\)](#).
- (c) No such permit shall be issued unless a permit fee is paid and there is deposited with the village clerk the sum as set from time to time and listed in the fee schedule in appendix A to this Code. The deposit sum shall be returned to the applicant if the applicant causes all such signs, posters or advertisements to be removed within the time prescribed by this division. If such applicant does not

cause the removal of such signs, posters or advertisements within such time, then the deposit shall be forfeited to the village. The permit fee is not refundable.

- (d) The provisions of this division shall not apply to notices posted by order of court or notices to the public required by law to be posted in a public place.

(Code 1985, § 6-2-14; Ord. No. 97-07, § 1(10-6-15), 7-29-97; Ord. No. 98-19, § 2, 12-8-98 ; Ord. No. 2022-06, 9-13-22)

**SEC. 54-197 - 54-220. RESERVED.**

**DIVISION 9: HOME OCCUPATIONS<sup>11</sup>**

**SEC. 54-221. GENERALLY.**

A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no persons are employed other than resident and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind. Any indoor storage, construction, alterations, or electrical or mechanical equipment used shall not change the fire rating of the structure or the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. It shall not cause an increase in the use of one or more utilities (water, sewer or garbage) so that the combined total use for dwelling and home occupation purposes of one or more utilities exceeds the average for residences in the neighborhood. When a use is a home occupation, it means that the owner, lessee or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions set forth in this article, such as zoning certification and off-street parking requirements, and shall be subject to all other permits required by the village, such as building permits and business licenses, and are required to check with village officials and obtain necessary approvals before establishing such home occupations.

(Code 1985, § 10-7-1)

**SEC. 54-222. INTENT OF DIVISION.**

It is the intent of this division to eliminate as home occupations all uses except those that conform to the standards set forth in this division. In general, a home occupation is an accessory use so located

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<sup>11</sup>Cross reference(s)—Businesses, ch. 26 Cross reference(s)—.

and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this division are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, and a clearly secondary or incidental status in relation to the residential use of the main building, as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

(Code 1985, § 10-7-2)

## **SEC. 54-223. CONDITIONS FOR CONDUCT OF HOME OCCUPATION.**

Home occupations are permitted accessory uses in residential zones only so long as all the following conditions are observed:

- (1) Such occupation shall be conducted solely by resident occupants in their residence.
- (2) No more than one room or 25 percent of the gross area of one floor of the residence, whichever is less, shall be used for such purposes. Use of accessory buildings or garages for these purposes is prohibited.
- (3) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- (4) No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (5) There shall be no outside storage of any kind related to the home occupation.
- (6) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time.
- (7) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

(Code 1985, § 10-7-3)

## **SEC. 54-224. EXAMPLES OF PERMITTED HOME OCCUPATIONS.**

The following are typical examples of uses which can be conducted within the limits of the restrictions established in this division and thereby qualify as home occupations; provided that uses which may qualify as home occupations are not limited to those named in this section, nor does the listing of a use in this section automatically qualify the use as a home occupation: accountant, architect,

artist, attorney at law, author, consultant, dressmaking, individual stringed instrument instruction, individual tutoring, insurance, millinery, preserving and home cooking, realtor.

(Code 1985, § 10-7-4)

## **SEC. 54-225. PROHIBITED USES.**

The following uses, by the nature of the investment in operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the following uses shall not be permitted as home occupations: auto repair, minor or major; barbershop; construction trades; dance instruction; dental offices; medical offices; painting of vehicles, trailers or boats; photo developing; photo studios; private schools with organized classes; radio repair; television repair; upholstering.

(Code 1985, § 10-7-5)

## **SEC. 54-226—54-280. RESERVED.**

# **ARTICLE III. SUBDIVISIONS**

## **SEC. 54-281. GENERAL PROVISIONS.**

(a) *Policy.*

- (1) It is hereby declared to be the policy of the village to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the village pursuant to the village comprehensive master plan and zoning code for the orderly, planned, efficient and economical development of the village.
- (2) Land to be subdivided shall be of such character that it can be used safely for building without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, protection of trees and hillsides, and capital improvements such as schools, parks, recreation facilities, transportation facilities and other public improvements.

(b) *Purpose.* The purpose of this article is that of ensuring sites suitable for building purposes and human habitation, of providing for the harmonious development of the village, of providing adequate open spaces for traffic, recreation, light and air, of providing proper distribution of population, and of creating conditions favorable to the health, safety, morals and general welfare of the citizens.

(c) *Statutory authority; territorial jurisdiction.*

- (1) Authorization for the village to adopt subdivision regulations is given in NMSA 1978, § 3-19-6.
- (2) Platting jurisdiction for the village encompasses all the territory within the village and all territory within three miles of the village limits as provided in NMSA 1978, § 3-19-5.

(d) *Interpretation; conflicting provisions.*

- (1) *Minimum requirements.* In their interpretation and application, the provisions of this article shall be held to be the minimum requirements necessary for the promotion of the public health and general welfare.
- (2) *Conflicting provisions.*
  - a. *Public provisions.* This article is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as noted in this article. Where any provisions of this article impose restrictions different from those imposed by any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - b. *Private provisions.* This article is not intended to abrogate any easement, covenant, or other private agreement or restriction, provided that, where the provisions of this article are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this article shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than this article, and such private provisions are not inconsistent with this article or determinations thereunder, then such private provisions shall be operative and supplemental to this article and determinations made thereunder.
- (e) *Prior penalties, actions, liabilities or rights.* This article shall not be construed as abating any action now pending under or by virtue of prior existing subdivision regulations, or discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the village under any section or provision existing at the time of adoption of the ordinance from which this article is derived, or as vacating and annulling any rights obtained by any person by lawful action of the village, except as shall be expressly provided for in this article.
- (f) *Amendments.* For the purpose of providing for the public health, safety and general welfare, the council may from time to time amend the provisions imposed by this article.

(Code 1985, § 10-10-1)

## **SEC. 54-282. DEFINITIONS.**

For purposes of this article, unless the context clearly indicates to the contrary, words used in the present tense include the future tense. Words used in the plural number include the singular. The word "herein" means "in." The word "person" includes a corporation, a partnership and an incorporated association of persons such as a club. The term "shall" is always mandatory. The term "building" includes "structure." The term "building" or "structure" includes any part thereof. The term "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

*Applicant* means the owner of land proposed to be subdivided, or his representative.

*Block* means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or boundary lines of municipalities.

*Bond* means any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the council.

*Building* means any structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

*Capital improvements program* means a proposed schedule of all future municipal improvement projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

*Commission* means the planning commission.

*Comprehensive plan* means the document (the Ruidoso Comprehensive Master Plan), or part thereof, officially adopted by the council, which provides for the development of the village and which indicates the general locations recommended for major roadways, parks, public utilities and buildings, and land uses.

*Construction plan* means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the council as a condition of the approval of the plat.

*Cul-de-sac* means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Developer* means the owner of land proposed to be subdivided, or his representative.

*Easement* means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

*Engineer, village* means the professional engineer engaged by the council.

*Escrow* means a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

*Final plat* means the map, plan or record of a subdivision and any accompanying material, as described in this article.

*Frontage* means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

*Grade* means the slope of a road, street or other public way, specified in percentage terms.

*Lot improvement* means any building, structure, place, work of art or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property.

*Major subdivision* means all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of village facilities or the creation of any public improvements.

*Minor subdivision* means any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, the zoning code (article II of this chapter), the official zoning map or this article.

*Model home* means a dwelling unit used initially for display purposes which typifies the units that will be constructed in the subdivision.

*Municipality* means the village, as incorporated by state law.

*Neighborhood park and recreation improvement fund* means a special fund established by the village to retain monies contributed by developers in accordance with the "fee in lieu of land" provisions of this article, within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

*Nonresidential subdivision* means a subdivision whose intended use is other than residential, such as commercial or industrial subdivisions.

*Off-site* means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

*Ordinance* means any legislative action of a local government which has the force of law, including any amendment or repeal of any ordinance.

*Owner* means any person, group of persons, firm, corporation or other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this article.

*Performance bond* means a bond filed with the Village Clerk and executed by a surety company holding a license to do business in the State of New Mexico, and acceptable to the Village of Ruidoso on a form



approved by the village, in an amount of 125 percent of the cost of the improvements as certified by the council or designee. The performance bond shall be approved as to form by the village attorney.

*Perimeter street* means any existing street to which the parcel of land to be subdivided abuts on only one side.

*Planning authority.* The planning authority for the village shall be the planning commission.

*Planning department* means the department authorized by the council to administer this article.

*Plat* means a map, chart, survey, plan or replat, certified by a licensed registered land surveyor, containing a description of the subdivided land with ties to permanent monuments.

*Preliminary plat* means the preliminary drawings, described in this article, indicating the proposed manner of layout of the subdivision.

*Public improvement* means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the village may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which the village responsibility is established.

*Registered architect* means an architect licensed and registered in the state.

*Registered engineer* means an engineer licensed and registered in the state.

*Resubdivision* means a change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or trees, or for another special use.

*Roadway* means that portion of a street right-of-way intended for driving or parking.

*Sale and lease* mean any immediate or future transfer of ownership or any possessory interest in land, including a contract for sale, lease, intestate succession, or other written instrument.

*Sketch plat* means a sketch preparatory to the preparation of the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the planning commission as to the form of the plat and the objectives of this article.

*Street* is a general term used to describe a paved right-of-way, municipally or privately owned, serving as a means of vehicular travel. Streets are classified by function as follows:

(1) *Local street* means a street intended to serve and provide access exclusively to the properties abutting thereon, and not connecting with other streets in such a manner as to encourage through traffic.

(2) *Collector street* means a street connecting local residential streets to each other, to community facilities and to principal or minor arterial streets.

(3) *Principal and minor arterial streets* means streets designed to carry large amounts of traffic across or through the village and designated as such by the comprehensive plan.

(4) *Service street* means a street running parallel to a freeway, expressway or other roadway, and serving abutting properties, also called a frontage road.

*Street, dead-end* means a street or a portion of a street with only one vehicular traffic outlet.

*Subdivide or subdivision*, for the purpose of approval by the planning commission, means:

For the area of land within the corporate boundaries of the village, the division of land into two or more parts by platting or by metes and bounds descriptions into tracts for the purposes set forth in this definition; and

For the area of land within the village extraterritorial subdivision and platting jurisdiction, the division of land into two or more parts by platting or by metes and bounds description into tracts of less than five acres in any one calendar year for the purposes set forth in this definition.

The division of land pursuant to this definition shall be for the purpose of:

- (1) Sale for building purposes;
- (2) Laying out a municipality or any part thereof;
- (3) Adding to a municipality;
- (4) Laying out suburban lots; or
- (5) Resubdivision.

State law reference(s)—Similar provisions, NMSA 1978, § 3-20-1.

*Subdivider* means any person who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who, directly or indirectly, sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plat in a subdivision; or who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site or plat in a subdivision; and who is directly or indirectly controlled by or under direct or indirect common control with any of the persons mentioned in this definition.

*Subdivision agent* means any person who represents or acts for or on behalf of a subdivider.

*Subdivision plat* means the final map or drawings, described in this article, on which the subdivider's plan of subdivision is presented to the planning commission and the council for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing.

*Temporary improvement* means improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

(Code 1985, § 10-10-2)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

## **SEC. 54-283. PLATTING PROCEDURES AND REQUIREMENTS.**

(a) *Pre-application contact and sketch plat.*

- (1) Prior to the submission of a sketch plat as required by this article, the subdivider shall contact the planning administrator and any other administrative personnel or private agencies to determine:
  - a. Procedures and requirements for filing the sketch plat and preliminary and final plat.
  - b. Availability of public water and sewer, or requirements when public systems are not readily available.
  - c. Zoning requirements on the property.
  - d. Requirements of the duly adopted comprehensive plan for major streets, land use, schools, parks and other public open space.
  - e. The location and extent of any floodplains.
  - f. The location of forested areas and steep slopes as defined in article II of this chapter.
- (2) As a part of this contact, the subdivider may discuss with the planning department, or any other appropriate agency, its tentative proposals for the development of the property.
- (3) The subdivider shall submit, and the planning commission shall review and comment on, a sketch plat prior to the preparation of a preliminary plat. The planning commission shall make such a review and make its comments known to the subdivider in writing within five days from the date of the review. The sketch plat shall contain or show five-foot contours and the requirements of subsections (a)(1)a through f of this section.
- (4) The purpose of this pre-application procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a preliminary plat. No official action is required of the planning commission or other agencies, other than offering

appropriate comments on the proposal and indicating suitability for proceeding through the platting process.

(b) *Preliminary plat.*

- (1) Preliminary plats shall be submitted in 15 copies and, if requested, a reproducible copy to the planning department. The preliminary plat shall consist of drawings and accompanying material and information as prescribed by this article.
- (2) The preliminary plat drawing shall be prepared at a scale of one inch equals 100 feet or larger for subdivisions where the majority of lots are less than five acres in size. The scale may be reduced to one inch equals 200 feet for subdivisions in which the minimum lot size is five acres or more. The face of the drawing shall contain the following information:
  - a. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the county.
  - b. Date of preparation, scale and north arrow. The top or left side of each sheet shall represent north wherever possible.
  - c. A vicinity map drawn at a scale of one inch equals 1,000 feet, or one inch equals 2,000 feet, showing the location of the proposed subdivision in the village and its relationship to surrounding development.
  - d. The name, address and telephone number of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary plat.
  - e. A legal description of the subdivision boundary.
  - f. The boundary lines of the subdivision in a heavy solid line, referenced to section or quarter section lines.
  - g. A description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey.
  - h. Existing contours at a maximum interval of five feet unless waived by the planning department.
  - i. General location and extent of any significant natural features such as streams, drainageways, forested areas or steep slopes.
  - j. Floodplains as delineated on maps available in the planning department.
  - k. Location, dimensions and names of existing roads, streets, alleys, railroad rights-of-way and structures within 100 feet immediately adjacent to the property showing how they relate to the proposed subdivision layout.

- l. Location, size and grades of existing sanitary and storm sewers and location and size of water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision and within 100 feet immediately adjacent thereto.
  - m. Location and dimension of all easements of record.
  - n. Existing zoning and land use of the proposed subdivision and immediately adjacent areas.
  - o. Location and width of proposed streets, alleys, pedestrian ways and easements.
  - p. Layout, numbers and approximate dimensions of proposed lots and blocks.
  - q. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multifamily residential, public or quasipublic use, with the use noted.
  - r. A summary of the total number of acres, number of lots, acreage of commercial or industrial areas, acreage of open space, and amount of land in rights-of-way, and other descriptive material useful in reviewing the proposed subdivision.
- (3) The following information and material shall be a part of any preliminary plat submittal and shall accompany the preliminary plat drawing:
- a. Payment of the total amount of the preliminary plat fee.
  - b. A statement explaining the proposed design and function of the water, sewage, paving, sidewalk and drainage systems, their compatibility with existing systems, and the timing and/or phasing of installation.
  - c. A statement describing the development and maintenance responsibility for any private streets, ways or open space.
  - d. The recommendations of a qualified professional engineer of the affected soil conservation district regarding soil suitability, erosion control, sedimentation and flooding problems.
  - e. A description of the phasing and scheduling of phases for the development, if the final plat is to be submitted in separate phases.
  - f. A petition for annexation to the village if the land to be subdivided is contiguous to and outside (either by itself or as part of a larger tract) the boundaries of the village.
  - g. An application for appropriate zoning for the subdivided area if the area is to be annexed or if the existing zoning district does not allow the types of uses proposed.
  - h. A completed preliminary plat checklist on the standard forms provided.
- (4) After receipt of the preliminary plat and all required supporting material, the planning department shall schedule the plat for consideration at the next regular meeting of the planning commission which occurs after 23 days from the date on which the plat was

submitted, and shall, within three days, transmit copies to appropriate agencies and officials for their review and comment.

- (5) Agencies receiving referral copies of the preliminary plat should return written comments on the plat to the planning department within ten days after receipt of the plat. Agencies may also present comments on the plat at the planning commission meeting at which the plat is considered.
- (6) Upon receipt of all agency comments, or at the end of the ten-day period, the planning department will summarize the agency comments, add written comments and recommendations from the department itself, and present the material and recommendations to the planning commission for its consideration.
- (7) Notice of any public meeting shall be accomplished as set forth in section 54-40.
- (8) The subdivider, or his duly authorized representative, shall attend the planning commission meeting at which the proposal is scheduled for consideration.
- (9) At the planning commission meeting, the subdivider and all other interested or affected parties shall be allowed to offer comments. Within 15 days of the meeting, the commission shall approve or disapprove the preliminary plat. Within ten days after the date of the meeting at which final action was taken, the commission shall notify the subdivider and the council of its decision. If conditions are attached to its approval, the subdivider and council shall be informed of such conditions.
- (10) Within 30 days of receipt of the planning commission's recommendation, the council shall, by motion, act on the preliminary plat and the commission's recommendation, and shall send notices of its action to the commission and the subdivider. Upon approval of the preliminary plat, a 24-inch by 36-inch mylar of the preliminary plat shall be submitted to the village.
- (11) Approval of the preliminary plat by the council shall be effective for six consecutive calendar months from the date of approval. The subdivider may apply in writing for, and the planning commission may, for cause shown, grant up to a six-month extension. If a final plat has not been submitted within this specified period on all or a portion of the land area included in the preliminary plat, a preliminary plat must again be submitted for approval. In a phased development, if there is any land area for which a preliminary plat has been approved and for which a final plat has not been submitted within 24 months from the date of the approval of the preliminary plat, the applicant shall not be allowed to proceed with final platting until a new preliminary plat is submitted and approved.

*(c) Approval and contents of final plat.*

- (1) After approval of the preliminary plat, a final plat may be prepared and submitted. The final plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the state. The final plat and required supporting material shall conform to the design and engineering standards set forth in this article and to any conditions of approval specified by the planning commission and council.

- (2) Final platting may be accomplished in stages covering reasonable portions of the area of an approved preliminary plat. When this is done, each sheet of the final plat shall contain a vicinity map showing the location of the portion being submitted in relationship to the area for which the preliminary plat was submitted. All final plats so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in this article so that, if development of the entire subdivision is interrupted or discontinued after one or more stages are completed, a viable development will result.
- (3) The final plat shall be clearly and legibly drawn in black waterproof India ink upon tracing linen, mylar of 0.004 inch in thickness (minimum), or some similar stable base material. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be 24 inches high by 36 inches wide. Information on the plat should be so positioned that a 1½-inch margin is on the lefthand side and a one-half-inch margin is shown on the remaining sides. The final plat shall be prepared at a scale of one inch equals 100 feet, or at a scale of one inch equals 200 feet for subdivisions in which the minimum lot size is five acres or more. Each sheet of the final plat shall be numbered, and the total number of sheets comprising the plat shall be stated on each sheet (for example, "Sheet 2 of 4"). The relationship of one sheet to the other shall be shown by key maps and by match lines.
- (4) The original linen or mylar, one reproducible copy (sepia not acceptable) and nine prints of the final plat and two copies of all required supporting material shall be submitted to the planning department at least 14 days prior to the planning commission meeting at which the final plat is to be considered.
- (5) The submitted final plat shall contain the notarized signatures of the owners of any and all equitable or legal interest in the land, of whatever nature, and the signature of the registered land surveyor who prepared the plat.
- (6) All final plats shall include the following information on the face of the plat:
  - a. The name of the subdivision, centered at the top of each sheet.
  - b. General location of the subdivision by section, township, range, county and state, entered under the name of the subdivision.
  - c. North arrow, date and scale.
  - d. Boundary lines of the subdivision in a heavy solid line.
  - e. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one part in 10,000.

- f. The location and description of the point of beginning and its proper reference to the monumented boundary survey.
- g. The location and description of all monuments.
- h. Bearings, distances and curve data of all perimeter boundary lines indicated outside of the boundary lines.
- i. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground.
- j. The location and layout of lots, blocks, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the plat, with accurate dimensions in feet and hundredths of feet, bearings, curve data, length of radii and/or arcs of all curves.
- k. Drainage easements, clearly labelled as such.
- l. The names of all streets.
- m. All lots logically and consecutively numbered in the center of the lot.
- n. All dimensions shown on irregularly shaped lots.
- o. Parcels completely or partially surrounded by the area being subdivided, clearly marked "Excepted," and the common boundary with the subdivision shown in a heavy solid line with bearings and distances.
- p. A notation of the total acreage of the subdivision and the total number of lots.
- q. A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds and easements.
- r. A notarized certificate of a registered land surveyor, registered under the laws of the state, stating that the plat is true, accurate and complete.
- s. Certificate of review of the Public Works Department, as follows:

Data on this plat reviewed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Public Works Department of Ruidoso, New Mexico.

Public Works Department	
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- t. Certificate of approval by the village planning commission, as follows:

This plat approved by the Village of Ruidoso Planning Commission this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.



Chairman	
ATTEST:	
Secretary	

u. Certificate of acceptance and approval by the village council, as follows:

Approved by the Governing Body of the Village of Ruidoso, New Mexico, this \_\_\_ day of , A.D., \_\_\_\_\_.

Mayor	
ATTEST:	
Village Clerk	

v. Certificate for recording by the county clerk and recorder, as follows:

This plat was filed for record in the Office of the County Clerk and Recorder at \_\_\_ o'clock \_\_\_m., \_\_\_\_\_, \_\_\_\_\_, and is duly recorded in Book \_\_\_\_\_, Page No. \_\_\_\_\_.

County Clerk	
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- (7) The final plat shall be accompanied by the total amount of the final plat fee.
- (8) After receipt of the final plat, the planning department shall review the submittal for completeness and for conformance with the approved preliminary plat. The department may refer copies of the final plat to and seek comment from other officials and agencies. Any such comments should be made known to the department within ten days after the date of submittal of the final plat.
- (9) The final plat shall be scheduled for the consideration of the planning commission at its next regular meeting after the 14-day review period. After due deliberation, the planning

commission shall approve, conditionally approve, or disapprove the final plat. Approval of a final plat by the planning commission shall remain effective for 18 calendar months.

- (10) Within ten days after the date of the meeting at which final action was taken, the planning commission shall notify the subdivider and the council of its action. If the final plat is approved, the subdivider may proceed in accordance with subsection (d) of this section. If the final plat is disapproved by the commission or conditionally approved, and the subdivider wishes to appeal the conditions, the subdivider may request a hearing before the council appealing the action of the commission. The request shall be submitted in writing within 30 days of the action or decision appealed from and shall state the specific relief which the subdivider or landowner seeks. Within 30 days of the receipt of such a request, the council shall hold a hearing to determine the proper disposition of the matter. At the hearing, the council shall consider not only the subdivider's appeal, but also the written or verbal comments of the commission. The council shall either reaffirm or modify the decision of the commission, and shall note the decision in the record of its hearing. The subdivider or landowner may then proceed with the subdivision of his land based upon the decision of the council. This decision shall be binding upon all agencies and administrative personnel of the village.

(d) *Supporting materials for final plat; recording of final plat.*

- (1) *Required submittals.* A complete final plat submittal shall consist of the final plat as approved by the planning commission and all required supporting materials. Following approval of the final plat by the planning commission, the subdivider shall submit the following supporting material relating to the final plat to the planning department:
  - a. *Final plat checklist.* A final plat checklist shall be submitted on the standard forms provided.
  - b. *Drainage report.* A drainage report for the site in question and all pertinent off-site areas shall be prepared by a licensed engineer or hydrologist. The report shall examine 100-year storm flows (Q 100's), and the 100-year high-water mark of any river, creek, arroyo, gully, diversion ditch, spillway, reservoir, etc., that may in any way affect the project area, along with the depth of flow for 100-year runoff. The watershed in all off-site areas shall be considered fully developed. Intensities shall be for the area's one-hour 100-year storm based upon two inches per hour. Times of concentration (TC) used in the study shall provide for "C" to be 0.5 or greater, and the overlot flow time to gutters to be eight minutes, unless adequate evidence is provided to the contrary. A certificate shall be provided, signed and sealed by a registered professional engineer, that all drainage facilities utilizing gutters and streets are designed and sized to handle 100 percent of the Q 100 runoff.
  - c. *Soils report.* A soils report for the site in question and pertinent off-site areas shall be prepared by a licensed engineer or soil scientist. The report shall indicate the type and location of soils, using the unified soil classification system, shall contain drill logs and swell consolidation curves, and shall contain a discussion of any present or potential hazards associated with soils on the site along with measures which could be taken to

mitigate such hazards. In addition, the soils report shall contain recommendations on subsurface area drains and peripheral drains, foundation design, erosion control measures and surface drainage.

d. *Grading, drainage and development plan.*

1. A grading, drainage and development plan shall be prepared at a scale of one inch equals 100 feet or larger showing rights-of-way, easements, walkways, parks, common areas, roadways, water lines and reservoirs, sewer lines, manholes and treatment facilities, curbs and gutters, culverts, drains, stormwater detention and retention basins, swales, ditches and other drainage devices, spot top of curb elevations, high and low street points, drainage arrows, street plans, all drainage areas and acreage, all 100-year storm flows (Q 100's) adjacent to and/or flowing onto the development and on-site at each surface flow junction, stormwater pickup and take-off points designed to handle 100-year flow on the surface, and cross sections and high water elevations for all 100-year flows. Spot elevations shall be given for all inverts, low points and flowing entry and exit points.
2. For residential subdivisions, all minimum building setbacks shall be shown. No 100-year flow line shall encroach upon any minimum setback line.
3. The following standards shall be used in preparation of the grading, drainage and development plan: 100-year storm flows shall not exceed 200 cfs per half street when feasible; pipes into which surface water flows will have a minimum diameter of 15 inches; and a capability for handling all Q 100's on the surface within the roadway. Exceptions and variations to these standards must be recommended by a licensed engineer and approved by the Public Works Department.

e. *Construction plans and details.* Construction plans and details must be prepared by a registered professional engineer in the state and shall provide for all improvements indicated on the grading, drainage and development plan, including right-of-way and easement cross sections showing construction and placement of streets, walks, curbs, gutters, medians, swales, ditches, utilities, planting strips and property lines; details of hydrants, valves, manholes, pipe junctions, pumps, thrust-blocking, catchbasins, etc.; street profiles showing natural and finish grades, centerlines and both curbs, with a recommended minimum vertical scale of one inch equals 50 feet; sanitary sewer line and manhole profiles with natural and finished grades, showing area underdrains, if applicable, and the location of gravity outfall lines; storm drainage system profiles showing natural and finished grade; erosion control and revegetation details; and other details as necessary to adequately convey the design intent. Quantity take-offs shall also be provided.

f. *Deeds.* When required by the village, assurance of a warranty deed or other acceptable instrument conveying to the village any public lands other than streets, alleys or easements shown on the final plat, and title insurance on the subject parcel, shall be presented to the village upon approval of the final plat. The method of assurance will be approved by the village attorney.

- g. *Fees in lieu of land.* Payment of any fees in lieu of public land dedication, or any initial payment and a payment schedule keyed to subdivision development, if the subdivision is to be phased, shall be submitted.
  - h. *Title opinion.* Evidence satisfactory to the village must be submitted showing all taxes and assessments due on the property to be subdivided to be paid in full, showing title or control of the property to be subdivided, and showing the property to be subdivided as free and clear of any liens. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence.
  - i. *Floodplain statement.* If a subdivision lies within the 100-year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision: "This subdivision is (or the following lots are) located in the 100-year floodplain as defined by the Department of Housing and Urban Development."
  - j. *Performance bond.* A contractor's performance bond equal to 125 percent of the cost of required improvements to guarantee the complete and timely development of any facilities or improvements which are the subdivider's responsibility, subject to [section 54-286\(a\)\(1\)](#), shall be submitted.
- (2) *Agency review.* Upon submittal of all required supporting material to the final plat, the planning department shall review such material for completeness to determine whether a complete final plat submittal has been made and shall refer the material to appropriate agencies for review and comment. Upon being notified of the comments and any necessary approvals of reviewing agencies, the planning department shall forward the final plat, comments and approvals of reviewing agencies, pertinent supporting materials, and the recommendations of the planning commission to the council. Incomplete final plats, or final plats for which necessary approvals have not been secured, shall not be forwarded to the council for action.
  - (3) *Council action.* Following receipt of the recommendation of the planning commission, along with the final plat and accompanying materials, the council shall either approve the final plat or disapprove the final plat and notify the subdivider of the conditions to be met to gain approval. If a disapproved final plat is modified and resubmitted to the council at a later date for its consideration, the council may require the concurrent submittal of an updated ownership and encumbrance report or title opinion.
  - (4) *Filing with county clerk.* Upon approval of the final plat by the council, the subdivider shall be notified to submit payment for the recording fee to the planning department, and the department shall transmit the subdivider's recording fee and the duly approved and executed final plat to the county clerk and recorder for the filing of the final plat among the official records of the county.
  - (5) *Alternate approval procedure.* As an alternate procedure and at the request of the subdivider, the council may approve a final plat and instruct the planning department to withhold the approved final plat from recording for a period of time to allow the subdivider to install all of the required public improvements according to the plans and specifications approved by the

Public Works Department. This procedure, when approved by the council, shall be in lieu of the guarantees for installation of improvements as set forth in section 54-286(a)(1). An executed standard contract, as approved by the village, regarding installation of improvements shall be submitted with the final plat. The contract shall require that all improvements be completed no later than 12 months from the date the final plat was approved by the council and that no lot may be sold. When the completed improvements are inspected and approved by the Public Works Department, the plat shall be recorded by the planning department, and the sale of lots may proceed according to the approved and recorded plat, provided that a one-year warranty shall be submitted covering the completed improvements as per section 54-286(b)(2)c.2.

- (e) *Simultaneous submittal of preliminary and final plats.* For certain subdivisions, the subdivider may, after discussion with the planning department, simultaneously submit both the preliminary plat and the final plat. Depending on the size and complexity of the subdivision and the amount of street dedication, any or all of the information required in the preliminary and final plat processes may be submitted. The planning department shall determine which information must be submitted for adequate review of the subdivision. The preliminary and final plats may then be processed concurrently. It is possible for the preliminary and final plats to be one and the same instrument.
- (f) *Corrected plats and resubdivision.*
  - (1) If, after the approval and recording of a final plat, errors are found in the language or numbers on the recorded plat, the subdivider shall file a properly signed, corrected or revised original mylar or linen with the department. The plat shall be noted "Corrected Plat" under the name of the subdivision. Notations shall be made on the face of the plat listing all corrections made and the book and page numbers where the original plat was recorded. The department shall review the plat for corrections, secure the signatures of the proper public officials on the corrected plat and present the plat to the council for the reaffirmation of its approval and to the county clerk for recording. The recording of the corrected plat shall void the incorrect original plat, and the county clerk shall note "Void" across the face of the incorrect plat.
  - (2) If, after the approval and recording of a final plat, a subdivider wishes to modify the location of lot lines on part or all of the recorded plat, and if there is no change in the location or size of dedicated streets, the subdivider shall submit a new final plat drawing with the lotting arrangement revised. The planning department shall determine which of the required supporting documents shall be resubmitted with the revised final plat. The plat shall be marked "Resubdivision of \_\_\_\_\_" under the name of the subdivision and shall be processed as a final plat.
  - (3) If, after the approval and recording of a final plat, a subdivider wishes to substantially change the street and lotting arrangement of a part or all of the platted area, the resulting subdivision shall be treated as a new submittal, with both a preliminary plat and a final plat required. Based on the current accuracy of the information submitted with the original plat and the magnitude of the change, the procedure described in subsection (e) of this section may be applied. The subdivision shall be identified as "Resubdivision of \_\_\_\_\_."

(g) *Alternate summary procedure for minor subdivisions.*

- (1) *Applicability.* In lieu of the requirements of NMSA 1978, § 3-20-7, the following procedure may be followed pursuant to NMSA 1978, § 3-20-8. Alternate summary procedures shall only apply to the following:
  - a. Subdivisions that create no more than two parcels of land or
  - b. Resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots.
- (2) *Survey.* The filing of a survey by a New Mexico licensed or registered surveyor which contains a description of the subdivided land with ties to permanent monuments shall satisfy the requirements of NMSA 1978, § 3-20-7.
- (3) *Review by planning administrator.* All minor subdivisions submitted to the village shall be reviewed by the planning administrator, who may consult with other public or private agencies. The planning administrator shall determine whether or not the plat, as proposed, adequately provides for access and utility services to each lot. If the plat proposes to abandon an existing easement, the planning administrator shall verify with all applicable utility service providers that the easement is not needed.
- (4) *Conformance with subdivision regulations.* Any subdivision approved as authorized in this subsection shall be in substantial conformity with this article.
- (5) *Review and decision by planning commission.* Minor subdivision under this alternate summary procedure may be approved by the planning administrator and signed by the planning administrator and mayor. Review by the planning commission shall not be required except for those subdivisions which have been recommended for denial by the planning administrator and upon written request by the applicant.
- (6) *Review and decision by council.* Review and decision on minor subdivisions shall not be required by the council except for those which have been recommended for denial by the planning commission and upon written request by the applicant.
- (7) *[Endorsement of approval.]* Approval by this summary procedure shall be endorsed on the plat, or on the instrument of conveyance in lieu of a plat, and such approval shall be conclusive evidence of the approval by the village.

(Code 1985, § 10-10-3; Ord. No. 2008-11, 10-14-08; Ord. No. 2009-03, 1-13-09)

## **SEC. 54-284 ADMINISTRATION AND ENFORCEMENT.**

(a) *Administration generally.*

- (1) This article shall be administered and enforced by the planning department or other agency as designated by the council.
  - (2) All subdivision plats submitted to the village shall first have been examined by the planning department and the planning commission in accordance with the procedures established by this article. As part of their examination, the planning department and the planning commission may consult with other public or private agencies to determine whether or not the plat, as proposed, will contribute to the orderly growth and development of the village. The actions of the planning department, the planning commission and the council shall be governed by the procedures and schedules set forth in this article.
  - (3) Pursuant to the provisions of NMSA 1978, §§ 3-20-5 and 3-20-7, when any part of a subdivision lies outside of but within three miles of the village, that subdivision shall be approved by the planning commission and the council before it is finally approved by the county board of commissioners.
- (b) *Reserved.*
- (c) *Variances.*
- (1) A request for variance may be submitted only after the planning commission has formally reviewed the preliminary plat and has either recommended disapproval because the plat does not conform to this article, or has conditionally approved the plat, specifying those amendments which must appear on the final plat in order for it to be approved. The subdivider may then seek relief from the specific provisions of this article with which he cannot comply.
  - (2) When it can be shown that, in the case of a particular subdivision, strict compliance with the provisions of this article would cause undue hardship, the council may authorize a variance to this article provided that the general intent of this article is preserved, that the public interest is protected, and that such variances do not have the effect of nullifying the intent and purpose of the comprehensive plan or the zoning code (article II of this chapter). The granting of a variance shall be based upon findings by the council that:
    - a. The subdivider is proceeding in good faith.
    - b. There are unusual topographical or other special circumstances associated with the property which are not the result of any action of the subdivider and which prohibit the use of the property in a manner similar to the use of adjacent or nearby properties.
    - c. The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship.
    - d. The variance will not nullify the intent or purpose of this article.
    - e. Granting the variance will not be detrimental to the general public health, safety and welfare.

- (3) Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.
- (4) All requests for variances shall be submitted in writing to the council and shall be referred to the planning commission for comments and recommendations prior to any action taken by the council. In granting a variance, compliance with the objectives and standards of this article must be ensured. The findings and action on each variance and any conditions imposed shall be recorded in the minutes of the council, and a copy thereof provided to the planning department.
- (5) If the subdivision variance is granted by the council, the subdivider may incorporate the provisions of the variance into the final plat to be submitted to the planning commission and to the council for approval. In its review of the final plat, the planning commission shall be bound by the decision of the council regarding the variance and shall review and approve the final plat with the variance if the plat in all other respects conforms to the preliminary plat and any other conditions imposed by the planning commission.

(d) *Plat vacations.*

- (1) Any plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the planning commission along with a written request for a vacation. In the case where lots have been sold, the written request shall be by all of the owners of lots within the plat. The planning commission shall make a recommendation on the vacation to the council, and the council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, and common and public grounds laid out or described in such a plat.
- (2) Streets and alleys platted and laid out under the provisions of this article or laid out under any prior law of the state may be altered or vacated in the manner provided by law for the alteration or discontinuance of streets and highways.
- (3) Any part of a plat may be vacated under the provisions and subject to the conditions of subsection (d)(1) of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in the plat, and provided further that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners of lots within that portion of the overall plat sought to be vacated.
- (4) When any part of a plat shall be vacated as provided in this section, streets, alleys and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- (5) The county clerk shall write in plain, legible letters, across that part of the plat so vacated, the word "vacated," and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.



(6) Land covered by a vacated plat may be replatted as described by this article. Any replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces.

(e) *Penalty.* Any person who violates any provision of this article, and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of this article, shall, upon conviction, be punished in accordance with section 1-6.

(f) *Exemption from liability.* The village shall hold harmless the planning department, other village agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this article, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties under this article. Any suit brought against the village or village administration because of any such act or omission in the carrying out of the provisions of this article shall be defended by the village attorney through final determination of such proceedings.

(Code 1985, § 10-10-4; Ord. No. 2009-03, 1-13-09)

Cross reference(s)—Administration, ch. 2Cross reference(s)—.

## **SEC. 54-285. DESIGN STANDARDS.**

(a) *Generally.*

(1) *Conformance to applicable rules and regulations.* Subdivision design shall conform to the following:

- a. The village zoning code (article II of this chapter);
- b. The comprehensive master plan of the village, including all streets, drainage systems and parks shown on the comprehensive master plan as adopted;
- c. The rules of the state highway department if a subdivision or any lot contained therein abuts a state highway or connecting street; and
- d. The design standards and regulations adopted by the council.

(2) *Restrictions imposed by owner.* If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning code (article II of this chapter) or this article, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the planning commission may require that restrictive covenants be recorded with the county recorder of deeds.

- (3) *Monuments.* The applicant shall place permanent reference monuments in the subdivision as approved by a registered land surveyor and the Public Works Department.
- (4) *Land unsuitable for development.* Land which the planning commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of the Public Works Department, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.
- (5) *Subdivision name.* The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by this article. The planning commission shall have final authority to designate the name of the subdivision, which shall be determined at the time of sketch plat approval.

(6) *Other considerations*

Subdivision design shall consider the standards contained in the following adopted Village of Ruidoso documents. These documents may be obtained from the Public Works Department.

- a. Resolution 2011-28 A Resolution Adopting the Village of Ruidoso Standard Drawings for Public Works Construction
- b. Ruidoso New Mexico Roadway Design Guide, November 2019

(b) *Lots and lot improvements.*

- (1) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning code (article II of this chapter) or in providing driveway access to buildings on such lots from an approved street.
- (2) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the zoning code (article II of this chapter). Where lots are more than double the minimum required area for the zoning district, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning code and this article. In general, side lot lines shall be at right angles to street lines, or radial to curving street lines, unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setback from both streets. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning code.

(3) *Double frontage and reserved lots; access from arterial streets.*

- a. *Double frontage and reserved lots.* Double frontage and reserved lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- b. *Access from arterial streets.* Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.

(4) *Grading and drainage.*

- a. *Final grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat.
- b. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

(5) *Removal of debris and waste.* No cut trees, debris, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy.

(6) *Fencing.* Each subdivider and/or developer shall be required to furnish and install fences wherever the council determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the zoning code (article II of this chapter) and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until the fence improvements have been duly installed.

(7) *Performance bond.*

- a. The performance bond shall include an amount of 125 percent of the cost of completion of all requirements contained in subsection (b) of this section or as certified by the council, including but not limited to soil preservation, final grading, lot drainage, removal of debris and waste, fencing and all other lot improvements required by the council.
- b. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the village may enforce the provisions of the bond where the provisions of this section or any other applicable law, ordinance or regulation have not been satisfied.

(c) *Roads.*

(1) *General requirements.*

a. Frontage on improved street required. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street indicated in the comprehensive plan or unless such street is:

1. An existing state, county or township highway; or
2. A street shown upon a plat approved by the council and recorded in the county clerk's office.

Such street or highway must be suitably improved as required by the highway rules, regulations, specifications or orders, or be secured by a performance bond as required under this article, with the width and right-of-way required by this article or the comprehensive plan. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided in this subsection.

b. *Grading and improvement plan.* Roads shall be graded and improved and conform to the llage construction standards and specifications and shall be approved as to design and specifications by the Public Works Department, in accordance with the construction plans required to be submitted prior to final plat approval.

c. *Topography and arrangement.*

1. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of this article.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the comprehensive plan.
3. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, to require the minimum number of streets necessary to provide convenient and safe access to property, and to maximize the preservation of trees and vegetation.
4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

d. *Blocks.*

1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major

streets, railroads, waterways, parks, or areas that will remain undeveloped such as steep slopes or forested areas.

2. The lengths, width and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 600 feet or 12 times the minimum lot width required in the zoning district.
  3. In long blocks the council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, emergency access or pedestrian traffic.
- e. *Limitation of access to arterial streets.* Where a subdivision borders on or contains an existing or proposed arterial street, the council may require that access to such street be limited by one of the following means:
1. The subdivision of lots so that the lots back onto the arterial street and front onto a parallel local street. No direct access shall be provided from the arterial street.
  2. A series of culs-de-sac, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
  3. A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.
- f. *Street names.* Street names shall be sufficiently different in sound and in spelling from other street names in the village so as not to cause confusion. A street which exists or is planned as a continuation of an existing street shall bear the same name.
- g. *Street signs.* The applicant shall deposit with the village, at the time of final subdivision approval, an amount equal to the cost of each street sign required by the Public Works Department at all road intersections. The village shall install all street signs before issuance of an occupancy permit for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision. The type and location of signs are to be approved by the Public Works Department.
- h. *Streetlights.* Installation of streetlights shall be required in accordance with design and specification standards approved by the Public Works Department.
- i. *Continuation of streets between adjacent properties; dead-end streets.*
1. *Continuation of streets; temporary dead-end streets.* The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection or efficient provision of utilities, and where such continuation is in accordance with the village comprehensive plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street

right-of-way shall revert to abutters whenever the street is continued. The council may limit the length of temporary dead-end streets in accordance with the design standards of this article.

2. *Permanent dead-end streets.* Where a street does not extend to the boundary of the subdivision and its continuation is not required by the council for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of this article.

(2) *Design standards.*

- a. *Dimensions.* In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, Table 1 sets forth design standards for streets.

TABLE 1. DESIGN STANDARDS FOR STREETS

Improvement		Dimensions
Minimum width of right-of-way:		
	Local	50
	Collector	60
	Minor arterial	80'
	Principal	100'
Minimum pavement width (defined as face of curb to face of curb):		
	Local	30'
	Collector	40'
	Minor arterial	68'
	Principal	68'
Minimum radius of curve:		
	Local	273'
	Collector	273'
	Minor arterial	508'
	Principal	833'
Minimum centerline degree of circular curve:		
	Local	21.0°
	Collector	21.0°

Improvement		Dimensions
	Minor arterial	11.3°
	Principal	6.9°
Minimum length of tangents between reverse curves:		
	Local	150'
	Collector	150'
	Minor arterial	250'
	Principal	350'
Minimum sight distance:		
	Local	200'
	Collector	240'
	Minor arterial	275'
	Principal	300'
Minimum turnaround (local streets only):		
	Right-of-way diameter	100'
	Pavement	80'
Maximum length of cul-de-sac:		
	Permanent	600'
	Temporary	100'

- b. *Street surfacing and improvements.* After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in this article. The surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Public Works Department. Adequate provision shall be made for culverts, drains and bridges.
- c. *Railroads and limited access highways.* (At this point in time there are no railroads in the village, but there have been numerous discussions on the possibility of a recreational railroad.) Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:
1. In residential districts, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat as follows: "This strip is reserved for screening. The placement of structures, except for street signs and lighting, hereon, is prohibited."
  2. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

3. Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

d. *Intersections.*

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the planning commission.
  2. A proposed new intersection along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.
  3. The minimum curb radius at the intersection of two local streets shall be 20 feet, and the minimum curb radius at an intersection involving a collector street shall be 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
  4. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
  5. The cross-slopes on all streets, including intersections, shall be three percent or less.
- e. *Bridges.* Bridges of primary benefit to the applicant, as determined by the council, shall be constructed at the full expense of the applicant without reimbursement from the village. The sharing of expenses for the construction of bridges not of primary benefit to the applicant as determined by the council will be fixed by special agreement between the council and the applicant. The cost shall be charged to the applicant pro rata as the percentage of his land develops and is so served.

(3) *Street dedications and reservations.*

- a. *New perimeter streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new



subdivision, the other half of the street shall be improved and dedicated by the subdivider. The council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

- b. *Widening and realignment of existing streets.* Where a subdivision borders an existing narrow street or when the comprehensive plan or zoning regulations indicate plans for realignment or widening a street that would require the use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such streets. Such streets shall be improved and dedicated by the applicant, at his own expense, to the full width as required by this article. Land reserved for any road purposes may not be counted in satisfying yard requirements of the zoning code (article II of this chapter), whether the land is to be dedicated to the village in fee simple or as an easement.

(4) Other considerations

- a. Road design shall consider the standards contained in the following adopted Village of Ruidoso documents. These documents may be obtained from the Public Works Department.
  - a. Resolution 2011-28 A Resolution Adopting the Village of Ruidoso Standard Drawings for Public Works Construction
  - b. Ruidoso New Mexico Roadway Design Guide, November 2019

(d) *Drainage and storm sewers.*

- (1) *General requirements.* The planning commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for stormwater or floodwater runoff channels or basins. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm drainage shall be accommodated in the streets and gutters unless otherwise indicated by the Public Works Department. Where storm sewers are required, the cost shall be borne by the developer for storm sewers to a size of eight inches. If over eight inches in size and determined to be for benefit outside of the subdivision, the costs may be shared, as determined by the council.
  - a. *Accommodation of upstream drainage areas.* A culvert, gutter or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Public Works Department shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the zoning code (article II of this chapter).
  - b. *Effect on downstream drainage areas.* The Public Works Department shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvement. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing

downstream drainage facility, the council may withhold approval of the subdivision until provision has been made for the improvement of the potential condition in such sum as the council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

- c. *Areas of poor drainage.* Whenever a plat is submitted for an area which is subject to flooding, the council may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 12 inches above the elevation of the maximum probable flood, as determined by the Public Works Department. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, of a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone, nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Public Works Department.
- d. *Floodplain areas.* The council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the 100-year floodplain of any stream. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the council.

(2) *Drainage easements.*

- a. *Required.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- b. Extent; dedication; preservation of drainageways.
  - 1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements of at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
  - 2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - 3. The applicant shall dedicate, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the council.
  - 4. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained

in their natural state as drainageways. Such land subject to periodic flooding shall not be computed in determining the numbers of lots to be utilized for average density procedures, or for computing the area requirement of any lot.

(e) *Water facilities.*

(1) *General requirements.*

- a. When necessary, action shall be taken by the applicant to extend or create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider shall install adequate water facilities, including fire hydrants, subject to the specifications of the Public Works Department. All water mains shall be at least six inches in diameter.
- c. Water main extensions shall be approved by the Public Works Department.
- d. To facilitate these requirements, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing such improvements shall be included in the performance bond to be furnished by the developer.

(2) *Fire hydrants.* Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 400 feet apart and shall be located at every intersection and shall be approved by the village fire chief. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

(3) *Community or individual water systems; water availability plan.* Where a public water system is not available, and the planning commission determines that the public system cannot be reasonably extended, a water availability plan shall be submitted for approval by the planning commission as provided in this subsection. Water quality and the water system location shall be approved by the environmental improvement division of the state.

- a. *Compliance with New Mexico Water Law.* Under NMSA 1978, § 72-12-1, it is the state engineer's policy to grant a domestic permit only to the person who, in good faith, intends to use the water for household or other domestic purpose. The permit is limited to a diversion of three acre-feet per annum, which may be used to irrigate not more than one acre of noncommercial trees, lawn or garden, and for household or other domestic use. If more than one household use per well is proposed, then no more than one acre of noncommercial trees, lawn or garden may be irrigated from the well and the total withdrawal from the well shall be metered and limited to three acre-feet per year for all uses. If two or more wells obtained under provisions of NMSA 1978, § 72-12-1 are tied into the same distribution system, the total withdrawals shall be limited to three acre-feet per annum. If the total withdrawal is to exceed three acre-feet per annum from any well or

group of wells that supply a common system, it will be necessary for the subdivider or users to obtain water rights.

- b. *Water availability plan; documentation of water availability.* Any person seeking approval of a subdivision plat must submit a water availability plan for either a community water system or individual wells.
  - 1. The subdivider shall provide information showing the fire flow the proposed water supply system can deliver throughout the subdivision in gallons per minute and the time duration such flow can be maintained.
  - 2. The subdivider shall provide the following documentation, where applicable:
    - i. If the subdivider proposes that a utility certified by the state public service commission provide water, the subdivider shall provide documentation that the subdivision is located within the service area of the utility or that the utility is ready, willing and able to provide water to the subdivision.
    - ii. If the subdivider proposes that a municipality, private utility company or any other private party provide water, the subdivider shall provide documentation that the municipality, company or party is ready, willing and able to provide water to the subdivision. The documentation shall contain a statement from the municipality, company or party indicating the quantity of water available to the subdivider and any conditions or limitations pertaining to the use of water.
- c. Standards for community water systems.
  - 1. The subdivider shall provide water from existing or proposed water supply systems for domestic use, fire protection and any other use that the subdivider proposes.
  - 2. The subdivider shall provide for the completion of the proposed water supply systems in accordance with applicable minimum design standards of the state environmental improvement division, and as approved by the village.
  - 3. The provisions for fire flow shall be in accordance with the guidelines of the insurance services office and good engineering practice.
  - 4. The subdivider shall ensure the availability of sufficient potable water for the fully developed subdivision.
- d. *Submittal requirements for community water systems.* The following shall be prepared by or under the supervision of a registered professional engineer and shall be adequate for the purpose of subsection (e)(3)c of this section:
  - 1. Plans and specifications for diversion, storage and distribution facilities, and a time schedule for their completion.

2. Information showing the volume and peak rate of production of water required in each month to supply each use at full development of the subdivision.
  3. A geohydrologic report, if part or all of the supply is to be obtained from groundwater sources, containing the following information:
    - i. Geologic maps, cross sections and descriptions of the aquifer systems proposed for production, including information concerning the hydrogeologic boundaries, intake areas and locations of discharge of those aquifers.
    - ii. Maps and cross sections showing the depth to water, water level contours, direction of groundwater movement and the estimated thickness of saturation in the aquifers.
    - iii. Probable yields of the proposed wells, in gallons per minute and acre-feet per year, and probable length of time that the aquifer system will produce water at rates sufficient to meet the demands under full development of the subdivision. This information shall be based on pump test analysis, hydrogeologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells and, when the planning commission deems necessary, test wells and aquifer performance tests. This information will give consideration to mutual interference of the proposed wells, and the interference of existing wells.
    - iv. A 40-year schedule of the effects of the projected water withdrawals for the subdivision on water levels and natural discharge.
    - v. A water quality analysis, which shall conform to state standards of the environmental improvement division.
  4. A hydrologic report, if part or all of the supply is to be obtained from surface water sources, containing the following information:
    - i. Source of water supply.
    - ii. Drainage area above the point of diversion.
    - iii. Analysis of relevant historical runoff records.
    - iv. Projected water supply available for the subdivision requirements.
- e. Individual water systems.
1. Domestic water supply may be provided by the subdivider or by the purchaser or lessee of each parcel at his own expense.
  2. If the water supply is to be provided by the subdivider, the regulations of subsections (e)(3)b and d of this section shall apply.

3. If the water supply is provided by the owner or lessee of each parcel, the regulations of subsections (e)(3)d.3 and 4 of this section shall apply.
- f. *Potable water supply required; approval by state.* Where a public water system is not available and the planning commission determines that the public water system cannot be reasonably extended to any lot, group of lots or subdivision, the subdivider or developer shall install a community or individual water supply system capable of providing safe potable water for domestic use. System design and water quality shall be approved by the environmental improvement division of the state.
- (f) *Sewage facilities.*
- (1) *Required.* The applicant shall install sanitary sewer facilities in a manner prescribed by the construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the Public Works Department.
  - (2) *General standards.* Sanitary sewage facilities shall connect with the public sanitary sewage system unless such connection is not available. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. Sanitary sewage facilities, including the installation of laterals in the right-of-way, shall be subject to the specifications, rules, regulations and guidelines of the Public Works Department.
  - (3) *Private sewage systems.*
    - a. Where public sanitary sewage systems are not reasonably accessible, but will become available within a reasonable time, not to exceed 20 years, the village may allow one of the following alternatives:
      1. A central sewage system, with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
      2. Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exists, and shall be ready for connection to such public sewer main.
    - b. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 20 years, the village may allow the installation of sewage systems as follows:
      1. Medium-density residential district: A central sewage system only shall be used. No individual disposal system will be permitted. Where plans exist for a public sewage

system to be built, for a period in excess of 15 years, the applicant shall install all sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.

2. Low-density residential district (less than one dwelling unit per acre): Individual disposal systems or central sewage systems shall be used.

(4) *Connection to public system.* If a public sanitary sewer is accessible within 200 feet and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

(5) *Use of individual sewage disposal systems.* If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the zoning code (article II of this chapter) and percolation tests and test holes shall be made as directed by the New Mexico Environment Department (NMED) and the results submitted to the NMED. The individual disposal system, including the size of septic tanks and size of the tile fields or other secondary treatment devices, shall also be approved by the NMED.

(6) *Design criteria for sanitary sewers.*

- a. *Deviations from standards.* These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Public Works Department.
- b. *Design factors.* Sanitary sewage systems should be designed for the ultimate tributary population. Consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented in this subsection should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

		cfs/acre*
One- and two-family dwellings		0.02
Apartments, townhouses and condominiums:		
	One- and two-story	0.02
	Three- through six-story	0.03
Commercial: Small stores, offices and miscellaneous businesses		0.02

Shopping centers	0.02
High-rise and industrial buildings	As directed by the Public Works Department

\*Cubic feet per second per acre.

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of 0.01 cfs/acre for an area of 1,000 acres, unless otherwise directed by the Public Works Department. Design factors for watersheds larger than 1,000 acres shall be 0.01 cfs/acre unless otherwise directed by the Public Works Department.

- c. *Maximum size.* The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Public Works Department.
- d. *Minimum size.* No public sewer line shall be less than six inches in diameter.
- e. *Minimum slope.* All sewers shall be designed to give mean velocities, when flowing full, of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an “N” value of 0.013. The design slopes shall be evenly divisible by four. The slopes shall be a minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving less than 30 houses. The sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten houses, the minimum slope shall be not less than one percent. The following table lists minimum slopes for various sewer sizes:

TABLE 2. MINIMUM SLOPES BY SEWER SIZE

Sewer Size (inches)	Minimum Slope (feet per 100 feet)
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16



- f. *Alignment.* All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Public Works Department.
  - g. *Manhole location.* The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches, except where required to match crowns. The use of drop manholes will require approval by the Public Works Department. The minimum inside diameter of the manholes shall conform to those specified by the Public Works Department. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated in this subsection. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.
  - h. *Sewer locations.* Sanitary sewers shall be located within streets or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley rights-of-way where possible. Imposed loading shall be considered in all locations. Not less than six feet of cover shall be provided over the top of the pipe in street and alley rights-of-way, or three feet in all other areas.
  - i. *Cleanouts and lampholes.* Cleanouts and lampholes permitted by the Public Works Department shall be required by the Public Works Department on all service laterals.
  - j. *Water supply interconnections.* There shall be no physical connection between a public or private potable water supply system and sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
  - k. *Relationship of sewers to water mains.* A minimum horizontal distance of seven feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete or a metal sleeve for a distance of ten feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two feet above the sewer line.
- (7) *Liquid waste management plan;* community and individual liquid waste systems. Where a public sewer system is not available, and the planning commission determines that the public system cannot be reasonably extended, a liquid waste management plan approved by the environmental division of the state health and environment department shall be submitted for approval of the planning commission.
- a. *Plan required.* Any person seeking approval of a subdivision plot must submit a liquid waste management plan to the planning commission for either a community or individual liquid waste (sewer) system.
  - b. *Standards for community systems.* Requirements for community liquid waste systems are as follows:

1. Design and complete construction of the community system, by the time required in the approved plan, in compliance with all applicable water quality control regulations in effect at the time of final plat approval.
  2. Connection to the community system for the occupants within the subdivision in accordance with the requirements of the approved plan.
  3. Provisions for the operation, maintenance and expansion of the community system to meet the growth in population of the subdivision in a manner consistent with the approved plan and consistent with all applicable water quality control regulations in effect at the time of final plat approval.
- c. *Required submittals for community systems.* Information requirements for community liquid waste systems are as follows:
1. A legal description of the location of all construction, easements and rights-of-way necessary for the installation of the community liquid waste treatment system.
  2. Plans and specifications, prepared by a professional engineer registered in the state, for the construction of the system.
  3. The time when the community system is to be completed.
  4. If the proposal is to connect to an existing community liquid waste system, plans and specifications for the liquid waste collection system within the subdivision and the connecting system, and a description of the existing system.
  5. The projected population of the subdivision, based upon four persons per household.
  6. A subdivision improvements agreement which guarantees:
    - i. The construction and operation of any liquid waste treatment system required as shown in the final plat documents and plans.
    - ii. Collateral in the form of a performance bond or other means to adequately ensure the complete construction and operation of the system in accordance with design and time specifications.
    - iii. Certification of the operator of the system.
    - iv. Involvement, as prescribed in the final plat documents, of a homeowners' association or community association.
- d. Standards for individual systems. Individual liquid waste disposal systems and privies may not be approved by the planning commission for use within a subdivision unless the following standards are met:
1. Such systems shall be located so as not to potentially contaminate or pollute any drinking water supply, watercourse or body of water.

2. Such systems shall be located so as not to potentially degrade any recreational resources.
3. Such systems shall not create a nuisance.
4. Such systems shall not be located in areas where there is evidence that similar individual systems have caused significant groundwater contamination or high nutrient levels in any body of water.
5. Such systems shall not be located in areas where there is evidence that they will cause hazards to health or to the environment.
6. The distance between a well and a tank used as part of an individual liquid waste disposal system must be no less than 50 feet.
7. The distance between a well and an absorption field that is part of an individual liquid waste disposal system must be not less than 100 feet.
8. The distance between a well or body of water used as a public water supply and an absorption field or tank used as part of an individual liquid waste disposal system must be no less than 200 feet.
9. The distance between an absorption field or tank used as a part of an individual liquid waste disposal system and the nearest boundary of a floodway must be no less than 100 feet.

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- e. *Soil limitations for individual systems.* Individual liquid waste disposal systems may not be approved for use within a subdivision characterized by severe limitations under standards prescribed by the EID and CID of the state. In addition, individual liquid disposal systems shall not be approved for use within a subdivision where a percolation rate of less than six minutes per inch and a seasonal high water table of less than 20 feet exist together.
- f. *Minimum lot size for individual systems.* Individual liquid waste disposal systems may not be approved by the planning commission for use within a subdivision unless the parcels on which they will be used conform to the minimum lot sizes required by the EID and CID of the state.
- g. *Submittal requirements for individual systems.* Submittals for individual liquid waste disposal systems are as follows:
  1. A copy of the subdivider's disclosure statement relating to liquid waste disposal.
  2. The location of all proposed and existing wells, sewage absorption areas, community sewage systems and community water supply systems within the proposed subdivision and within 300 feet of the proposed subdivision boundary.

3. The location of all arroyos, drainage areas and bodies of water within the proposed subdivision and within 300 feet of the proposed subdivision boundary.
4. The soil depth throughout the area of the proposed subdivision.
5. Soil classification or percolation tests, or both.
6. The depth to the seasonal high water table.
7. The slope of the ground within the proposed subdivision.
8. The flood frequency of areas within the proposed subdivision.
9. A detailed description of the kind of individual liquid waste disposal system that is to be used by the occupants of the subdivision.
10. The projected population of the subdivision, based upon four persons per household.

(g) *Sidewalks and curbs.*

- (1) Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets as illustrated in table 3.
- (2) Concrete curbs and gutters are required for all streets where sidewalks are required by this article or where required at the discretion of the planning commission and council.
- (3) Sidewalks shall be improved as required in subsection (c)(2)b of this section. A median strip of grass or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs.

TABLE 3. SIDEWALK REQUIREMENTS

Type of Street	Sidewalk Requirement
Local	Optional (at council directive)*
Collector	Both sides, 4 feet wide
Arterial	Both sides, 5 feet wide

\*But, where provided, four feet wide.

(h) *Underground installation of utilities; utility easements.*

- (1) *Underground installation.* All utility facilities, including but not limited to gas, electric power, telephone and cable television facilities, shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility

facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(2) *Easements.*

- a. Easements centered on rear lot lines shall be provided, where necessary, for utilities (private and municipal). Such easements shall be at least ten feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
- b. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements of at least ten feet in width shall be provided along side lot lines, with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

(i) *Public land dedication, parks and open space.*

- (1) *Public uses shown on comprehensive plan.* Where a proposed park, playground, open space or other public use shown on the comprehensive plan is located in whole or in part in a subdivision, the planning commission and council shall require that such area be shown on plats in accordance with the requirements specified in this section. Such area shall be dedicated to the village by the subdivider if the council approves such dedication.
- (2) *Public uses not shown on comprehensive plan.* Where such other areas or sites of a character, extent and location suitable to the needs created by the type of development proposed for a subdivision are deemed essential by the planning commission for the orderly provision of areas or sites for public services or facilities and which development was not anticipated by the master plan, the planning commission shall require the subdivider to indicate such areas or sites on the subdivision plat, and, if deemed necessary by the planning commission and the council, such area shall be dedicated to the village by the subdivider.
- (3) *Dedication of recreation space required.* Before any subdivider shall receive final plat approval for a subdivision of land lying within the corporate limits of the village, or land which is to be annexed to the village prior to the approval of the final plat, the subdivider shall dedicate to the village an area of land to be used by the village for a neighborhood recreation space. The provisions of this subsection shall not apply to replats of land already subdivided.
- (4) *Calculation of required recreation space.* The amount of land to be dedicated shall be equal to the recreation space demand created by the subdivision and development of the land subdivided. The recreation space demand shall be computed on the projected requirement of 3.75 acres per 1,000 population generated. The number of persons the development of the subdivided land would generate as future residents of the area will be computed on the following formula:

- a. For subdivision of land lying within an R-1 or R-2 residential zoning district or single-family lots platted in an R-2 residential zoning district, the population shall be computed as the number of single-family lots contained in the subdivision multiplied by 3.11 persons.
  - b. If the subdivider of property within an R-3 residential zoning district has building plans ready to submit to the building official, showing the units to be built on the subdivided property or any portion thereof, the following formula shall be used to determine the population to be generated by this property: the number of family units contained multiplied by 2.60 persons.
  - c. If the subdivider of property within an R-4 multiple-family zoning district has building plans ready to submit to the building official, showing the units that will be built on the subdivided property or any portion thereof, the following formula shall be used to determine the population generated by this property:
    - 1. The number of studio units multiplied by 1.30 persons; plus
    - 2. The number of one-bedroom units multiplied by 1.73 persons; plus
    - 3. The number of two-bedroom units multiplied by 2.60 persons; plus
    - 4. The number of three- or more bedroom units multiplied by 3.46 persons; plus
    - 5. The number of townhouse units multiplied by 2.60 persons.
  - d. For subdivision of land lying within an M-1 low-density mobile home district, the population shall be computed as the number of lots in the mobile home subdivision multiplied by 3.11 persons.
  - e. For subdivision of land lying within an M-2 medium-density mobile home district, the population shall be computed as the number of lots in the mobile home subdivision multiplied by 2.60 persons.
  - f. If the subdivider of property within a multiple-family zoning district does not have plans ready to submit to the building official showing the units to be built on the subdivided property or any portion thereof, the following formula shall be used to determine the population to be generated by this property:
    - 1. If the property is in an R-2 residential district, the number of persons generated will be calculated by multiplying 3.11 persons times 6.20 units per acre, times the number of net acres in the subdivision for single-family development, and times 9.70 units per acre for duplexes. Net acreage shall include all acreage, including public easements not dedicated to the village, in fee simple.
    - 2. If the property is located in an R-3 residential district or R-4 multiple-family district, the number of persons generated by the development will be calculated by multiplying 2.60 persons times 16.0 units per acre, times the number of acres in the subdivision for R-3 development, and times 22.0 units per acre for R-4 development.
- (5) Payment of recreation space demand fee in lieu of dedication of land. In lieu of the land required to be dedicated by subsection (i)(3) of this section, the subdivider may choose to pay the village a recreation space demand fee. The amount of the fee shall equal the number of persons the future

development of the subdivision will generate as calculated under subsection (i)(4) of this section, multiplied by the per-person fee based on per-acre value of land being subdivided within the village.

- (6) *Appraisal of value of land for purpose of recreation space demand fee.* For the purpose of computing the recreation space demand fee, the fair market value of the raw land lying within the subdivision shall be an amount determined in an appraisal obtained by the village from a qualified appraiser who is a resident of the county. If the developer does not feel the amount so determined fairly reflects the market value of the raw land lying within the subdivision, the developer may obtain, at his own expense, an additional appraisal from a qualified professional appraiser approved by the village. The appraisal done by such approved appraiser shall be binding on the village.
- (7) *Payment of recreation space demand fee when proposed land is unsuitable.* If the council, prior to approving the final plat, finds that the land offered to be dedicated by the developer is inappropriate for use as recreation space because the land offered for dedication does not lie within the designated planned park sites for the area, or is not usable as a village park because of rough topography, susceptibility to flooding, inaccessibility or limited size, or does not meet other reasonable standards for land to be used as recreation space, the developer will be required to pay the fee in lieu of land as provided in subsection (i)(5) of this section.
- (8) *Deferral of dedication or fee payment.* Ordinarily, the recreation space demand fee shall be deposited with the village clerk prior to the approval of the final plat. However, if the council determines that immediate payment of the fee will work a hardship on the developer, or other circumstances so dictate, it may allow the developer to enter into an agreement with the village providing for future dedication of land or payment of the fee, provided that such agreement is accompanied by a good and sufficient surety bond in the amount of the required fee ensuring faithful performance of the agreement for future dedication or payment.
- (9) *Disposition and use of recreation space demand fees; refunds.* All fees collected pursuant to this subsection shall be deposited by the village in a fund known as the Village of Ruidoso Recreational Space Purchase and Improvement Fund. Monies deposited into the fund shall not be expended for any purpose other than to purchase and/or make improvements on land to be used as public recreational area located within one mile from an exterior boundary of the subdivision for which the fees were paid. If the village does not either purchase property or make improvements on property designated as public recreational area within one mile from the exterior boundary of the subdivision for which the fee was paid within a ten-year period from the date of such payment, the developer shall be refunded, at the expiration of the ten-year period, an amount equal to the fee, plus interest at the rate of six percent. Such refund, however, shall only be made after the developer, or his entire heirs or assigns, presents the village with a written request for such refund containing a statement as to the name of the subdivision for which the fee was paid, the date the fee was paid, and such other information as may be necessary to establish that a refund is due.
- (10) *Recovery of dedicated property by donor.* If land dedicated to the village for use as public recreation space is not improved or dedicated as natural open space and used as public recreation space within a period of ten years, the donor of the property or his successors in interest may institute an action to recover the property pursuant to NMSA 1978, § 70-1-45.

- (11) *Form of dedication.* The dedication of land required by this subsection shall be by warranty deed or dedication on a plat of the subdivision filed of record with the county clerk. All deeds and dedications purporting to dedicate land to the village pursuant to this subsection shall be approved by the village attorney.

This subsection shall not apply to subdivisions for which preliminary plat approval has been obtained prior to the effective date of the subdivision regulations in this article, adopted June 28, 1988, by Ordinance No. 88-6.

(Code 1985, § 10-10-5)

## **SEC. 54-286 COMPLETION OF IMPROVEMENTS.**

(a) *Generally; performance bond; acceptance of dedication offers.*

(1) *Performance bond.*

- a. The council shall require that the applicant post a bond at the time of application for final subdivision approval in to secure to the village the satisfactory construction, installation and dedication of the required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in this article. The amount of the bond shall be 125 percent of the cost of the installation and materials necessary to complete the subdivision.
  - b. Such performance bond shall comply with all statutory requirements and shall be executed by a surety company holding a license to do business in the State of New Mexico, and acceptable to the Village of Ruidoso on a form approved by the village, in an amount of 125 percent of the cost of the improvements as certified by the council. The performance bond shall be satisfactory to the village attorney as to form, sufficiency and manner of execution, as set forth in this article. The period within which required improvements must be completed shall be specified by the council in the resolution approving the final subdivision plat and shall be incorporated in the bond, and shall not in any event exceed two years from the date of final approval.
  - c. Such bond shall be approved by the council as to amount and surety and conditions satisfactory to the council. The planning commission may, upon proof of difficulty, recommend to the council extension of the completion date set forth in such bond for a maximum period of one additional year. The council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the planning commission.
- (2) *Alternative to performance bond.* As an alternative to requiring a contractor's performance bond, the council, at its discretion, may allow the procedures for completion of improvements described in section 54-283(d)(5).
- (3) *Temporary improvements.* The applicant shall build and pay for all costs of temporary improvements required by the council and shall maintain the temporary improvements for the period specified by the council. Prior to construction of any temporary facility or improvement,



the developer shall file with the Public Works Department a separate performance bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained and removed.

- (4) *Payment of costs of improvements.* All required improvements shall be made by the applicant, at his expense, without reimbursement by the village or any improvement district therefor.
- (5) *Guarantees by governmental units.* Governmental units to which the bond and contract provisions of this section apply may file, in lieu of the contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
- (6) *Failure to complete improvements.* For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the village may thereupon declare the bond to be in default, call on the bond, and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.
- (7) *Acceptance of dedication offers.* Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by resolution of the council. The approval by the council of a subdivision plat shall not be deemed to constitute or imply the acceptance or maintenance by the council of any street, easement or park shown on the plat. The council may require the plat to be endorsed with appropriate notes to this effect.

(b) *Inspection of improvements.*

- (1) *Required; fees; liability of applicant and bonding company.* The council shall provide for inspection of required improvements during construction and to ensure their satisfactory completion. The applicant shall pay to the village an inspection fee as set forth in Appendix A to this Code. The inspection fee shall be computed based on the amount of the performance bond or the estimated cost of required improvements, and the subdivision plat shall not be signed by the mayor unless such fee has been paid at the time of approval. If the Public Works Department finds upon inspection that any of the required improvements have not been constructed in accordance with the village's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to the specifications.

(2) *Release or reduction of performance bond; maintenance of improvements.*

- a. *Certificate of satisfactory completion.* The council will not accept dedication of required improvements, or release or reduce a performance bond, until the Public Works Department has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Public Works Department, through submission of a detailed as-built survey plat and construction plans of the subdivision,

prepared on Mylar, indicating location, dimensions, materials and other information required by the council or Public Works Department, that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the village attorney indicating that the improvements have been completed, are ready for dedication to the village and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the council shall thereafter accept the improvements for dedication in accordance with the established procedure.

b. *Reduction of performance bond.* A performance bond may be reduced upon actual dedication of public improvements, and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below 25 percent of the principal amount unless all improvements have been dedicated, in which case the bond may be reduced to zero, provided a maintenance bond is posted.

c. *Maintenance of improvements; maintenance bond.*

1. The applicant shall be required to maintain all improvements within the subdivision and/or on the individual subdivided lots for a period of one year following completion of the improvements or until final acceptance of the improvements by the village council. If there are any certificates of occupancy on a street where improvements have not been dedicated to the village, the village may, on 12 hours' notice, effect emergency repairs and charge the costs to the applicant.

2. The applicant shall be required to file a maintenance bond with the council prior to dedication in the amount of ten percent of the improvement costs, in a form satisfactory to the village attorney, in order to guarantee that all workmanship and materials, including all lot improvements on the individual subdivided lots, shall be free from defects for a period of one year after the date of their acceptance by the council and dedication of the improvements to the village.

(c) *Deferral or waiver of required improvements.*

(1) The council may defer or waive, at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the council to defer the construction of any improvement required in this article because of incompatible grades, future planning, or inadequacy or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the village prior to signing of the final subdivision plat, or the applicant may post a bond ensuring completion of the improvements upon demand by the council.

(d) *Issuance of building permits and certificates of occupancy.*

- (1) Where a performance bond has been required for a subdivision, no building permit for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of the improvements to the village, as required in the council's final approval of the subdivision plat.
- (2) No certificate of occupancy for any building in the subdivision shall be issued prior to completion, inspection and approval by the Public Works Department and dedication to the village of all utilities required to serve the building for which a certificate of occupancy is requested.
- (3) The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire protection equipment, prior to the issuance of an occupancy permit.
- (4) No building permit shall be issued for the final ten percent of lots in a subdivision (or, if ten percent is less than two, for the final two lots of a subdivision) until all public improvements required by the council for the plat have been fully completed and dedicated to the village.
- (5) For the purpose of allowing the early construction of model homes in a subdivision, the planning commission, at its discretion, may permit a portion of a major subdivision involving no more than four lots to be created in accordance with the procedures of section 54-283(e), provided such portion derives access from an existing village, township, county or state highway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the planning commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary plat approval, the model may be constructed, subject to such additional requirements that the planning commission may require.

(Code 1985, § 10-10-6; Ord. No. 2007-09, 9-11-07)

## **SEC. 54-288. FEES.**

Fees for permits, inspections and administrative functions associated with the community development department shall be set or revised from time to time by the planning official with the concurrence of the village manager. The fees are to be reviewed and recommended by the planning and zoning commission to the governing body for approval by resolution.

(Code 1985, § 10-10-7; Ord. No. 2019-02 , 3-12-19)

## **SEC. 54-287. CERTAIN DESIGN AND CONSTRUCTION STANDARDS SAVED FROM REPEAL.**

Design and construction standards for streets, storm drainage, water and sanitary sewers are not printed in this Code, but are saved from repeal and are on file and available in the offices of the planning administrator and the village clerk.

## **SEC. 54-288—54-320. RESERVED.**

# **ARTICLE IV. FLOOD HAZARD REGULATIONS**

## **SEC. 54-321. STATUTORY AUTHORITY.**

The legislature of the state has, in NMSA 1978, § 3-18-6, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

(Code 1985, § 10-9-1)

## **SEC. 54-322. FINDINGS OF FACT.**

- (a) The flood hazard areas of the village are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Code 1985, § 10-9-2)

## **SEC. 54-323. PURPOSE OF ARTICLE.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Code 1985, § 10-9-3)

## **SEC. 54-324. METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or which cause excessive increases in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, streams, channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development which may increase flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1985, § 10-9-4)

## **SEC. 54-325. DEFINITIONS (FOR PURPOSES OF THE NATIONAL FLOOD INSURANCE PROGRAM).**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

*Alluvial fan flooding* means flooding occurring in the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition, and unpredictable flow paths.

*Apex* means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appeal* means a request for a review of the enforcement officer's interpretation of any provisions of this article, or a request for a variance.

*Area of shallow flooding* means a designated AO, AH or VO zone on a community's flood insurance rate map with a one-percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1—30, AE, A99, AR, AR/A1—30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1—30, VE or V.

*Base flood* means the flood having a one-percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on flood insurance rate maps (FIRMs) and on the flood profiles.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

*Elevated building* means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Existing construction* means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as "existing structures."

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community.

*Existing mobile home park or mobile home subdivision* means a parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance from which this article is derived.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads.

*Expansion to an existing mobile home park or mobile home subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets.

*Flood and flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazard have been designated as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study (FIS)*. See "Flood elevation study."

*Floodplain and floodprone area* mean any land area susceptible to being inundated by water from any source (see the definition of "flooding").

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodway and regulatory floodway* mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include longterm storage or related manufacturing facilities.

*Habitable floor* means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:



- a. By an approved state program as determined by the Secretary of the Interior; or
- b. Directly by the Secretary of the Interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means, for purposes of the National Flood insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Mobile home.* See "Manufactured home."

*New construction* means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community, and includes any subsequent improvements to such structures.

*New mobile home park or mobile home subdivision.* See "New manufactured home park or subdivision."

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Special flood hazard area.* See "Area of special flood hazard."

*Start of construction*, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Cost shall be determined according to the standards of subsection 22-34(b). This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety codes or specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Variance* means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1985, § 10-9-5; Ord. No. 2011-15, 10-11-11; Ord. No. 2014-09 , 10-28-14)

Editor's note(s)—Ord. No. 2014-09 Editor's note(s)—, adopted Oct. 28, 2014, changed the title of § 54-325 Editor's note(s)— from "Definitions" to read as herein set out.

Cross reference(s)—Definitions generally, § 1-2 Cross reference(s)—.

## **SEC. 54-326. LANDS TO WHICH ARTICLE APPLIES.**

This article shall apply to all areas of special flood hazard within the jurisdiction of the village.

(Code 1985, § 10-9-6)

## **SEC. 54-327. BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Ruidoso," dated November 5, 2014, with accompanying flood insurance rate maps, dated November 5, 2014 (Panel Numbers: 35027C2059E and 35027C2080E) and November 16, 2011 (Panel Numbers: 35027C1890D, 35027C189SD, 35027C2052D, 35027C2056D, 35027C2057D, 35027C2055D, 35027C2058D, 35027C2066D, and 35027C20670) and flood hazard boundary-floodway maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this article.

These additional resources can be used by the floodplain manager for the purpose of issuing a floodplain permit or determining floodplain BFEs or other required floodplain determination elements.

(1) estBFE Viewer.

(2) inFRM tools (interagency flood risk management).

(Code 1985, § 10-9-7; Ord. No. 2011-15, 10-11-11; Ord. No. 2014-09 , 10-28-14; [Ord. No. 2022-01](#), 5-10-22, [Ord. No. 2024-05](#))

## **SEC. 54-328. DEVELOPMENT PERMIT REQUIRED.**

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Code 1985, § 10-9-8; Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-329. COMPLIANCE WITH ARTICLE AND OTHER REGULATIONS.**

No structure or land shall hereafter be located or altered or have its use changed without full compliance with the terms of this article and other applicable regulations. All appropriate State and Federal permits have been obtained before the issuance of an approved permit by the Village of Ruidoso.

(Code 1985, § 10-9-9, [Ord. No. 2024-05](#))

### **SEC. 54-330 ABROGATION OF EXISTING RESTRICTIONS; CONFLICTING REGULATIONS.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1985, § 10-9-10)

### **SEC. 54-331. INTERPRETATION OF ARTICLE.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally constructed in favor of the council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1985, § 10-9-11)

### **SEC. 54-332. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur, and flood heights may be increased by manmade or natural causes. This article does not

imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the village or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1985, § 10-9-12)

### **SEC. 54-333. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The planning administrator or his designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (the National Flood Insurance Program regulations) pertaining to floodplain management.

(Code 1985, § 10-9-13)

### **SEC. 54-334. DUTIES OF FLOODPLAIN ADMINISTRATOR.**

Duties and responsibilities of the floodplain administrator shall include but not be limited to the following:

- (1) The floodplain administrator shall maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) The floodplain administrator shall review permit applications to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) The floodplain administrator shall review, approve or deny all applications for development permits required by adoption of this article.
- (4) The floodplain administrator shall review applications for proposed development to ensure that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required (including those required by section 404 of the federal Water Pollution Control Act Amendments of 1972, 33 USC 1334).
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) The floodplain administrator shall notify, in riverine situations, adjacent communities and the state coordinating agency, which is the emergency management bureau, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM).

- (7) The floodplain administrator shall ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 54-327, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this article.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development, including fill, shall be permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1—30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(Code 1985, § 10-9-14; Ord. No. 2014-09 , 10-28-14)

## **SEC. 54-335. ISSUANCE OF DEVELOPMENT PERMIT.**

- (a) *Application.* Application for a development permit shall be presented to the enforcement officer on forms furnished by him, and may include but shall not be limited to plans in duplicate drawn to scale showing the locations, dimensions and elevation of proposed landscape alterations and existing and proposed structures, and their location in relation to areas of special flood hazard. Additionally, the following information is required:
  - (1) Elevation, in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures.
  - (2) Elevation, in relation to mean sea level, to which any nonresidential structure shall be floodproofed.
  - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 54-337.
  - (4) A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  - (5) Maintain a record of all such information in accordance with, subsection 54-334(1).
- (b) *Criteria for approval.* Approval or denial of a development permit by the enforcement officer shall be based on all of the provisions of this article and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage.
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (3) The danger that materials may be swept onto other lands to the injury of others.
- (4) The compatibility of the proposed use with existing and anticipated development.
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electric and water systems.
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (8) The necessity to the facility of a waterfront location, where applicable.
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (10) The relationship of the proposed use to the comprehensive plan for that area.

(Code 1985, § 10-9-15; Ord. No. 2014-09 , 10-28-14)

## **SEC. 54-336. VARIANCES.**

- (a) The enforcement officer shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The planning commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the enforcement officer in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the planning commission may appeal such decisions to the council as provided in section 54-62, and then to the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal, and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this article.

- (f) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 54-335(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted in this section and the intent of this article, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Prerequisites for granting variances are as follows:
  - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (j) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (1) The criteria outlined in this article are met.
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (k) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.



## SEC. 54-337. GENERAL STANDARDS.

In all areas of special flood hazard, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed, or modified, and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters; and
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(Code 1985, § 10-9-17; Ord. No. 2014-09 , 10-28-14)

## SEC. 54-338. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in [section 54-327](#), [54-334\(8\)](#) or [54-337](#), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the enforcement officer that the standard of this subsection, as proposed in [section 54-335](#), is satisfied.
- (2) *Nonresidential construction.* New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of two feet above the base flood level, or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that such design, specifications and plans are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) *Enclosures.* New construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) a. Manufactured homes that are placed or substantially improved within zones A1—30, AH and AE on the community's FIRM on sites:
1. Outside of a manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two feet above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- (5) *Recreational vehicles.* Recreational vehicles placed on sites within zones A1—30, AH and AE on the community's FIRM shall either:
- a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use; or
  - c. Meet the permit requirements of this article and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

- (6) *Evacuation plan.* A plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas shall be developed and filed with and approved by the enforcement officer.

(Code 1985, § 10-9-18; Ord. No. 2014-09 , 10-28-14, [Ord. No. 2024-05](#))

## **SEC. 54-339. STANDARDS FOR AREAS OF SHALLOW FLOODING.**

- (a) Located within the areas of special flood hazard established in section 54-327 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions shall apply:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM, or at least two feet if no depth number is specified.
  - (2) All new construction and substantial improvements of nonresidential structures shall:
    - a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM, or at least two feet if no depth number is specified; or
    - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
  - (3) A registered professional engineer or architect shall submit a certification to the enforcement officer that the standards of this section, as proposed in section 54-335(b), are satisfied.
  - (4) Within zones AH and AO, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

(Code 1985, § 10-9-19; Ord. No. 2014-09 , 10-28-14)

## **SEC. 54-340. STANDARDS FOR SUBDIVISION PROPOSALS.**

- (a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 54-321 through 54-323.
- (b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet the development permit requirements of sections [54-335](#) and [54-337](#), and other provisions of this article.

- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided.
- (d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so as to minimize or eliminate flood damage.

(Code 1985, § 10-9-20)

## **SEC. 54-341. COMPUTER PROGRAMS FOR IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS.**

- (a) Any computer program used to perform hydrologic or hydraulic analyses in support of a flood insurance map revision must meet all of the following criteria:
  - (1) It must have been reviewed and accepted by a governmental agency responsible for the implementation of programs for flood control and/or the regulation of floodplain lands. For computer programs adopted by non-federal agencies, certification by a responsible agency official must be provided which states that the program has been reviewed, tested and accepted by that agency for purposes of design of flood control structures or floodplain land use regulation.
  - (2) It must be well documented, including source codes and user's manuals.
  - (3) It must be available to the Federal Emergency Management Agency and all present and future parties impacted by flood insurance mapping developed or amended through the use of the program. For programs not generally available from a federal agency, the source code and user's manuals must be sent to the Federal Emergency Management Agency free of charge, with fully documented permission from the owner that the Federal Emergency Management Agency may release the code and user's manuals to such impacted parties.

(Code 1985, § 10-9-21)

## **SEC. 54-342. FLOODWAYS.**

Located within areas of special flood hazard established in section 54-327 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development, unless certification by a professional registered engineer or architect is provided

demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) If the requirements of this article are satisfied, all new construction and substantial improvements shall comply within all applicable flood hazard reduction provisions of section 54-337

( Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-343. SEVERABILITY.**

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

( Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-344. PENALTIES FOR NONCOMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Village of Ruidoso from taking such other lawful action as is necessary to prevent or remedy any violation.

( Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-345—54-370. RESERVED.**

# ARTICLE V. AIRPORT HAZARD REGULATIONS<sup>12</sup>

## SEC. 54-371. SCOPE OF ARTICLE; STATUTORY AUTHORITY.

This article is applicable to the area enclosed within a 10,000-foot radius from the center of each end of the primary surface of each runway of the airport and by connecting the adjacent arcs by lines tangent to those arcs, and all the area within the runway 6/24 approach zone for a distance of 50,000 feet from the center of each end of the primary surface for each end of runway 6/24, all as shown on the airport hazard zoning map attached to the ordinance from which this article is derived, at the Sierra Blanca Regional Airport. This article divides such area into zones and, within such zones, specifies the land uses permitted, regulates and restricts the height to which structures and trees may be erected or allowed to grow, and imposes other restrictions and requirements necessary to effectuate the approach plan for the airport, the airport approach plan having been heretofore formulated and adopted by the board of county commissioners. The authority for the airport approach plan and for this article is NMSA 1978, §§ 3-39-16—3-39-26, and Federal Aviation Administration Regulations, Part 77, Objects Affecting Navigable Airspace.

(Code 1985, § 11-8-1)

## SEC. 54-372. DEFINITIONS.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) **Airport** means the Sierra Blanca Regional Airport, Ruidoso, New Mexico.
  - (2) **Airport elevation** means the established elevation of the highest point on the usable landing area, which is 6,810.5 feet MSL.
  - (3) **Airport reference point** means the point established as the approximate geographic center of the airport landing area, and is established at a location described as follows: longitude 105°31'31" west, latitude 33°27'42" north.
  - (4) **Height.** For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
  - (5) **Landing area** means the area of the airport used for the landing or takeoff of the aircraft.
  - (6) **Nonconforming use** means any structure, tree or use of land which is lawfully in existence at the time this article becomes effective and does not then meet the requirements of this article.

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<sup>12</sup>Cross reference(s)—Aviation, ch. 18 Cross reference(s)—.

(7) **Primary surface** means a surface longitudinally centered on a runway and which extends 200 feet beyond each end of that runway, provided the surface is hard; otherwise, the primary surface ends at each end of that runway. The primary surface is established as 200 feet beyond each end of the runways and has a width of 1,000 feet for instrument runways and 250 feet for visual runways.

(8) **Runway** means a defined area on the airport prepared for landing and takeoff of aircraft along its length.

(b) Other definitions are as set out in NMSA 1978, § 3-29-17, and in Federal Aviation Administration Regulations, Part 77, Objects Affecting Navigable Airspace.

(Code 1985, § 11-8-2)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

## SEC. 54-373. ZONES.

(a) In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying within the approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Sierra Blanca Regional Airport Hazard Zoning Map, consisting of one sheet, and bearing the date of adoption of the ordinance from which this article is derived, a copy of which is attached to such ordinance and made a part of this article by reference. The various zones are hereby established and defined as follows:

(1) **Approach zones.** An approach zone is established at each end of all runways on the airport for landings and takeoffs. The approach zone shall be longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface and has a width of 1,000 feet for instrument runway 6/24 and 250 feet for visual runway 12/30 at a distance of 200 feet beyond each end of each runway, widening thereafter uniformly for each runway as follows:

a. For runway 6/24, to a width of 4,000 feet at a slope of 50 feet horizontally to one foot vertically for the first 10,000 feet, and to a width of 16,000 feet at a slope of 40 feet horizontally to one foot vertically for the next 40,000 feet.

b. For runway 12/30, to a width of 450 feet at a slope of 20 feet horizontally to one foot vertically at a distance of 1,000 feet from the end of the primary surface.

(2) **Transition zones.** Transition zones are hereby established adjacent to each runway and approach zone as indicated on the zoning map. Transition zones extend outward and upward at right angles to the runway centerline at a slope of seven feet horizontally to one foot vertically from the sides of the primary surface and from the sides of the approach surfaces to the point where they intersect the surface of the horizontal zones or the conical zone.

(3) **Horizontal zones.** A horizontal zone is hereby established as the area the perimeter of which is constructed by swinging arcs of a radius of 10,000 feet from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines

tangent to those arcs. The horizontal zone does not include the approach zones, conical zones and transition zones.

- (4) **Conical zones.** A conical zone is hereby established as the area that commences at the periphery of the horizontal zones and extends outward therefrom at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The conical zone does not include the approach zones and transition zones.

(Code 1985, § 11-8-3)

## SEC. 54-374. HEIGHT LIMITATIONS.

- (a) Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this article to a height in excess of the height limit established in this article for each zone. Such height limitations are hereby established for each of the zones in question as follows:
  - (1) *Approach zones.*
    - a. For runway 6/24: Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
    - b. For runway 12/30: Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
  - (2) *Transitional zones.* Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 6,810.5 feet above mean sea level. In addition, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
  - (3) *Horizontal zones.* One hundred fifty feet above the airport elevation or a height of 6,960.5 feet above mean sea level.
  - (4) *Conical zone.* One foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal zones, extending to a height of 350 feet above the airport elevation.



- (5) *Overlapping zones.* Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail. Nothing in this article shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the surface of the land within a three-mile radius of the airport reference point.

(Code 1985, § 11-8-4)

## **SEC. 54-375. USE RESTRICTIONS.**

Notwithstanding any other provisions of this article, no use may be made of land within any zone established by this article in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(Code 1985, § 11-8-5)

## **SEC. 54-376. NONCONFORMING USES.**

- (a) *Regulations not retroactive.* This article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to this article as of the effective date of the ordinance from which this article is derived, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this article shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article is derived and is diligently prosecuted.
- (b) *Marking and lighting.* Notwithstanding subsection (a) of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the village council to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the village and shall conform to the current Federal Aviation Administration Advisory Circular 70/7460-1.
- (c) *Incompatible uses.* No use shall be allowed within any zone established by this article which is in conflict with Federal Aviation Administration Order 5200.5 relating to safe flight operations.

(Code 1985, § 11-8-6)

## **SEC. 54-377. PERMITS AND VARIANCES.**

(a) *Permit for new uses and structures.* Except as specifically provided in subsections (1), (2) and (3) of this subsection, no material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this article unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to this article.

(1) In the area lying within the limits of the horizontal zone or the conical zone but not within the limits of an approach zone or transition zone, no permit shall be required for any tree or structure less than 50 feet in vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 50 feet in vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the exceptions in subsections (1), (2) and (3) of this section shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this article, except as set forth in section 54-374.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the ordinance from which this article is derived or the effective date of any amendments to this article, or than it is when the application for a permit is made.

(c) *Abandoned or destroyed nonconforming uses.* Whenever the village council determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this article.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with this article, may apply to the planning commission for a variance from this article. Such variances may be allowed where it is duly found that a literal application or enforcement of this article would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article.

(e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the village, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Code 1985, § 11-8-7)

## **SEC. 54-378. ADMINISTRATION.**

It shall be the duty of the planning commission to administer and enforce this article. Applications for permits and variances shall be made to the planning commission upon forms furnished by it. The airport manager shall review all applications for permits and variances and shall report his findings and recommendations to the planning commission regarding compliance with this article and the airport master plan. Applications required by this article to be submitted to the planning commission and reviewed by the airport manager shall be promptly considered and granted or denied by the planning commission.

(Code 1985, § 11-8-8)

## **SEC. 54-379. APPEALS.**

Appeals shall be to the village council according to the provisions of NMSA 1978, § 3-39-22.

(Code 1985, § 11-8-9)

## **SEC. 54-380. JUDICIAL REVIEW.**

Judicial review may be had as provided in NMSA 1978, § 3-39-23.

(Code 1985, § 11-8-10)

## **SEC. 54-381. ENFORCEMENT AND REMEDIES.**

Violations, penalties and additional relief are as provided in NMSA 1978, § 3-39-24.

(Code 1985, § 11-8-11)

## **SEC. 54-382. CONFLICTING REGULATIONS.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Code 1985, § 11-8-12)

## **SEC. 54-383—54-399. RESERVED.**

# **ARTICLE VI. WILDFIRE HAZARD OVERLAY DISTRICT**

## **SEC. 54-400. INTENT AND PURPOSE OF DISTRICT.**

- (a) This wildfire hazard overlay district (the "district") is intended to promote the public health, safety and general welfare of the citizens of the village, to minimize the risk of loss of life and property in the district, to encourage and regulate prudent land use in the district so as not to increase the danger to the public health, safety and property, to reduce the demands for public expenditures for relief and protection of structures and facilities permitted in the district, to regulate buildings and structures so as to minimize the hazard to public health, safety and welfare and to public and private property, and to facilitate an added value concept to enhance aesthetics and property values.
- (b) Specific purposes are:
- (1) To develop and maintain a map or otherwise to identify areas within the village's jurisdiction that allow for preliminary identification of wildfire hazard areas.
  - (2) To identify the process for assessing the wildfire hazard concurrent with the land planning process.
  - (3) To identify specific types of development to be subject to wildfire mitigation measures and the provisions of the Urban/Wildland Interface Code ("U/WIC"), as amended and adopted by the village.
  - (4) To reference the standards with which development proposed in wildfire hazard areas must comply.
  - (5) To set forth the procedures for addressing wildfire risk during the land development process.

(Ord. No. 2002-05, 6-25-02)

## **SEC. 54-401. APPLICABILITY.**

- (a) The regulations contained in this article shall apply to all land areas identified as being within the district.
- (b) Any area assigned a hazard rating of 60 for constructed sites or 45 for unimproved land or higher by the U/WIC, or such other rating as the U/WIC may provide from time to time, shall be subject to the provisions of this article.
- (c) Land use activities subject to this article are:
  - (1) All building permits;
  - (2) Site plans;
  - (3) Subdivisions;
  - (4) All special use permits, including conditional uses and variances.
- (d) The provisions of this article shall apply in addition to the applicable requirements of the underlying zoning district. Where any such provisions are inconsistent, the provisions of this article shall govern.

(Ord. No. 2002-05, 6-25-02)

## **SEC. 54-402. DUTIES OF DIRECTOR.**

- (a) The planning administrator and the director of forestry of the village shall have concurrent responsibility for administration of this article.
- (b) Use of the title "director" refers to the planning administrator or the director of forestry or their duly authorized representative.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-403. IDENTIFICATION OF DISTRICT.**

- (a) The district shall be deemed an overlay on property in any zoning district that comes within the provisions of this article.
- (b) The village may create a map to identify properties within the district, or it may identify said properties on the basis of the hazard rating system of the U/WIC, or by such other method as will serve the purposes listed above and sufficiently identify the property. Any property identified as being within the district shall lawfully be designated as such, regardless of whether or not it is identified on any map.

- (c) Land proposed for development shall be subject to on-site inspection by the director for the purpose of determining a wildfire hazard rating.
- (d) Any person contesting the location of property within the district or the severity of conditions at a specific location within the district may challenge the determination of the director by submission of forestry, topographic and other data to support such contest. The director shall not allow deviations from the district designation or from the mitigation requirements of this article unless the data submitted clearly and conclusively establishes that the designated location is incorrect or that the hazard conditions as determined by the director are in error. The director shall be required to enter findings that any deviations approved as a result of this subsection do not present a significant hazard to public health, safety or welfare, or to property at the specific contested location. Any adverse finding under this subsection shall be subject to appeal as otherwise provided in this Code.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-404. DEVELOPMENT STANDARDS.**

- (a) *General requirements.* Development determined to be subject to the provisions of the district shall be required to mitigate identified hazards through compliance with these regulations. Additional measures aimed at reducing the risk of wildfire may be imposed at the discretion of the director, subject to contest as specified in section 54-402 herein.
- (b) *Specific requirements.*
  - (1) *Fuel modification.*
    - a. Minimum fuel modification measures required are set forth in the Fuels Management Standards, section 42-80. Identification of fuel modification measures in addition to the minimum requirements set forth in section 42-80 may be required where slopes exceed 40 percent or [where] other extreme conditions promoting severe fire behavior exist. Additional fuel modification shall be determined and approved by the director of forestry and the fire chief. Identification of fuel type, volume and loading, in conjunction with an assessment of slope and aspect, to determine the ability for a wildfire to spread.
    - b. Reduction of fuel loading and modification of fuel types to reduce the risk to structures or adjacent vegetation, including the creation of fuel breaks.
    - c. Creation of defensible space to protect structures from approaching wildfire and reduce the potential for turning a structure fire into a wildfire.
  - (2) *Defensible space standards.*
    - a. The standards and criteria governing the design of defensible space and associated fuel break thinning shall be those specified in the U/WIC and section 42-80 as adopted by the village.

- b. Roadway standards shall be those specified in the U/WIC as adopted by the village.
- c. A site development plan or building permit meeting the criteria set forth in section 54-404(b)(3)b. shall be deemed to be in compliance with the defensible space requirement when a written certificate of compliance is issued by the director of forestry. The cost of inspection, reinspection and certification shall be borne by the applicant according to the fee schedule as set forth in appendix A to this Code.
- d. A denial of a certificate of compliance may be appealed to the planning commission, the governing body and district court as provided in this Code.

(3) *Building permits.*

- a. All buildings and structures allowed to be located in a wildfire hazard area shall be required to comply with the design standards specified in the U/WIC.
- b. No building permit shall be issued for new construction, the replacement of existing structures, or for additional habitable space of 400 square feet or more until a lot assessment has been completed.
- c. No certificate of occupancy for any construction meeting the criteria contained in subsection b. above shall be issued until a certificate of compliance has been issued.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04; Ord. No. 2007-04, 4-24-07; Ord. No. 2007-09, 9-11-07; Ord. No. 2012-07, 6-26-12)

## **SEC. 54-405. APPLICATION PROCEDURE.**

- (a) Prior to the processing of any application for a land use activity within the district, a wildfire hazard rating shall be obtained by completion of the Fire Hazard Ratings Form (section 42-81). Where required as per section 54-404(b)(1), additional fire hazard reduction measures will be determined by the director of forestry and/or the fire chief.
- (b) If the wildfire hazard rating is 60 for constructed sites or 45 for unimproved land or greater, or otherwise as specified by the U/WIC, a report may be requested to be prepared by a qualified person approved by the director. The report shall, at a minimum, include the following:
  - (1) A description of the existing site characteristics including geologic, vegetative, topographical, and environmental conditions.
  - (2) A determination as to whether the site characteristics constitute a hazard.
  - (3) An assessment of the severity of the hazard and its implications relative to future development.
  - (4) An analysis of the intensity and character of existing and proposed development and its effect on the hazard.

- (5) An analysis of the relationship between the development and the hazard, both inside and outside the impacted area.
- (6) Recommendations pertaining to the form, type and extent of the required mitigation measures as outlined in the U/WIC and in this article.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-406. REVIEW PROCEDURES.**

- (a) The review procedure for the provisions of this article shall coincide with the procedures specified in this Code for the type of development or use proposed and the requirements of the underlying zoning district. In the event of any conflict, the procedures of this article shall control.
- (b) All decisions made by either the director or the planning commission pursuant to the provisions of this article shall be appealable as provided in this Code. The appellate body may approve or disapprove the decision, and may apply such reasonable conditions to its approval as will further the purposes of this article including, but not limited to:
  - (1) Alteration of the physical characteristics of the land;
  - (2) Alteration to the vegetative features of the land; or
  - (3) Construction standards required of structures proposed.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-407—54-698. RESERVED.**

# **ARTICLE VII. WIRELESS TELECOMMUNICATIONS FACILITIES**

## **SEC. 54-699. SHORT TITLE.**

This article shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of the Village of Ruidoso, New Mexico, (hereinafter referred to as the "ordinance"). This article shall supersede all other aspects of this Code, including special use permits and variances, as they may pertain to the construction, erection and/or expansion of wireless telecommunications towers and facilities. This ordinance shall not include amateur radio operators' equipment as licensed by the FCC.



(Ord. No. 2012-05, 6-12-12)

## SEC. 54-700. AUTHORITY.

This article is adopted pursuant to the enabling provisions of the Constitution of the State of New Mexico and NMSA 1978.

(Ord. No. 2012-05, 6-12-12)

## SEC. 54-701. PURPOSE

The purpose of this article is to provide a process and a set of standards for the placement, modification, and construction of wireless telecommunications towers and facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the village.

(Ord. No. 2012-05, 6-12-12)

## SEC. 54-702. DEFINITIONS

The terms used in this article shall have the following meanings:

**Antenna** means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

**Antenna support structure** means any building or structure other than a tower which can be used for location of telecommunications facilities.

**Antenna height** means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Applicant** means any person that applies for a telecommunications facilities permit.

**Application** means the process by which the owner of a parcel of land and the owner of a tower within the village submits a request to develop, construct, build, modify, or erect a telecommunications facility upon such parcel of land; application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the village concerning such a request.

**Camouflage** means to disguise the function of a wireless communications site. Examples include building facilities to resemble clock towers, trees, steeples, flagpoles, etc. Sometimes known as "stealth" towers or facilities that are designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower, such as light poles, power poles, and trees.

**Co-location** means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Designated scenic resource** means that specific location, view, or corridor, as identified as a scenic resource in the village that consists of one or both of the following:

- (a) A three-dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
- (b) Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

**Engineer** means any engineer licensed as a professional engineer by the State of New Mexico.

**Expansion** means the addition of antennas, towers or other devices to an existing structure.

**Height** means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished point of the building or structure. The highest point shall include farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

**Historic or archaeological resources** means resources that are:

- (a) Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
- (b) Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
- (c) Individually listed on a local inventory of historic places in Ruidoso; or
- (d) Areas identified by the village as having significant value as a historic or archaeological resource and any areas identified in the village's comprehensive plan.

**Historic district** means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or

physical development or identified in the village's comprehensive plan. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

**Historic landmark** means any improvement, building or structure of particular historic or architectural significance to the village relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history.

**Line of sight** means the direct view of the object from the designated scenic resource.

**Owner** means any person with fee title or long-term (exceeding ten years) leasehold to any parcel of land or existing tower within the village who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

**Parabolic antenna (also known as satellite dish antenna)** means an antenna that is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

**Person** means any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

**Principal use** means the use other than one that is wholly incidental or accessory to another use on the same premises.

**Public recreational facility** means a regionally or locally significant facility, as defined and identified either by state statute or in the village's adopted comprehensive plan designed to serve the recreational needs of village property owners.

**Stealth** means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

**Targeted market coverage area** means the area which is targeted to be served by this proposed telecommunications facility.

**Telecommunications facilities** means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

- (a) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
- (b) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

**Tower** means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities, but shall not include amateur radio operators' equipment as licensed by the FCC.

**Unreasonable adverse impact** means that the proposed project would produce an end result which is:

- (a) Excessively out of character with the designated/described historic, architectural, or scenic resources affected, including existing buildings, structures and features within the designated scenic resource; and
- (b) Would significantly diminish the visual aesthetic value of the designated/described historic, architectural, or scenic resource.

**Viewpoint** means that location which is identified whether in the adopted comprehensive plan or by a federal or state agency, or which serves as the basis for the location and determination of a particular designated scenic resource.

**Wireless telecommunications facility** means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, common carrier wireless exchange access services, and personal communications service (PCS) or pager services; cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications. A telecommunications facility shall not include the following:

- (a) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
- (b) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- (c) The definition of wireless telecommunications facility as used herein shall not include amateur radio operators' equipment as licensed by the FCC.

(Ord. No. 2012-05, 6-12-12)

## **SEC. 54-703. APPLICATION PROCESS.**

Wireless telecommunications facilities are a conditional use in all zones. Any person seeking to construct, erect, build or replace a tower or telecommunications facility will be required to apply for approval from the village under this ordinance and shall submit an application along with the following documentation and information meeting the village's standards.

- (a) *Application.* The village will provide, upon request, application forms for approval pertaining to the construction, erection or increase in height of wireless telecommunications towers and facilities, see section 22-31b.(19) of this Code. All applications for tower approval must be in writing, must be on

the form provided by the village and must include the information required in section 54-67, except as modified or augmented by the following:

- (1) Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and of the applicant.
- (2) Identification of districts, sites, buildings, structures or objects, significant in history, architecture, archaeology, engineering or culture, as well as places, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); CFR 60 and 800).
- (3) A detailed camouflage plan for both the site and the structure.
- (4) A site plan drawn to a scale of one-inch equals 100 feet prepared and certified by a design professional registered in the State of New Mexico indicating:
  - a. Location, type, and height of the proposed facility.
  - b. Antenna capacity.
  - c. On-site and abutting off-site land uses.
  - d. Means of access.
  - e. Setbacks from property lines.
  - f. All applicable technical and structural codes.
- (5) A scenic assessment, consisting of the following:
  - a. Elevation drawings of the proposed facility and any other proposed structures, showing height above ground level.
  - b. A landscaping plan indicating the proposed placement of the facility on the site including:
    1. A detailed camouflage plan for both the site and the structure;
    2. Location of existing structures, trees, and other significant site features;
    3. The type and location of plants proposed to screen the facility;
    4. The method of fencing, the color of the structure and any proposed lighting method.
  - c. Photo simulations of the proposed facility must be taken. Each photo must be labeled with the line of sight, elevation, and the date the photograph was taken. The photos must show the color of the facility, the method of screening and the camouflage plan.

- (6) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
  - (7) An application for approval shall include payment of the application fee for conditional use permit. The application shall not be considered complete until this fee is paid. This fee is non-refundable.
- (b) *Standards.* No application shall be submitted for consideration or approved by the Ruidoso Planning Commission unless the following standards are met:
- (1) Reserved.
  - (2) *Siting on village property.* If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on village property, the applicant must show the following:
    - a. The proposed location complies with applicable village policies and ordinances.
    - b. The proposed facility will not interfere with the intended purpose of the property.
    - c. The applicant has adequate liability insurance and a lease agreement with the village that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interest in the property.
  - (3) *Design for co-location.* A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers. However, the village council may waive or modify this standard in the event co-location is not feasible. The applicant must show to the planning commission's satisfaction why co-location on an existing facility is not feasible.
  - (4) *Height.* Towers are exempt from the maximum height restrictions of the zoning districts where located. Towers shall be permitted to a height of 150 feet. Tower height shall be measured from grade.
  - (5) *Setbacks.* A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back 105 percent of its height from all adjacent residential properties. The setback may be satisfied by including areas within the residential property that are encumbered by an easement restricting placement of any habitable structure. The following exemptions apply:
    - a. This setback may be reduced by the village planning commission upon a showing by the applicant, stamped by an engineer, that the facility is designed to collapse in a manner that will not harm other property.
    - b. An antenna is exempt from the setback requirement if it extends no more than five feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

- (6) *Landscaping.* A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties. All telecommunications facilities shall have one or more rows of evergreen trees, shrubs, earth-tone stucco walls, or berms capable of screening the base of the tower and all accessory equipment from view from adjacent properties. A break of not more than 15 feet in the visual barrier may be allowed for maintenance access. Existing plants and natural landforms on the site shall be preserved to the maximum extent practicable.
- (7) *Fencing.* A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structures by trespassers.
- (8) *Lighting.* Lighting of the facility is not permitted except as required by state or federal laws and/or regulations and/or to the extent deemed necessary by the planning commission for safety purposes.
- (9) *Color and materials.* A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
- (10) *Visual impact.* The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the village, as identified either in the adopted comprehensive plan, or by a state or federal agency.
- a. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the planning commission shall consider the following factors:
1. The extent to which the proposed wireless telecommunications facility is visible above the tree line from the viewpoint(s) of the designated scenic resource;
  2. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
  3. The extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);
  4. The amount of vegetative screening;
  5. The distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and
  6. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.
- (11) *Historical and archaeological properties.* The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site, or structure, which is currently listed on, or eligible for listing on the National Register of Historic Places.

(12)*Camouflage*. All telecommunications facilities must be camouflaged to the greatest extent reasonably possible and in a manner approved by the planning commission.

(13)*Advertising*. No wireless communications facility shall display any sign or advertising.

(Ord. No. 2012-05, 6-12-12; Ord. No. 2019-02 , 3-12-19)

## **SEC. 704. APPROVAL OR DENIAL PROCESS.**

- (a) *Public hearing*. Upon receipt of a complete application(s), the planning administrator shall schedule a public hearing to be held before the planning commission. The procedures for review and approval of a conditional use as set forth in [Section 54-88](#) shall be followed.
- (b) *Hearing notices*. Notice of any public hearing shall follow the requirements of Section 54-40.
- (c) *Approval of application*. Approval of the application shall follow the requirements of [Section 54-88](#).
- (d) *Appeal of planning commission decision*. Any person may appeal the decision of the planning commission as provided in section 54-62.

(Ord. No. 2012-05, 6-12-12)

## **SEC. 705. RESERVED.**

Editor's note(s)—Ord. No. 2019-02 Editor's note(s)—, adopted March 12, 2019, repealed § 54-705 Editor's note(s)—, which pertained to building permits and derived from Ord. No. 2012-05, adopted June 12, 2012.

## **SEC. 706. ADMINISTRATION AND ENFORCEMENT.**

The planning administrator shall enforce this chapter. If the planning administrator finds that any provision of this ordinance has been violated, the planning administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The planning administrator shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance. Any violation of the terms of this ordinance or of the permit and application shall be subject to the maximum penalties and fines as provided in this Code. Each day of any such violation or failure to perform pursuant to this Code shall constitute a separate offense and the village may file multiple citations for each day that a violation continues.

(Ord. No. 2012-05, 6-12-12)





**Village of Ruidoso  
Chapter 54 Update  
Village Council Draft  
December 2024**

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
Article I.	In General	Article I. - In General
	Secs 54-1--54-30. - Reserved	Secs 54-1--54-30. - Reserved
Article II.	Zoning	Article II. - Zoning
Division 1	General Provisions	Division 1 Generally
54-31	Statutory authority; territorial jurisdiction	54-33 Statutory authority; territorial jurisdiction
54-32	Purpose	54-32 Purpose of the article
54-33	Applicability	New
54-34	Relationship of article to adopted plans	54-34 Relationship of article to comprehensive plan
54-36	Official Zoning District Map	54-36 Zoning district map; designation of districts; interpretation of district boundaries.
54-37	Interpretation of article; conflicting provisions	54-35 Interpretation of article; conflicting provisions
54-38	Severability	New
	Add Reserved Sections 54-38--54-45	Reserved Sections 54-74--54-90
Division 2	Administration	Division 2 Administration
54-46	Village Council	New
54-47	Board of Appeals	54-62 Board of Appeals, a-f
54-48	Planning and Zoning Commission	54-61 Planning Commission, a-e; f moved to procedures
54-49	Community Development Department	New
54-50	Planning Administrator	54-63 Planning Administrator; enforcement procedures; zoning permit; certificate of zoning, a-c, d-h moved to procedures
54-51	Village Attorney	New
54-52	Judicial Relief: Appeals to District Court	New, replaces 52-62(g)
54-96	Text Amendments to the Zoning Code	54-64 Amendments, moved to procedures
54-95	Zone Map Amendments (Rezoning)	54-65 Rezoning, moved to procedures
54-97	Variances	54-66 Variances, moved to procedures
54-100	Site Development Plan	54-67 Site plan and concept approval moved to procedures
54-98	Conditional Use Permits	54-68 Conditional use permit approval moved to procedures

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-99	Planned Unit Development	54-69 Planned unit development approval moved to procedures
54-101	Annexation	54-70 Annexations moved to procedures
54-93	General Procedures	54-37 Application fees moved to general procedures
54-93	General Procedures	54-38 Violations; penalties; additional remedies moved to general procedures
54-93	General Procedures	54-40 Notice moved to general procedures
	Sec. 54-54--54-65 Reserved	
Division 3	Definitions	54-31 Definitions
54-66	Definitions	54-31 Definitions
Article II.	Use Regulations	Zoning
Division 4	Zoning Districts	Division 3 District Regulations
54-67	General Districts Defined: Permitted and Conditional Uses	54-91
54-68	Organization of Zone Regulations	New
54-69	Residential Districts	54-92 -- 54-98 For all districts, permissive and conditional uses are referenced in the use table
54-70	Nonresidential Districts	54-99 -- 54-103
54-71	Special Districts	54-104 --54-105
54-72	Overlay Zones	54-106
	Sec. 54-73--54-82 Reserved	54-107 -- 54-130
Division 5	Use Regulations	New
54-83	General provisions	New
54-84	Use Table	New
54-85	Use Specific Standards	New
	Secs. 54-86 -- 54-92 Reserved	
Division 6	Procedures	New
54-93	General Procedures	New. General procedures include 54-38 violations, penalitie,; additional remedies; 54-40 notice; and 54-37 application fees
54-94	Administrative	new
54-95	Zone Map Amendments (Rezoning)	54-65 Rezoning
54-96	Text Amendments to the Zoning Code	54-64 Amendments
54-97	Variances	54-66 Variances

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-98	Conditional Use Permits	54-68 Conditional use permit approval
54-99	Planned Unit Development	54-69 Planned unit development approval
54-100	Site Development Plan	54-67 Site plan and concept approval
54-101	Annexation	54-70 Annexations
54-102	Vacation	54-73 Vacation and sale of public right-of-way or easement
	Secs. 54-103 -- 54-113 Reserved	
Division 7	Development standards	Division 4 Development Standards
54-114	Purpose of Division	Sec. 54-131. - Purpose of division.
54-115	Residential terrain management	Sec. 54-132. - Residential terrain management.
54-116	Commercial terrain management	Sec. 54-132.1. - Commercial terrain management.
54-117	Forest Management	Sec. 54-133. - Forest management.
54-118	Screening	Sec. 54-134. - Screening.
54-119	Landscaping	Sec. 54-135. - Landscaping.
54-120	Use of certain areas and structures as dwelling unit prohibited.	Sec. 54-136. - Use of certain areas and structures as dwelling unit prohibited.
54-121	Accessory structures, uses and equipment.	Sec. 54-137. - Accessory structures, uses and equipment.
54-122	Fences	Sec. 54-138. - Fences.
54-123	Retaining Walls	Sec. 54-139. - Retaining walls.
54-124	Setback and height encroachments, limitations and exceptions.	Sec. 54-140. - Setback and height encroachments, limitations and exceptions.
54-125	Off-street parking facilities.	Sec. 54-141. - Off-street parking facilities.
54-126	Off-street loading facilities.	Sec. 54-142. - Off-street loading facilities.
54-127	Nonconforming uses and structures	Sec. 54-143. - Nonconforming uses and structures.
54-128	Miscellaneous performance requirements	Sec. 54-144. - Miscellaneous performance requirements.
54-129	Noise abatement and emission control.	Sec. 54-145. - Noise abatement and emission control.
54-130	Lot Numbering	Sec. 54-146. - Lot numbering.

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-131	Lots not served by public water or sewer systems	Sec. 54-147. - Lots not served by public water or sewer systems.
54-132	Recreational vehicle Parks	Sec. 54-148. - Recreational vehicle parks.
54-133	Architectural design standards	Sec. 54-149. - Architectural design standards.
54-134	Approved structures	Sec. 54-150. - Approved structures.
54-135	Urban-Wildland Interface Code	Sec. 54-151. - Urban-Wildland Interface Code adopted; amendments.
	Secs. 54-136 -- 54-180 Reserved	Secs. 54-152—54-180. - Reserved.
Division 8	Signs	Division 5 Signs
54-181	Purpose of division	Sec. 54-181. - Purpose of division.
54-182	Definitions	Sec. 54-182. - Definitions.
54-183	Permit required	Sec. 54-183. - Permit required.
54-184	Enforcement officers	Sec. 54-184. - Enforcement officers.
54-185	Application for permit	Sec. 54-185. - Application for permit.
54-186	Responsibilities of the permittee	Sec. 54-186. - Responsibilities of the permittee.
54-187	Inspections generally	Sec. 54-187. - Inspections generally.
54-188	Appeals	Sec. 54-188. - Appeals.
54-189	Permit fee; invalid permits; inspections	Sec. 54-189. - Permit fee; invalid permits; inspection upon completion of construction.
54-190	General regulations	Sec. 54-190. - General regulations.
54-191	Regulations for specific signs and uses; sign limitations	Sec. 54-191. - Regulations for specific signs and uses; size limitations.
54-192	Illumination	Sec. 54-192. - Illumination.
54-193	Prohibited signs	Sec. 54-193. - Prohibited signs.
54-194	Signs not requiring permit	Sec. 54-194. - Signs not requiring permit.
54-195	Violations; removal of unlawful signs	Sec. 54-195. - Violations; removal of unlawful signs.
54-196	Advertisement on public property	Sec. 54-196. - Advertisement on public property.
	Secs. 54-197 -- 54-220 - Reserved	Secs. 54-197—54-220. - Reserved.
Division 9	Home Occupations	Division 6 Home Occupations
54-221	Generally	Sec. 54-221. - Generally.
54-222	Intent of division	Sec. 54-222. - Intent of division.

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-223	Conditions for conduct of home occupation	Sec. 54-223. - Conditions for conduct of home occupation.
54-224	Examples of permitted home occupations	Sec. 54-224. - Examples of permitted home occupations.
54-225	Prohibited uses	Sec. 54-225. - Prohibited uses.
	Secs. 54-226 — 54-280. - Reserved.	Secs. 54-226—54-280. - Reserved.
<b>Article III.</b>	<b>Subdivisions</b>	<b>Subdivisions</b>
54-281	General provisions	Sec. 54-281. - General provisions.
54-282	Definitions	Sec. 54-282. - Definitions.
54-283	Platting procedures and requirements	Sec. 54-283. - Platting procedures and requirements.
54-284	Administration and enforcement	Sec. 54-284. - Administration and enforcement.
54-285	Design standards	Sec. 54-285. - Design standards.
54-286	Completion of improvements	Sec. 54-286. - Completion of improvements.
54-287	Fees	Sec. 54-287. - Fees.
54-288	Certain Design and construction standards saved from repeal	Sec. 54-288. - Certain design and construction standards saved from repeal.
	Secs. 54-289 -- 54-320 Reserved	Secs. 54-289—54-320. - Reserved.
<b>Article IV.</b>	<b>Flood Hazard Regulations</b>	
54-321	Statutory authority.	Sec. 54-321. - Statutory authority.
54-322	Findings of fact.	Sec. 54-322. - Findings of fact.
54-323	Purpose of article.	Sec. 54-323. - Purpose of article.
54-324	Methods of reducing flood losses.	Sec. 54-324. - Methods of reducing flood losses.
54-325	Definitions (for purposes of the National Flood Insurance Program).	Sec. 54-325. - Definitions (for purposes of the National Flood Insurance Program).
54-326	Lands to which article applies.	Sec. 54-326. - Lands to which article applies.
54-327	Basis for establishing areas of special flood hazard.	Sec. 54-327. - Basis for establishing areas of special flood hazard.
54-328	Development permit required.	Sec. 54-328. - Development permit required.

## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-329	Compliance with article and other regulations.	Sec. 54-329. - Compliance with article and other regulations.
54-330	Abrogation of existing restrictions; conflicting regulations.	Sec. 54-330. - Abrogation of existing restrictions; conflicting regulations.
54-331	Interpretation of article.	Sec. 54-331. - Interpretation of article.
54-332	Warning and disclaimer of liability.	Sec. 54-332. - Warning and disclaimer of liability.
54-333	Designation of floodplain administrator.	Sec. 54-333. - Designation of floodplain administrator.
54-334	Duties of floodplain administrator.	Sec. 54-334. - Duties of floodplain administrator.
54-335	Issuance of development permit.	Sec. 54-335. - Issuance of development permit.
54-336	Variances.	Sec. 54-336. - Variances.
54-337	General standards.	Sec. 54-337. - General standards.
54-338	Specific standards.	Sec. 54-338. - Specific standards.
54-339	Standards for areas of shallow flooding.	Sec. 54-339. - Standards for areas of shallow flooding.
54-340	Standards for subdivision proposals.	Sec. 54-340. - Standards for subdivision proposals.
54-341	Computer programs for identification and mapping of special flood hazard areas.	Sec. 54-341. - Computer programs for identification and mapping of special flood hazard areas.
54-342	Floodways.	Sec. 54-342. - Floodways.
54-343	Severability.	Sec. 54-343. - Severability.
54-344	Penalties for noncompliance.	Sec. 54-344. - Penalties for noncompliance.
	Secs. 54-345 — 54-370. - Reserved.	Secs. 54-345—54-370. - Reserved.
<b>Article V.</b>	<b>Airport Hazard Regulations</b>	
54-371	Scope of article; statutory authority	Sec. 54-371. - Scope of article; statutory authority.
54-372	Definitions	Sec. 54-372. - Definitions.
54-373	Zones	Sec. 54-373. - Zones.
54-374	Height limitations	Sec. 54-374. - Height limitations.
54-375	Use restrictions	Sec. 54-375. - Use restrictions.
54-376	Nonconforming uses	Sec. 54-376. - Nonconforming uses.
54-377	Permits and variances	Sec. 54-377. - Permits and variances.



## Reference Table for Chapter 54 Land Use Code Changes

<b>New Section</b>	<b>New Chapter 54 Section Title</b>	<b>Corresponding Section of Existing Code</b>
54-378	Administration	Sec. 54-378. - Administration.
54-379	Appeals	Sec. 54-379. - Appeals.
54-380	Judicial review	Sec. 54-380. - Judicial review.
54-381	Enforcement and remedies	Sec. 54-381. - Enforcement and remedies.
54-382	Conflicting regulations	Sec. 54-382. - Conflicting regulations.
	Secs. 54-383 -- 54-399	Secs. 54-383—54-399. - Reserved.
<b>Article VI.</b>	<b>Wildfire Hazard Overlay District</b>	
54-400	Intent and purpose of district	Sec. 54-400. - Intent and purpose of district.
54-401	Applicability	Sec. 54-401. - Applicability.
54-402	Duties of director	Sec. 54-402. - Duties of director.
54-403	Identification of district	Sec. 54-403. - Identification of district.
54-404	Development standards	Sec. 54-404. - Development standards.
54-405	Application procedure	Sec. 54-405. - Application procedure.
54-406	Review procedures	Sec. 54-406. - Review procedures.
	Secs. 54-407 -- 54-698	Secs. 54-407—54-698. - Reserved.
<b>Article VII.</b>	<b>Wireless Telecommunications Facilities</b>	
54-699	Short title	Sec. 54-699. - Short title.
54-700	Authority	Sec. 54-700. - Authority.
54-701	Purpose	Sec. 54-701. - Purpose.
54-702	Definitions	Sec. 54-702. - Definitions.
54-703	Application process	Sec. 54-703. - Application process.
54-704	Approval or denial process	Sec. 54-704. - Approval or denial process.
54-705	Reserved	Sec. 54-705. - Reserved.
54-706	Administration and enforcement	Sec. 54-706. - Administration and enforcement.

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# Chapter 54 – Land Use

## ARTICLE II. LAND DEVELOPMENT CODE

### DIVISION 1: GENERAL PROVISIONS

#### SEC. 54-31. STATUTORY AUTHORITY; TERRITORIAL JURISDICTION

This article is created and adopted pursuant to the authority set forth in NMSA 1978, §§ 3-21-1—3-21-11, and shall be applicable to all property within the jurisdiction of the village.

(Code 1985, § 10-1-3)

#### SEC. 54-32. PURPOSE

The purpose of this article is to encourage the most appropriate use of land and to promote the health, safety and general welfare of the community. The regulations within this article are deemed necessary to:

- (a) Implement the Village of Ruidoso Comprehensive Plan vision and long-range development goals.
- (b) Prevent congestion in the streets and other public rights-of-way;
- (c) Secure safety from fire, panic, and other dangers;
- (d) Ensure adequate light and air for all properties;
- (e) Prevent the overcrowding of land and undue concentration of population;
- (f) Facilitate adequate provisions for transportation, water, sewer, schools, parks and other public facilities and reduce the effect of natural hazards;
- (g) Control and abate the unlawful use of structures, buildings or land;
- (h) Protect the public health and general welfare; and
- (i) Encourage the conservation of energy in the use of structures, buildings, and land in the village.

Regulations within this article are established to provide for the administration of this article, to provide for amendments, to prescribe penalties for violation of such regulations, and to define powers and duties of the village staff, the planning commission and the council in relation to this article.

(Code 1985, § 10-1-2)

#### SEC. 54-33. APPLICABILITY

The provisions of this Land Development Code apply to all public and private uses and developments within the jurisdiction of the village, except as provided by state or federal law or as otherwise expressly stated in this Land Development Code.

## **SEC. 54-34. RELATIONSHIP OF ARTICLE TO ADOPTED PLANS**

The administration, enforcement and amendments to this article shall be accomplished in accordance with the recommendations contained in the Village of Ruidoso Comprehensive Plan, as developed and amended from time to time by the planning commission and the council.

(Code 1985, § 10-1-4)

## **SEC. 54-35. OFFICIAL ZONING DISTRICT MAP**

(a) *Official Zoning District Map.* For the purpose of this article, the village shall be divided into zoning districts, and these shall be shown on a map entitled the "Official Zoning District Map."

Designation of official zoning districts. The following shall be the official zoning districts:

(1) General districts:

- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 High-Density Residential District
- AR-1 Agricultural/Residential District
- M-1 Low-Density Mobile Home District
- M-2 Medium-Density Mobile Home District
- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Midtown Commercial District
- C-4 Heavy Commercial District
- I-1 Industrial District

(2) Special districts:

- PUD Planned Unit Development District

*Interpretation of district boundaries.* Where uncertainty exists concerning boundaries of any district shown on the official zoning district map, the following rules shall apply:

- (1) Boundaries shall be construed as the centerline of existing, future or vacated streets, highways, railroads, alleys, drainage or irrigation canals or other public rights-of-way.
- (2) Where property has been subdivided into blocks and lots, the boundaries shall be construed to be the lot line.



- (2) Where property is not otherwise designated, divided or subdivided, the boundary line shall be determined by the scaled distance shown on the official zoning district map.
- (3) No zone boundary line shall hereafter be established to divide one lot into two or more zones unless the size of the lot in question is such that division is determined to be essential by the planning commission and the council.

(Code 1985, § 10-1-7)

## **SEC. 54-36. INTERPRETATION OF ARTICLE; CONFLICTING PROVISIONS**

- (a) Minimum requirements. The provisions of this article shall be considered the minimum requirements to meet the purpose and intent expressed in section 54-32.
- (b) Conflicts with local ordinances. Where the provisions of any local ordinance or covenant impose greater restrictions than those of this article, the more restrictive provisions shall prevail.
- (c) Conflicts with federal and state law. Any provision of U.S. law or state law which imposes a greater duty, standard or requirement than those contained in this article shall supersede the provisions of this article.
- (d) Interpretation of meaning. The planning administrator or his designee shall interpret the meaning of the provisions of this article. Disagreement with an interpretation may be appealed to the planning commission and then to the council.
- (e) Conflicting provisions within article. When two or more provisions of this article are in conflict, the most restrictive provision shall apply.

(Code 1985, § 10-1-6)

## **SEC. 54-37. SEVERABILITY**

If any portion of this Land Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the Land Development Code and does not affect or diminish the validity of the remainder of the Land Development Code.

## **SEC. 54-38—54-45. RESERVED.**

# **DIVISION 2: ADMINISTRATION**

## **SEC. 54-46. GOVERNING BODY**

In addition to the powers identified elsewhere in the Village code, the governing body of the village has the powers and duties that are expressly identified in this Land Development Code, including:

- (a) Approving members of the planning and zoning commission as provided by Village code;
- (b) Serving as the Board of Appeals:
- (c) Taking final action on Land Development Code text amendments, zoning map amendments, major subdivisions, PUD development plans, annexation and vacation requests;
- (d) Taking such other actions not expressly delegated to the planning and zoning commission or others under this Land Development Code, as the governing body may deem desirable and necessary to implement the provisions of the comprehensive plan and this Land Development Code.

## **SEC. 54-47. BOARD OF APPEALS**

- (a) *Designation of board of appeals.* The village council shall serve as the board of appeals.
- (b) *Notice of appeal.* Any aggrieved person or any officer, department, board or bureau of the village affected by a decision of the planning commission may appeal to the council by filing a notice of appeal with the planning administrator. The notice shall be on a form prescribed by the planning administrator, shall state the name and address of the applicant, and shall specify the error in the decision made by the planning commission in the enforcement of this article or of any ordinance adopted pursuant thereto. The notice shall be filed within 15 days of the decision which is being appealed. Within ten working days of receipt of the appeal, the planning administrator shall forward the notice of appeal to the village clerk along with a request to schedule a hearing on the appeal before village council. Prior to the hearing the planning administrator shall provide the village clerk with copies of all the documents constituting the record of the case appealed, and such further facts as may be pertinent or material to show the grounds of the decision appealed including the approved minutes of the planning commission meeting at which action on the application was taken. The planning administrator shall give written notice of receipt of an appeal to the applicant, the appellant, a representative of the opponents if any are known, and to any other parties who have requested to be so informed. Said notice shall be mailed by regular mail within ten working days of receipt of the appeal.
- (c) *Stay of proceedings.* The filing of a notice of appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee or board from whom the appeal is taken certifies that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. Upon certification, the proceedings shall not be stayed other than by a restraining order granted by the district court on notice to the village clerk with due cause shown.
- (d) *Notice of hearing.* Upon receiving the notice of appeal from the planning administrator, the village clerk, in consultation with the village manager, shall place a request to schedule a public hearing on an upcoming governing body meeting agenda. Once the village council has voted to schedule the public hearing, the village clerk shall cause to be published in a newspaper of general circulation in the village a notice of the time, date, place and purpose of the hearing at least ten days prior to the date of the hearing. The planning administrator shall give written notice of the date, time and place of such hearing to the applicant, the appellant, a representative of the opponents if any are known, any persons who appeared before the planning commission during its consideration of the matter, and any other parties who have requested to be so informed. Such notice shall be mailed at least 12

days prior to the date of the hearing. In addition, if the appeal relates to a specific site, a similar notice shall be mailed by the planning administrator at least 12 days prior to the date of the hearing to each owner of property situated within the required notification area of the property to which the appeal relates. The appellant shall furnish an abstractor's certified property certificate showing the property ownership within the required notification area of the property. The planning administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings. If requested, the planning administrator may provide notice by fax or email, if the planning administrator has facsimile numbers or email addresses available, in lieu of mailed notice. Faxed or emailed notice shall be sent at least ten days prior to the meeting at which the case is to be heard by the village council.

(e) *Review and decision.* No sooner than 15 days from the date of public notice, the council shall hear the appeal, and render a decision within 45 days. The council shall consider oral and written testimony from the appellant, his agent or attorney, village staff members and other interested parties. All such oral testimony, other than attorneys' statements and questions, shall be in accordance with the provisions of section 54-61(f)(8), relating to testimony and evidence before the planning commission. The council shall also study the record of the action on the appeal. If postponed, the council shall make a decision on the appeal at its next regularly scheduled meeting. The council, by a simple majority vote of all of its members present, may:

- (1) Reverse any order, requirement, decision or determination of the planning commission;
- (2) Decide in favor of the appellant; or
- (3) Make any change in any order, requirement, decision or determination of the planning commission.

If the village council fails to so decide by a simple majority vote of all of its members present, or if it decides by a simple majority of those members present to uphold the decision of the planning commission, then the decision of the planning commission shall stand.

(f) *Notice of decision.* The council shall issue a written notice of its decision to all concerned parties and to the village clerk. The notice shall state the facts of the matter as determined by the village council, the reasons for its decision, and any conditions applied to the decision.

REPLACED BY 54-45(Code 1985, § 10-2-2; Ord. No. 96-01, 1-9-96; Ord. No. 98-17, § 2, 11-10-98; Ord. No. 2008-11, 10-14-08)

## **SEC. 54-48. PLANNING COMMISSION**

(a) *Established; purpose.* The planning commission is hereby established for the purpose of preparation and updating of the comprehensive plan or other specific plans through various means such as zoning, subdivision, annexation and other related techniques to promote the general welfare of the village and to secure efficiency, economy and concerted effort in its growth and development and

carry out the purpose of this article as set out in [section 54-32](#), and the duties as set out in subsection (e) of this section. The planning commission may be referred to in this article as the "commission."

- (b) *Membership; appointment of members; compensation of members.* The planning commission may consist of up to seven members, but shall not have less than five members, who shall be residents of the village representing, insofar as possible, different professions or occupations. Two members may be from the three-mile planning jurisdiction. Members shall be appointed by the mayor with the approval of the majority vote of the council. Members of the planning commission shall serve without pay of any kind except actual expenses, and shall hold no other municipal or county office.
- (c) *Term of members; removal of members; vacancies.* The terms of members of the planning commission shall be two years, with staggered terms, with half of the members' terms expiring in March of even-numbered years and half of the members' terms expiring in March of odd-numbered years. All members shall hold office until their successors are appointed and qualified. Any members of the planning commission may be removed by the mayor with the consent of the majority vote of the council for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term by the mayor with the approval of a majority vote of the council.
- (d) *Officers; meetings and rules of procedure.* The planning commission shall elect a chairman from the members of the commission and shall create and fill such other of its offices as it may determine. The chairman shall be eligible for reelection. The commission shall hold at least one regular meeting each month at such time and place as may be fixed by the commission. Special meetings of the commission may be fixed by the commission. Special meetings of the commission may be called by the chairman, or by any five members of the commission. A majority of four members of the commission shall constitute a quorum for the transaction of business. The commission may adopt such other rules and regulations governing its organization and procedures as it may deem necessary so long as they are not inconsistent with this article and the laws of the state. The commission shall keep a record of its resolutions, transactions, findings, policies and determinations, and this record shall be a public record.
- (e) *Duties.* It shall be the duty of the planning commission to:
  - (1) Submit and recommend to the council a proposed official zoning map and recommend whatever regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land it shall deem to be in the best interest of the village and its inhabitants.
  - (2) Prepare and recommend to the council for adoption a comprehensive plan.
  - (3) Hold a public hearing on all requests for zone changes and initial zoning and forward its recommendations to the council.
  - (4) Recommend to the council any amendments to this article that may be needed concerning the plotting or use of land in any district, or restrictions upon buildings or structures therein.

- (5) Review or delegate review of site plans for multiple-dwelling, commercial and industrial developments and determine the appropriate action and requirements for each site plan of the development as set out in this article.
- (6) Make determinations and decisions regarding conditional uses as provided for in this article.
- (7) Make recommendations to the council on matters regarding the interpretation, enforcement and administration of article III of this chapter, pertaining to subdivisions.
- (8) Vary or adjust the strict application of the requirements of this article in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Any such variance granted shall be granted according to the requirements and procedures established by this article. Variances may be granted only for hardships related to the physical characteristics of land. Variances to this article related to permitted, accessory and/or conditional uses in any district shall not be allowed. No variance or adjustment in the strict application of any provision of an ordinance may be granted unless:
  - a. Special circumstances or conditions, fully described in the commission's findings, are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of the ordinance from which this article is derived. Nonconforming lot size shall be considered a special circumstance in accordance with [section 54-117](#)
  - b. For reasons fully set forth in the commission's findings, the circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and
  - c. The granting of the variance is in harmony with the general purpose and intent of this article and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (9) Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least seven years in violation of this article and the village, with knowledge of the existence of the condition, has not taken any steps toward elimination of such violation of this article.
- (10) Oversee reduction of district dimensional requirements for nonconforming lots in accordance with [section 54-117](#).

The planning commission shall be able to grant variances from those sections of this article where the granted variance would not be prohibited by federal or state law, rule or regulation. Areas specifically

excluded from this clause would be sign regulations and building codes unless specifically allowed. This clause would supersede any conflicting clause in this article.

## **SEC. 54-49. COMMUNITY DEVELOPMENT DEPARTMENT**

In addition to the jurisdiction, authority and duties which may be conferred upon the Community Development Department by other provisions of the Ruidoso municipal code and New Mexico Statutes, the Community Development Department has the following jurisdiction, responsibilities and duties under this Land Development Code:

- (a) To review, consider and interpret Land Development Code text and the official zoning map;
- (b) To review and make recommendations for the disposition of applications for permits or approvals;
- (c) To receive applications for development review and development permits for processing pursuant to the procedures of the Land Development Code;
- (d) To serve as the administrative support to the Planning and Zoning Commission;
- (e) To ensure that adequate public notice is provided for development applications pursuant to requirements of the Land Development Code;
- (f) To initiate requests to the city attorney to institute proceedings against the violators of the Land Development Code;
- (g) To undertake the Planning and Zoning Commission's long-range comprehensive planning, development plan review and zoning review responsibilities;
- (h) To review, as necessary, but at least every 5 years, the comprehensive plan and the Land Development Code and recommend amendments to the Planning and Zoning Commission and the governing body;

## **SEC. 54-50. PLANNING ADMINISTRATOR**

- (a) *Office of planning administrator established; staff; supervision.* The staff position of planning administrator is hereby established for the general and specific administration of this article. The duties of the planning administrator may be performed directly by the planning administrator or by such staff as may be designated by the planning administrator specifically for the administration of this article. The planning administrator shall perform all duties under the direction of the village manager or assistant village manager.
- (b) *General duties of planning administrator.* It shall be the duty of the planning administrator to:
  - (1) Receive, process, record and administer all requests for approvals and permits as governed by this article, except that building permits shall be issued by the building official after review by the planning administrator.

- (2) Advise and recommend to the planning commission and the council regarding requests for approvals and permits as required by this article.
  - (3) Perform such inspections, observations and analyses of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the jurisdiction of the village relating to the regulations and restrictions as set forth in this article.
- (c) *Right of entry of planning administrator.* The planning administrator or his agent is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this article and shall have the authority to enter at reasonable times upon any private or public real property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

**SEC. 54-51. VILLAGE ATTORNEY**

In addition to the jurisdiction, authority and duties that are conferred upon the city attorney by other provisions of the city code, the village attorney has the following authority and duties under the Land Development Code:

- (a) To review for form all written findings of fact and resolutions drafted by the Community Development Department staff, Planning and Zoning Commission and Zoning Hearing Officer in connection with any requirement of this Section;
- (b) To review for form all development agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of this Section; and
- (c) To advise the governing body, Community Development Department staff and Planning and Zoning Commission in regard to the legal issues which may arise during implementation of the Comprehensive Plan and the Land Development Code.

**SEC. 54-52. JUDICIAL RELIEF; APPEALS TO DISTRICT COURT**

A final decision on the review and approval procedures of [Division 6](#) may be appealed to District Court, pursuant to Section 3-21-9 NMSA 1978, provided that all local appeals and remedies have been exhausted. Matters that could be resolved via a variance or appeal of an administrative decision may be submitted to District Court only upon completion of the local appeal procedures specified in this Land Development Code.

**Sec. 54-53—Sec. 54-65. RESERVED**

**DIVISION 3: DEFINITIONS**

**SEC. 54-66. DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as specifically defined in this article, all words used in this article shall have their customary dictionary definitions.

*General definitions and rules of construction.* Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual. The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The words "used" and "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." The words "map" and "zoning map" mean the official zoning map of the village that delineates the area to be governed by this article.

**Abutting** means the land, lot, or property sharing a common property line with the property in question or separated only by an alley, easement, or street.

**Accessory building or use** means a subordinate building, or portion of the principal building, located on the same lot as the principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of land. Where part of an accessory building is connected to part of the principal building in a substantial manner, as by a roof, such accessory building shall be counted as part of the principal building.

**Adult use, retail and/or entertainment** means an establishment where at least twenty-five (25) percent or more of the gross area is devoted to retail, distribution, depiction, or entertainment distinguished by an emphasis on the description, exposure, or representation of sexually-oriented material, specified anatomical areas, and/or specified sexual activities.

**Agricultural/ranching** means the cultivation of the soil or the raising of livestock and all activities incidental thereto. The terms "farming" and "ranching" shall be interchangeable for purposes of this article.

**Airport Hazard related definitions** (see [section 54-372](#))

#### **Alcohol/ Liquor Related Definitions**

**Bar or nightclub** means an establishment with which derives at least one-half of the total sales from beer or liquor consumed on the premises. This use may include music and entertainment.

**Brewery** means a business which involves manufacturing beer (see Artisan **Manufacturing**).

**Small liquor producer** means the production of beer, wine, or spirits associated with an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978. Annual production shall be limited by State statute. This use does not include alcohol sales. Alcohol sales associated with brewing on-site is regulated pursuant to the tap room or tasting room use.

**Distillery** means a business for the manufacture of spirituous liquors (see Artisan **Manufacturing**).

**Winery** means a licensed premise in which a winegrower manufactures and stores wine or cider (see Artisan **Manufacturing**).



**Tap room/tasting room** means an establishment associated with a local brewery, winery, or distillery. Establishments must have an approved “small brewer’s license” as governed by 60-7A-26.1 (stet) NMSA 1978, an approved “winegrower’s license” as governed by 60-6A-11 NMSA 1978, or an approved “craft distiller’s license” as governed by 60-6A-6.1 NMSA 1978. Annual production shall be limited by state statute. Sale of materials produced on-site for off-premises consumption is allowed.

**Alley** (see transportation related definitions)

**Apartment building** See **Dwelling Multifamily**

**Area of shallow flooding** (see flood related definitions)

**Automotive/ Vehicle Related Definitions:**

**Auto wrecker service** means a lot or yard where three or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, sale of parts, or sale as scrap.

**Automobile** includes all light vehicles, such as passenger cars and light trucks.

**Automobile fuel station** means an establishment with the primary business function of the retail sale of gasoline for passenger car use and convenience retail sales along with minor service and repair work incidental to the operation of passenger automobiles.

**Automobile washing** establishment means a building which has as its primary purpose washing automobiles. Such facilities shall be considered incidental to automobile fuel stations if no more than one auto may be washed at one time and if the fuel station is clearly the principal use.

**Heavy vehicle and equipment sales, rental, fueling, and repair** means a facility that is engaged in the sales, fueling, rental, and/or repair of heavy vehicles and equipment typically used in agricultural, transit, commercial, or industrial operations. Sales of parts, whether new or used, for heavy vehicles and equipment, and incidental storage of heavy vehicles related to sales, rental, fueling, repair, service, and maintenance are included in this use.

**Automobile repair** means any facility providing vehicle repair, service, or maintenance of passenger cars.

**Sales lot for automobiles, boats or recreational vehicles** means a lot or area used for commercial display and sales only of three or more automobiles, boats or recreational vehicles or any combination thereof, with or without a sales office on-site and without service facilities.

**Banner** (see **Sign** related definitions)

**Basal area** (see **Forest Management** related definitions)

**Basement** means a portion of a building located partly underground but having not less than half its floor-to-ceiling height below the average grade of the adjoining ground.

**Block frontage** means all of the property of a given lot or any portion thereof lying adjacent to a public street or highway.

**Boardinghouse** means an establishment in a private dwelling in which more than one guestroom is used to provide or offer overnight accommodations and meals for transient guests.

**Building Related Definitions:**

**Building** means any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or property, except mobile homes and mobile offices.

**Building area** means the maximum horizontal projected area of the principal and accessory buildings, excluding open steps, terraces, unenclosed porches of one story, and architectural appurtenances projecting not more than two feet. Building area, as that portion of a lot upon which construction is permitted, is as follows: that area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line.

**Building, attached** means a building having one or more party walls in common with another building when the principal use of each building is independent of the other and when no interior access exists from one building to another.

**Building, detached** means a building having no party wall in common or structural connection with another building.

**Building envelope** means that area of a lot lying between the front, rear, and side yard setback lines and between ground level and the maximum allowable building height.

**Building, front line of** means the line of the face of a building nearest the front line.

**Building, height of** means the vertical distance from the average contact ground level of the front and rear walls of the building to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

**Building line, front** means the line nearest to the front across a lot establishing the minimum open space to be provided between the front line of a building and the front lot line.

**Building line, rear** means the line nearest to the rear across a lot establishing the minimum open space to be provided between the rear line of a building and the rear lot line.

**Building, nonconforming** means a legally existing building which fails to comply with the regulations set forth in this article applicable to the zone in which the building is located.

**Building, principal** means a building in which is conducted the main or principal use of the lot on which the building is situated.

**Building, public** means a building, supported by government funds, to be used in an official capacity on the behalf of the entire community.

**Business** means the engaging in or the purchase, sale, barter or exchange of goods, wares, merchandise or service; or the maintenance or operation of offices or recreational or amusement enterprises.

**Campground** means any area of land used to temporarily accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.

**Cannabis Related Definitions:**

**Cannabis** means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight manufacture, salt, derivative, mixture or preparation of the plant. its seeds or its resin; and does not include:

- (a) the mature stalks of the plant; basis. whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound. manufacture, salt. derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; and Mature plant means a flowering or nonflowering cannabis plant that has taken root and is taller than 8 inches.
- (b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.

**Cannabis consumption area** means an area where cannabis products may be served and consumed.

**Cannabis manufacturer** means a person that: (1) manufactures cannabis products; (2) packaged cannabis products; (3) has cannabis products tested by a cannabis testing laboratory; or (4) purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.

**Cannabis producer microbusiness** means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.

**Cannabis producer** means a person that: (1) cultivates cannabis plants; (2) has unprocessed cannabis products tested by a cannabis testing laboratory; (3) transports unprocessed cannabis products only to other cannabis establishments; or (4) sells cannabis products wholesale.

**Cannabis research laboratory** means a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.

**Cannabis retailer** means a person that sells cannabis products to qualified patients, primary caregivers, reciprocal participants, or directly to consumers.

**Cannabis testing laboratory** means a person that samples, collects, and tests cannabis products and transports cannabis products for the purpose of testing.

**Vertically integrated cannabis establishment** means a person that is authorized to act as any of the following: (1) a cannabis courier; (2) a cannabis manufacturer; (3) a cannabis producer; and (4) a cannabis retailer.

**Cannabis Courier** means a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

**Integrated Cannabis Microbusiness** Means a person that is authorized to conduct one or more of the following:

- (1) production of cannabis at a single licensed premises, provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
- (2) manufacture of cannabis products at a single licensed premises;
- (3) sales and transportation of only cannabis products produced or manufactured by that person;
- (4) operation of only one retail establishment; and
- (5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

**Commercial cannabis activity** means the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase for resale, sale or consignment of cannabis products; and does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

**On-site Cannabis Consumption Premises** means on-site consumption of cannabis includes the smoking, vaporizing, and ingesting of cannabis or cannabis products on a licensed premise.

**Standalone Building** means a building whose heating, air conditioning and ventilation system services only that building.

**Carport** means a structure consisting of a roof and either walls or columns and is open to the exterior at two full length walls minimum for the purpose of housing automotive vehicles and other chattels. The structure shall be considered as an accessory building when detached from the principal building or as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

**Carport, temporary or portable** means those which are designed to be portable, are prefabricated off-site for assembly and/or installation on-site, having exterior finish of fabric, fiberglass, plastic, thin metal or like materials, whether or not carport is set on permanent foundation.

**Cemetery** means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

#### **Child and Adult Daycare Definitions**

**Adult or Child Day Care Facility** means a facility other than an occupied residence that provides care for more than 12 individual adults or children during the day. [This use includes pre-schools]. This use does not include overnight care. See also see Group Home.

**Childcare center** means a facility required to be licensed by the State of New Mexico that provides care, services, and supervision for less than 24-hours a day to children. A child care center is in a non-residential setting and meets applicable state and local building and safety codes

**Family childcare home** means a private dwelling required to be licensed by the State of New Mexico that provides care, services, and supervision for a period of less than 24 hours of any day for no more than six children. The licensee will reside in the home and be the primary educator.

**Group childcare home** means a home required to be licensed by the State of New Mexico, which provides care, services, and supervision for at least seven but not more than 12 children. The licensee will reside in the home and be the primary educator.

**Church** means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clinic and medical center** mean an establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

**Club, private (nonprofit)** means a nonprofit association of persons who are bona fide members paying annual dues which owns, hires, or leases a building or a portion thereof, the use of such premises being restricted to members and their guests.

**Code enforcement officer** means village staff designated by the village manager to enforce provisions of the ordinances of the village.

**Conditional use permit** means legal authorization to undertake a conditional use as defined by this article.

**Convenience food restaurant** means an establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carryout with consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

- A. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- B. The customer is not served food at his table by an employee but receives it at a counter, window, or similar facility for carrying to another location for consumption either on or off the premises.

**Corporation counsel** means the village attorney or any assistant or special counsel of the village.

**Density, gross residential** means the number of dwelling units per unit of land calculated with no exclusion.

**Density, net residential** means the number of dwelling units per unit of land, excluding streets and publicly owned property.

**Development** means any manmade change to improve or alter real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or cutting of trees whose circumference is greater than 60 inches.

**Drive-in business** means any business in which a customer is served in a motor vehicle and remains on site. Such businesses include but are not limited to the following: drive-in movie theater and drive-in restaurant. This does not include businesses with drive up or drive through service windows. See Drive up or drive through window)

**Drive up or drive through service window** means a customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable a customer to transact business with an employee located within the principal structure without exiting the motor vehicle. Typical businesses that have drive up or drive through service windows include restaurants, pharmacies, and financial institutions,

**Dwellings/ Dwelling Related Definitions:**

**Apartment building** See Dwelling, Multifamily.

**Caretaker quarters** means a dwelling unit that is complimentary to a non-residential principal use and needed for security or 24-hour supervision.

**Condominium** means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial, or industrial in nature.

**Condominium hotel (timeshare condominium)** means a condominium set up like a hotel in which each room is individually owned and in which some or all rooms are available to transients for rent.

**Dwelling, Accessory** means a building, or portion thereof, used for residential occupancy, including single-family, two-family and multiple-family dwellings, and dwelling rentals, but not including hotels, motels or tourist homes.

**Dwelling, multifamily** means a building, or portion thereof, used for occupancy by three or more families living independently of each other. Cabin rentals with fewer than five units are included in this land use type.

**Dwelling, rental** means dwelling units that may be rented on a nightly, weekly, monthly, or long-term basis, provided there is no onsite advertisement; density may not exceed district regulations.

**Dwelling, single-family** means a building used for residential occupancy by one family. A multi-section manufactured home that meets the standards of the Manufactured Housing and Zoning Act ([NM Statutes 3-21A](#)) meets the definition of a single family dwelling.

**Dwelling, two-family** means a building, or portion thereof, used for occupancy by two families living independently of each other, also referred to as a "duplex."

**Dwelling unit** means a dwelling, or portion of a dwelling, used by one family and containing a bathroom, kitchen, and sleeping spaces.

**Live/ work unit** means a single unit consisting of both a commercial/ office space and a residential dwelling component that is operated by the resident. The live/ work unit shall be the primary dwelling of the occupant.

**Townhouse** means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent buildings by party walls or are located immediately adjacent thereto with no visible separation between walls or roof, all of which dwellings may be located on individual and separate lots if individually owned, or upon a single lot if under common ownership.

**Townhouse cluster** means a building consisting of three or more noncommunicating, attached one-family units, placed side by side and having a common wall between each two adjacent dwelling units.

#### **Electrical Vehicle Charging Stations and Equipment Related Definitions:**

**Charging level designation** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

**Level 1** is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

**Level 2** is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.

**Level 3 (DC Fast Charging)** typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

**Electric vehicle (EV) charging station** means a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. Level 1 and Level 2 charging equipment is permitted as an accessory use to any principal use.

**Family** means one or more persons related by blood, marriage or adoption, or not more than three unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority or lodging house.

**Farm** means an area which is used for growing, raising, producing and storage of agricultural products on a commercial basis, such as timber, livestock, poultry, and foodstuffs, including the residence of those conducting and engaged in the operation. A farm shall not include commercial feedlots or sanitary landfills.

**Fence** means a barrier constructed of materials erected for the purpose of protection, confinement, enclosure or privacy.

**Flood Related Definitions** ([see section 54-325](#))

**Forest Management Related Definitions:**

**Advanced infestation** means any insect, pest, fungal growth, parasite or other infestation which threatens the life of a tree according to United States Forest Service standards.

**Basal area** means the cross-sectional area in square feet of each tree in a stand of timber as measured at breast height (4.5 feet). The equation for basal area per tree is:  $\text{Basal Area} = 0.005454 \times \text{DBH} \times \text{DBH}$

**Defensible space** means an area, either natural or manmade, where materials capable of allowing a fire to spread unchecked have been treated, cleared, or modified to slow the rate and intensity of advancing wildfire and create an area for fire suppression operations to occur.

**Diameter at breast height (DBH)** means the diameter of a tree measured 4.5 feet above the ground, on the uphill side of the tree, and outside of the bark.

**Diseased tree** means a tree that shows signs of severe damage, structural unsoundness or advanced infestation.

**Forest/urban interface** means an area where development and forested area meet at a well-defined boundary.

**Forest/urban intermix** means an area where development and forested area meet with no well-defined boundary.

**Fuel break** means, generally, a wide strip of land on which native vegetation has been permanently modified so that fires burning into it can be more readily controlled. Some fuel breaks contain narrow fire breaks, which may be roads or narrow hand-constructed lines. During fires these line breaks can quickly be widened either with hand tools or firing out.

**Fuel modification** means a method of modifying fuel load by reducing the amount of non-fire-resistive vegetation to reduce the fuel loads.

**Healthy tree** means a tree that shows no signs of severe damage, structural unsoundness or advanced infestation.

**Ladder fuels** means fuels which provide vertical continuity between strata. Fire is able to carry from surface fuels into the crown of trees or shrubs with relative ease and ensure initiation and continuity of crowning.

**Mature tree** means a tree measuring ten inches or more in diameter at 4.5 feet above ground level.



**Slash** means the debris created from cutting trees and forest growth.

**Tree manipulation activity** means cutting or thinning of mature trees.

**Tree protective zone** means the portion of any lot or parcel covered by the front, rear and side yard requirements of this article.

**Tree removal** means any act which causes a tree to die within a period of two years, including but not limited to damage inflicted upon the root system by machinery, storage of materials and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation; excessive pruning; or paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

**Forest/urban interface** means an area where development and forested area meet at a well-defined boundary.

**Forest/urban intermix** means an area where development and forested area meet with no well-defined boundary.

**Fuel break** means, generally, a wide strip of land on which native vegetation has been permanently modified so that fires burning into it can be more readily controlled. Some fuel breaks contain narrow fire breaks, which may be roads or narrow hand-constructed lines. During fires these line breaks can quickly be widened either with hand tools or firing out.

**Fuel modification** means a method of modifying fuel load by reducing the amount of non-fire-resistive vegetation to reduce the fuel loads.

**Garage, private** means a detached accessory building, or portion of a main building, used for the storage of self-propelled vehicles, where the capacity does not exceed three vehicles per family housed in the building to which such garage is accessory. Not more than one-third of the total number of vehicles stored in such garage shall be commercial vehicles.

**Garage, public** means any building or premises, except a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**Grocery Store** means an establishment that sells a wide variety of goods organized in departments, including but not limited to fresh produce, meat and dairy, canned and packaged food items, small household goods, and similar items, with more than 50 percent of the gross floor area devoted to the sale of food products for home preparation and consumption.

**Ground floor** area means the square foot area of a building within its largest outside dimension computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

**Group home** means a single residential structure having common kitchen facilities occupied by persons having physical, mental, emotional, or social problems and living together for the purpose of training, observation and/or common support.

**Habitable floor** means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

**Healthy tree** means a tree that shows no signs of severe damage, structural unsoundness, or advanced infestation.

**Home occupation or profession** means any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which meets the requirements of this article.

**Hospital** includes a sanitarium, preventorium or clinic, provided such institution is operated by or treatment is given under the direct supervision of a physician licensed to practice by the state.

**Hotel and motel** mean a building or portion thereof, or a group of buildings, in which lodging with five or more units is provided and offered to transient guests for compensation; this shall not include a lodging house. Cabin rentals with five or more units are included in this land use type.

**Industry, heavy** means those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes, or glare, odor, noise or vibration which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

**Industry, light** means those industries whose processing of products results in none of the conditions described for heavy industry.

**Junkyard** means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including but not limited to use of salvaged base metals or their compounds or combinations; and used or salvaged rope, bags, rags, glass, rubber, lumber, millwork, brick, automobiles and similar property which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

**Kennel** means any lot or premises on which are kept ten or more dogs, cats or small animals over eight weeks of age, for any purpose, or on which there is commercial boarding or breeding of dogs or cats.

**Loading and unloading berth** means the off-street area required for the receipt of or distribution by vehicles of material or merchandise.

**Lodging house** means a building with more than two but not more than ten guestrooms where lodging with or without meals is provided for compensation.

**Lot Related Definitions:**

**Lot** means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this article, and having its principal lot frontage on a street.

**Lot, corner** means a lot at a junction of and fronting on two or more intersecting streets.

**Lot coverage** means the percentage of the lot area covered by buildings.

**Lot depth** means the horizontal distance of a line measured at a right angle to the front lot line and running between the front lot line and rear lot line of a lot.

**Lot, interior** means a lot other than a corner or through lot.

**Lot line, front**, in the case of an interior lot, means a line separating the lot from the street, and in the case of a corner lot means a line separating the narrowest street frontage of the lot from the street, except that, where the lot is square or nearly so, the owner may choose which of the two street frontages is to be considered the front lot line.

**Lot line, rear** means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot line, side** means any lot boundary line not a front lot line or a rear lot line.

**Lot, through** means a lot having frontage on two parallel or approximately parallel streets.

**Lot width** means the distance, measured in a straight line, between side lot lines at the points of intersection with the setback line.

#### **Manufacturing Definitions:**

**Manufacturing** means the creation of products either with machinery or by hand according to an organized plan and with the division of labor.

**Artisan manufacturing** means small-scale manufacturing and related processes or activities — often by an artist, artisan, or craftsman working with materials either by hand or with minimal automation or technology. This use includes incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers. Small breweries, wineries, and distilleries meeting state regulations are considered to be artisan manufacturing.

**Light manufacturing** means assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging, or testing of goods.

**Heavy manufacturing** means mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use creates greater than average impacts on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, but does not include special manufacturing (see special manufacturing).

**Special manufacturing means** processes that input or create hazardous by-products, as defined by federal regulation, during manufacturing, assembly, fabrication, or materials treatment, or that use manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts, including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

**Minimum** means not less than the requirement indicated, but may be greater, if necessary, to meet the development standards of this article.

**Mining** means the extraction of sand, gravel, or other material from the land in the amount of 400 cubic yards or more, and the removal from the site with or without processing.

**Mobile/ Manufactured Home Definitions:**

**Manufactured home** means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer has received certification from the United States Department of Housing and Urban Development and complies with the standards of the Manufactured Home Construction and Safety Standards Act; and except that such term shall not include any self-propelled recreational vehicle (42 USC 5402). A multi-section manufactured home, as defined in the Manufactured Housing and Zoning Act, [NMSA 3-21A](#), is regulated as a single family, site-built dwelling. A single-section manufactured home is regulated the same as a mobile home.

**Mobile home** means a movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code ([NMSA 3-21A-2.B](#)).

**Mobile home park** means any plot of ground upon which two or more mobile homes, occupied, or intended to be occupied for dwelling or sleeping purposes, are located.

**Mobile home space** means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Mobile home stand** means that portion of an individual mobile home space which has been reserved for the placement of a mobile home and structures or additions appurtenant to the mobile home.

**Mobile home subdivision** means a subdivision designed for the express purpose of placing mobile homes on the individual lots.

**Modular home** means a structure, built in a manufactured or mobile home building facility, transported in sections to the home site and joined together. Modular homes are built to conform to all applicable standards of state, local, and/or regional building code.

**Multi-section manufactured home** means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 of the Uniform Building Code, as amended to the date of the unit's construction, and installed on a permanent foundation consistent with the Manufactured Housing and Zoning Act ([NMSA 3-21A-2.A](#)). A single section manufactured home does not meet this definition.

**Mobile office** means a factory-assembled structure exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit on its own running gear and designed to be used as an office without a permanent foundation, whether or not the running gear has been removed.

**Mobile Vending Related Definitions:**

**Mobile vending unit** means any wagon, truck, trailer, cart or other vehicle, whether propelled by an engine or motor vehicle or without motive power, and from which any person prepares, sells, offers for sale, or gives away prepared or prepackaged food or beverages, food or beverage items that do not require temperature regulation, raw produce, flowers, arts and crafts, or other non-food items.

**Neighborhood park** means publicly or privately owned land that is maintained for active or passive recreational use and for the use and enjoyment of the general public or the residents or occupants of a the surrounding neighborhood. This use includes areas consisting of vegetative landscaping and/or areas improved for outdoor sports and recreation. Structural improvements are generally limited to those that facilitate the use of the land as a park. Incidental activities and structures include, but are not limited to, playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

**New construction** means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

**Noxious matter or material** means material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

**Offices** means structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold or repaired. These include banks, general and professional offices, governmental offices, insurance offices, real estate offices, taxicab offices (but not taxi stands), travel agency or transportation ticket offices, telephone exchanges, utility offices, radio broadcasting, coworking spaces, and similar uses.

**Open sales (or rental) lot** means any land used or occupied for the purpose of buying, selling or renting, for use away from the premises, any goods, materials or merchandise, and for the exterior storing of such goods, materials or merchandise prior to sale or rental.

**Overlay zone** means a zone superimposed upon an underlying zone, which establishes special requirements in addition to those of the underlying zone. Development or use of land or structures must conform to the requirements of both zones or the more restrictive of the two, if in conflict.

**Parking area, public** means an open area, other than a street or alley, designated for use or used as temporary parking for four or more vehicles, when available for public use, whether free or for compensation or as an accommodation for clients or customers.

**Parking space, off-street** means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley.

**Party wall** means any wall of a building or structure which is common to two or more buildings.

**Paved parking space or surface** means an area covered by an impervious dust free surface of asphalt or concrete designed to specifications of the village engineer.

**Person** includes any individual or group of individuals, corporations, partnerships, associations or any other organized group of persons, including state and local governments and agencies thereof.

**Personal and convenience services** means businesses offering services, such as barbershops, beauty shops, laundromats, laundry and dry cleaning pickup and delivery stations (but excluding actual laundry operations), and similar uses.

**Planning administrator** means village staff designated by the village manager or assistant village manager to be responsible for the administration of this article.

**Plant nursery** means a primary use of land for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted in or outside an enclosed structure or greenhouse. Outdoor sales of plants are allowed. Plant nursery does not include growing, display or sale of cannabis plants.

**Property, personal** means property other than real property, consisting of things temporary and movable.

**Property, real** means property in buildings and land.

**Public hearing** means a meeting announced and advertised in advance and open to the public where the public has the right, within prescribed rules, to participate and be heard.

**Public meeting** means a meeting open to the public where the public has the right to attend and listen to the proceedings. Participation by the public shall be at the discretion of the public body.

**Ranch** means an area utilized for the primary purpose of raising and producing livestock, including the residence of those conducting and engaged in the operation.

**Recreational vehicle (RV)** means the following:

- A. Travel trailers, camping trailers, fifth-wheel trailers and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping or travel uses. For purposes of this subsection, readily movable shall mean movable within 24 hours.
- B. Pickup campers, either mounted or nonmounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping or travel uses.
- C. Chassis mount, motor home, mini-motor home or other recreational structures or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated therefrom and designed to be used for moveable living quarters for recreational, camping or travel uses.
- D. Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping or travel uses.

**Recreational vehicle park (RVP)** means a tract of land at least two acres in size, on which individual recreational vehicles are parked temporarily in rental spaces for periods not exceeding 150 days during any 12-month period. Recreational vehicles may not be stored in recreational vehicle parks.

**Restaurant** means any restaurant (except a drive-in restaurant or a convenience food restaurant), coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drugstore or soda fountain serving food, and all other eating or drinking establishments provided that at least one-half of the total sales are derived from the sale of food.

## **Retail**

**General retail** means an establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, cannabis for medical consumption, or other retail sales not listed as a separate use.

**Shopping center** means any grouping of four or more principal retail uses, whether on a single lot or on abutting lots, under multiple or single ownership, and whether contained in one building or multiple buildings.

**School** means any pre-primary, primary or grammar, public, parochial or private school, high school, preparatory school or academy, public or founded, owned or conducted by or under the sponsorship of a religious or charitable organization; any private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B.A. or B.S. degrees; any junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or any private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders.

**Screening** means a solid or nearly solid barrier (i.e., wall, fence or plantings) constructed or installed for the purpose of visual separation.

**Setback** means the minimum horizontal distance between a building and the street or lot line.

**Short-Term Rental** means one or more dwelling units, including either a single-family detached or multi-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons.

**Sign Related Definitions:**

**Banner** means a sign of temporary construction of lightweight, flexible materials such as cloth, canvas, plastic or paper on which letters, numbers, symbols or pictures are printed or painted, with or without a frame.

**Sign** means any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included in this definition.

**Sign, billboard** means any non-accessory sign, whether freestanding, wall-mounted or roof-mounted.

**Sign, non-accessory** means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Sign, wall** means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not project more than 18 inches from such building or structure.

**Site Plan Related Definitions:**

**Concept plan** means a sketch approximately to scale that shows the intended layout of a proposed development.

**Site plan** means a drawing to a scale not less than one-inch equals 100 feet showing the accurate location of all structures, streets, alleys and parking areas existing and proposed on subject property, or any other information as may be required by this article.

**Construction documents** means an accurate set of drawings and specifications prepared by a licensed professional architect or engineer that meet the required detail for a building permit.

**Concept plan approval** means an approval of a proposed development by a property owner prior to the preparation of a final site plan. The purpose of this approval is to provide relief for the property owner or developer from the expense of the required professionally prepared documents prior to reaching general agreement with the planning commission and the affected property owners of the proposed development.



**Special exceptions** mean any exceptions made to this article. Special exceptions to this article shall be limited to variances, conditional uses, and expansion of nonconforming uses, and shall not be granted except as prescribed in this article.

**Spot zoning** means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

**Stable, private** means any building located on a lot which is designed, arranged, used or intended to be used for not more than four horses for the private use of the owner of the lot, but shall not exceed 6,000 square feet in area.

**Stable, public** means a stable where horses are kept for remuneration, hire or sale.

**Start of construction** means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**Streets/ Transportation Related Definitions:**

**Alley** means a permanent public thoroughfare providing a secondary means of access to abutting lands.

**Street** means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

**Street, arterial** means a major street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the village to another.

**Street, collector** means a street designed to accommodate traffic within residential neighborhoods with the primary purpose of collecting and distributing traffic to and from the arterial streets.

**Street frontage** means any property line separating a lot from a street.

**Street, public** means any street which has been dedicated or is otherwise publicly owned by the village.

**Strip development** means commercial or retail development, usually one store deep, that fronts on a major street.

**Structural alteration** means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

**Structure** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

**Subdivision related definitions** (see [section 54-282](#))

**Substantial improvement** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places.

**Ten-foot zone** means the area within ten feet of a structure, as measured from a line drawn perpendicular from the roofline of the structure to the ground.

#### **Tobacco Products**

**Tobacco manufacturing** means the process of making, producing, creating, fabricating, assembling, combining, or mixing tobacco products licensed under the New Mexico Tobacco Products Act (15.8.2 NMAC).

**Tobacco retail** means the retail sales of tobacco products licensed under the New Mexico Tobacco Products Act (15.8.2 NMAC).

**Unobstructed utility easement** means that no utility easement shall have trees or shrubbery growing into, around, or over, or have branches that with a snow or ice load threaten, any above ground utility line.

**Use** means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

**Use, conditional** means either a public or private use as listed in this article which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such conditional use may or may not be granted pursuant to the requirements of this article. A conditional use may be a principal use or an accessory use.

**Use, nonconforming** means an existing use of land or buildings which was legal prior to the effective date of the ordinance from which this article is derived but which fails to comply with the requirements set forth in this article applicable to the zone in which such use is located.

**Use, permitted** means a use which is lawfully established in a particular district and which conforms with all requirements, regulations and performance standards of such district. A permitted use may be a principal use or an accessory use.

**Use, principal** means a use or structure which determines the predominant or major use of the lot on which it is located. A principal use may be either a permitted or a conditional use.

**Utility Related Definitions:**

**Utilities, major** means a facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including but not limited to major telephone facilities, electric facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire village, or a wide area of the village.

**Utilities, minor** means a facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency. Minor utility facilities provide services that are necessary to support development within the immediate vicinity and involving only minor structures. These include transformers, relay and booster devices and well, water, and sewer pump stations.

**Variance** means a modification or variation of the provisions of this article as applied to a specific piece of property. Dimensional variances only may be allowed, and only as prescribed by section 54-61(e)(8). No variance regarding use of property shall be permitted. No variances decreasing lot area requirements shall be allowed.

**Variance, dimensional** means departure from the terms of this article pertaining to height or width of structures and size of yards and open spaces where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this article would result in unnecessary and undue hardship.

**Warehouse** means an enclosed building designed and used primarily for the storage of goods and materials.

**Warehouse, residential storage and mini warehouse** mean a building or group of buildings in a controlled-access and fenced or screened compound that contains relatively small storage spaces of varying sizes, having individual, compartmentalized and controlled access for the storage of excess personal property of an individual or family generally stored in residential accessory structures, when such building or group of buildings is not located on the lot of the residence.

**Wireless telecommunications facilities related definitions** (see [section 54-702](#))

**Yard** means a space on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, and unobstructed by structures, except as otherwise provided in this article.

**Yard, corner side** means a yard on a corner lot, the area of which is bounded by a line extending from the front of the principal building (the front building line) to a point intersecting the side street right-of-way line (side lot line), then along the side lot line to a point intersecting the line formed by extending the wall of the nearest principal building paralleling the side lot line.

**Yard, front** means a yard extending across the full width of the lot between two side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

**Yard, rear** means a yard extending across the full width of the lot between the two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building, the depth of which is the least distance between the rear lot line and the parallel line.

**Yard, side** means a yard extending between the front building line and the rear building line, the width of which is the least distance between the side lot line and the nearest part of the principal building.

**Zoning authority** means the governing body.

## DIVISION 4: ZONING DISTRICTS

### SEC. 54-67. GENERAL DISTRICTS DEFINED; PERMITTED AND CONDITIONAL USES

- (a) General districts are the residential, commercial, and industrial zoning districts of the village. This division outlines the intended purpose of each general district and states the permitted uses and conditional uses for each district.
- (b) A permitted use is a use which is listed as permitted by right in a zoning district. Nonspecified uses which are similar to those specified are also permitted by right, except as otherwise restricted within this article.
- (c) A conditional use is a use which is of an unusual or unique character, and which may be offensive or incompatible in some cases within a zoning district. A conditional use requires review and approval by the planning commission to determine impacts of the use on the surrounding area. See [Section 54-88](#) for procedures governing a conditional use permit.

(Code 1985, § 10-4-1)

### SEC. 54-68. ORGANIZATION OF ZONE REGULATIONS

- (a) Districts may be base zones or overlay zones. Base zones set out the use, intensity, and dimensional standards for properties within their boundaries. Base districts are grouped into three (3) types –

Residential, Non-Residential, Special Use districts– and shall have the boundaries shown on the Official Zoning Map. Overlay zones are superimposed over portions of one or more underlying base zones with the intent of supplementing general development regulations with additional regulations that address special area-specific conditions or features while maintaining the character and purposes of the underlying base zones. Overlay zones include standards that may modify or supersede standards applied by the underlying base zone, though the uses allowed or prohibited in overlay zones are generally the same as the underlying base zone.

The regulations for each type of zone are organized as described below.

- (1) The purpose of each district
- (2) District Standards that are specific to each district
- (3) Reference to other applicable standards included in Chapter 54

Allowable uses in each district are in the Use Table, [Section 54-74](#). Some uses must meet specific standards. Specific Use standards are listed in [Section 54-75](#), and a link to applicable standards is provided in the Use Table.

## SEC. 54-69. RESIDENTIAL DISTRICTS

### (a) R-1 Single-Family Residential District

- (1) *Purpose; maximum density.* The purpose of the R-1 single-family residential district is to provide for the development, at a low density, of single-family detached dwellings and directly related complementary uses. The district is intended to be strictly residential in character with a minimum of disturbance due to traffic or overcrowding.
- (2) Specific District Standards
  - a. A maximum of one (1) principal dwelling structure shall be allowed per lot.
  - b. A maximum of one (1) accessory dwelling shall be allowed per lot as a conditional use if it meets the if it meets the standards for accessory dwellings in [Section 54-75\(i\)\(1\)](#) and the standards for accessory structures in [Section 54-111](#).
  - c. A maximum of one (1) accessory structure may be provided if it meets the standards for accessory structures, uses and equipment in [Section 54-111](#).
  - d. Covered carport open on at least three sides. The open portion of a covered carport must be set back at least ten feet from the front property line.
  - e. Resubdivision. Resubdivision of previously subdivided or platted land shall be as provided herein. The provisions of this subsection shall apply to any land, regardless of size, identified as a lot, tract or similar term and described by lot or tract number or letter, block number or letter, street address or similar means.

- i. Reserved.
- ii. The planning commission and village council shall consider the size of adjoining lots, the effects of the resubdivision on those adjoining lots, the availability of village utilities and the capacity to provide utility service to the newly created lots, and other pertinent factors in determining the actual sizes of the lots to be allowed. Adjoining lots shall include those lots separated from the subject lots by a street or alley.
- iii. The provisions herein shall not apply to:
  - a) Tracts of land described only by metes and bounds;
  - b) Those cases where all of the land in a previously platted subdivision is owned by a single person and an application for replat of the entire subdivision is submitted pursuant to section [54-284\(d\)\(1\)](#).
- vi. Nothing herein shall be construed to prevent the replatting of smaller lots into larger lots or otherwise replatting contiguous or adjacent lots where there is no increase in the number of lots after the replat as otherwise provided by this Code.

(3) Other Applicable Standards

Table 54.41.1: R-1 District Dimensional Standards	
Development Type	Single Family Residential
<b>Lot Standards</b>	
Lot area, min	7,500 square feet
Lot width, min.	75 feet
Lot depth, min.	100 feet
<b>Setbacks</b>	
Front setback, min.	15 feet
Side setback min.	10 feet
Corner side setback, min.	20 feet
Rear setback, min.	15 feet
<b>Setback Exceptions:</b>	
Schools and civic, cultural, and religious institutions, including accessory structures	50 feet, all sides
Schools and civic, cultural, and religious institutions, including accessory structures Setback consistency	50 feet, all sides

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>

	See Note <sup>1</sup>
<b>Height</b>	
Height, max.	35 feet

Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(b) R-2 Two-Family Residential District

(1) *Purpose; maximum density.* The purpose of the R-2 two-family residential district is to provide for the development, at a low density, of single-family detached dwellings, two-family dwellings and directly related complementary uses. The zone is intended to be strictly residential in character with a minimum disturbance due to traffic or overcrowding. Residential densities may be limited to protect the natural character of the village. Such limitations must be approved by the planning commission.

(2) Specific District Standards

- a. Covered carport open on at least three sides. The open portion of a covered carport can encroach up to 10 feet into the front yard setback. The structure must be set back at least ten feet from the property line.

(3) Other Applicable Standards

Table 54.41.2: R-2 District Dimensional Standards	
Development Type	Two Family Residential
<b>Lot Standards</b>	
Lot area, min	9,000 square feet (4,500 square feet per unit)
Lot width, min.	40 feet per unit

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>

<sup>1</sup> When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of-way of greater or lesser amounts than required in this section, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. If a building is to be built where there is an established average setback different from that required in this section and there are existing buildings on one side only, the front setback of the new building need be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback and there are existing buildings on both sides of the new building, the front setback shall not be greater than that which would be established by connecting a straight line between the forwardmost portion of the first adjacent building on each side.

Table 54.41.2: R-2 District Dimensional Standards	
Lot depth, min.	100 feet
<b>Setbacks</b>	
Front setback, min.	15 feet
Side setback min.	10 feet
Corner side setback, min.	20 feet
Rear setback, min.	15 feet
<b>Setback Exceptions:</b>	
Schools and civic, cultural, and religious institutions, including accessory structures	50 feet, all sides
Setback consistency on block frontage	See Note <sup>2</sup>
Encroachments	Provide link
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(c) R-3 Multiple-Family Residential District

- (1) Purpose; maximum density. The purpose of the R-3 multiple-family residential district is to provide for high-density housing in multiple-family structures and directly related complementary uses. The R-3 district is designed to allow highly economical use of land while creating an attractive, functional, and safe residential environment. Residential densities may be

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<sup>2</sup> When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of-way of greater or lesser amounts than required in this section, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. If a building is to be built where there is an established average setback different from that required in this section and there are existing buildings on one side only, the front setback of the new building need be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback and there are existing buildings on both sides of the new building, the front setback shall not be greater than that which would be established by connecting a straight line between the forwardmost portion of the first adjacent building on each side.



limited to protect the natural character of the village. Such limitations must be approved by the planning commission.

(2) Specific District Standards

- a. Multifamily dwellings (townhomes and apartments) cannot exceed six units or 135 linear feet, whichever is less.
- b. Outdoor living area in the minimum amount specified in the Table 54.41.3 must be provided on any lot occupied by the multiple residence or townhouse building. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas having a width of less than 20 feet, and required side or front yards shall not be considered as an outdoor living area, except in the case of interior townhouse units where the unit is less than 20 feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.
- c. Lot area allowances. The minimum lot areas in this section may be adjusted according to the following, except that allowance shall not be made for two- or three-family dwellings
  1. For each parking stall in or under the residence, or otherwise completely underground, subtract 400 square feet from the total minimum lot area.
  2. For each unit with a balcony or patio of not less than 40 square feet, subtract 100 square feet from the outdoor living area.
- d. Distance between buildings. When two or more principal buildings are located on one lot, the minimum separation between any two adjacent principal buildings shall be a distance of not less than an amount equal to the height of the taller of the two buildings or 20 feet, whichever is greater, when developed as a planned unit development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.
- e. Accessory buildings. Accessory buildings shall observe the same setback requirements established for the multiple-residence buildings, except that accessory buildings located within the rear yard of the multiple-residence building may be located within five feet of the rear or interior side property line. The council may require common walls for accessory buildings on the same lot where common walls will eliminate unsightly and hazardous areas. Accessory buildings on the same lot shall otherwise be separated by a distance of not less than ten feet.
- f. Landscaping. Except for two-family lots and their adjacent rights-of-way, all areas not designated for buildings, circulation, parking or storage shall be landscaped in accordance with section 54-135. Landscaping of public parks shall be the responsibility of the village.
- g. Encroachments into yards.
  1. Open decks. Open decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than five feet in the case of front yards and not closer than five feet to the property line in the case of side yards and rear yards.

2. Covered patios, decks, porches or carports with a side wall. Covered patios, decks, porches or carports with side walls shall not be permitted encroachments on any setbacks.
3. Covered carport open on at least three sides. The open portion of a covered carport can encroach up to 10 feet into the front yard setback. The structure must be set back at least ten feet from the property line.
4. Roof projections into required side yards. A house or garage roof may not be constructed closer than two feet to a side property line.

(3) Other Applicable Standards

Table 54.41.4: R-3 District Dimensional Standards						Minimum Setbacks			
Use	Min Lot Area per Unit (Square Feet)*	Min Lot Width (Feet)	Min Lot Depth (Feet)	Outdoor Living Area (Square Feet per Dwelling Unit)	Building Height (feet)	Front	Interior Side	Corner Side	Rear
						Single Family	7,500	75	100
Two-Family	3,600	80	90	600	35	20	5	20	10
Three-family	3,000	80	90	500	35	20	5	20	10
Four-family	2,500	90	90	400	35	20	10	20	10
Townhouse/Condominium	2,000	90	90	400	35	20	10	20	10
Schools and civic, cultural, and religious institutions, includes their accessor structures	Minimum area and lot dimensions to be determined by building area, parking requirements and minimum setbacks.				35	50	50	50	50
Structures accessory to single-family residences					35	20	3	20	3
Other permitted uses					35	30	10	20	50

\* See section 54-59(c)(2)c for exceptions.

Table 54.41.3: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>

<b>Table 54.41.3: Other Applicable Standards</b>	
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-116</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(d) R-4 High-Density Residential District

(1) *Purpose; maximum density.* The purpose of the R-4 high-density residential district is to provide for high-density housing in multiple-family structures and directly related complementary uses. The R-4 district is designed to allow highly economical use of land while creating an attractive, functional, and safe residential environment. Residential densities may be limited to protect the natural character of the Village. Such limitations must be approved by the planning commission.

(2) Specific District Standards

- a. Distance between buildings. When two or more principal buildings are located on one lot, the minimum separation between any two adjacent principal buildings shall be a distance of not less than an amount equal to the height of the taller of the two buildings or 20 feet, whichever is greater, when developed as a planned unit development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.
- b. Accessory buildings.
  1. Accessory buildings shall observe the same setback requirements established for the multiple-residence buildings, except that accessory buildings located within the rear yard of the multiple-residence building may be located within three feet of the rear or interior side property line. The council may require common walls for accessory buildings on the same lot where common walls will eliminate unsightly and hazardous areas. Accessory buildings on the same lot shall otherwise be separated by a distance of not less than ten feet.
  2. Exteriors of accessory buildings shall have an exterior finish compatible with the main structure. Compatibility shall be determined by the village based on type and use of building materials.
- c. Screening. All principal and accessory uses shall be screened from adjacent residential districts (except R-4 districts) as described in section [54-108](#).
- d. Landscaping. All areas not designated for buildings, circulation, parking or storage shall be landscaped in accordance with section 54-135. Landscaping of public parks shall be the responsibility of the village.
- e. Encroachments into yards.
  1. Open decks. Open decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than five feet in the case of front yards and not closer than five feet to the property line in the case of side yards and rear yards.
  2. Covered patios, decks, porches or carports. Covered patios, decks, porches or carports shall not be permitted encroachments on any setbacks.
  3. Roof projections into required side yards. A house or garage roof may not be constructed closer than two feet to a side property line.

(3) Other Applicable standards

Table 54.41.4: R-4 District Dimensional Standards									
Use	Min Lot Area per Unit (Square Feet)*	Min Lot Width (Feet)	Min Lot Depth (Feet)	Outdoor Living Area (Square Feet per Dwelling Unit)	Maximum Building Height (feet)	Minimum Setbacks			
						Front	Interior Side	Corner Side	Rear
Apartment Buildings	1,500	90	90	300	35	20	10	20	20
Townhouse Cluster	2,000	90	90	400	35	20	15	20	20
Schools; civic, cultural, and religious institutions;	Minimum area and lot dimensions to be determined by parking requirements, outdoor living area, and minimum setbacks. Setbacks include related accessory structures.				35	50	50	50	50
Structures accessory to multifamily residences					35	20	3	20	3
Other permitted uses					35	30	10	20	50

\* See section 54-59(d)(2)c for exceptions.

Table 54.41.4: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>

Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(e) AR-1 Agricultural/Residential District

(1) *Purpose.* The purpose of the AR-1 district is to allow agricultural uses such as farming and ranching and single-family detached dwellings and related complementary uses. The district is intended to be rural in character.

(2) Specific District Standards

There shall be no development requirements for farming and ranching operations.

(3) Other applicable standards

Development Type	Agricultural/Residential
<b>Residential Lot Standards</b>	
Lot area, min	2 acres
Lot width, min.	
Lot depth, min.	
<b>Residential Setbacks</b>	
Front setback, min.	20 feet
Side setback min.	20 feet
Corner side setback, min.	20 feet
Rear setback, min.	20 feet
<b>Churches, schools and public buildings</b>	
Lot area, min	1 acre
Setbacks	50 feet, all sides
Encroachments	No encroachments into yards permitted

Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>

Table 54.41.5: AR-1 District Dimensional Standards	
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

(f) M-1 Low-Density Mobile Home District

(1) Purpose; maximum density. The purpose of the M-1 low-density mobile home district is to promote affordable housing and to make economical use of the land by allowing the development of mobile home subdivisions at gross residential densities of not more than five units per acre.

(2) Specific District Standards

a. Encroachments into yards.

1. *Open steps and decks.* Open steps and decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than ten feet in the case of front yards and not closer than ten feet to the property line in the case of side yards.
2. *Covered patios, decks, porches or carports.* Covered patios, decks, porches or carports shall not be permitted encroachments in any setbacks, except as provided under section [54-114](#).
3. *Roof projections into required side yards.* A house or garage roof may not be constructed closer than two feet to a side property line.
4. *Landscaping.* Except for mobile home and single-family lots and their adjacent rights-of-way, all areas not left in their natural state, or which have otherwise been disturbed by construction, and which are not designated for buildings, circulation, parking or storage, shall be landscaped in accordance with section 54-135. Landscaping of public parks shall be the responsibility of the village.

(3) Other applicable standards

Table 54.41.6: M-1 District Dimensional Standards	
Development Type	Mobile Home
<b>Lot Standards</b>	
Lot area, min	8,000 sf
Lot width, min.	60 feet
Lot depth, min.	100 feet
<b>Setbacks<sup>3</sup></b>	

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>

<sup>3</sup> The setback and yard requirements listed in this section are subject to the following additional requirements for front setbacks: When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from street rights-of-way of greater or lesser amounts than required in this section, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. If a building is to be built where there is an established average setback different from that required in this section, and there are existing buildings on one side only, the front setback of the new building need be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback, and there are existing buildings on both sides of the new building,



Table 54.41.6: M-1 District Dimensional Standards	
Lot area, min	5 acres
Front setback, min.	20 feet
Side setback min.	10 feet
Corner side setback, min.	20 feet
Rear setback, min.	10 feet
Setback Exceptions	
Schools and civic, cultural, and religious institutions	50 feet, all sides
Structures for all other principal, conditional or other uses	Minimum rear setback is 20 feet
Height	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

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the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forwardmost portion of the first adjacent building on each side.

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(g) M-2 Medium-Density Mobile Home District

(1) Purpose; density. The purpose of the M-2 medium-density mobile home district is to promote affordable housing and to make economical use of the land by allowing the development of mobile home communities at gross residential densities of not more than ten units per acre.

(2) Specific District Standards

a. Encroachments into yards.

1. Covered patios, decks, porches or carports. Covered patios, decks, porches or carports shall not be permitted encroachments in any setbacks.
2. Roof projections into required side yards. A mobile home, single-family dwelling or garage roof may not be constructed closer than two feet to a side property line.

b. Landscaping.

1. The front setback area of each mobile home or single-family lot shall be landscaped or left in its natural state.
2. All private commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sandboxes, etc., shall be landscaped and irrigated. Landscaping of public parks shall be the responsibility of the village.

c. *Screening*. All principal and accessory uses shall be screened from adjacent residential zones (except M-2 districts) as described in section 54-134.

(3) Other Applicable Standards

Table 54.41.6: M-2 District Dimensional Standards	
Development Type	Mobile Home
<b>Lot Standards</b>	
Site area, min	5 acres
Lot area, min	5,000 sf
Lot width, min.	50 feet
Lot depth, min.	100 feet
<b>Setbacks</b>	
Front setback, min.	20 feet
Side setback min.	10 feet
Corner side setback, min.	10 feet
Rear setback, min.	10 feet
<b>Setback Exceptions</b>	
Schools and civic, cultural, and religious institutions	50 feet, all sides

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Residential terrain management	<a href="#">Sec. 54-105</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>

Table 54.41.6: M-2 District Dimensional Standards	
Structures for all other principal, conditional or other uses	Corner side 20 feet Rear 20 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>

## SEC. 54-70. NONRESIDENTIAL DISTRICTS

### (a) C-1 Neighborhood Commercial District

(1) *Purpose.* The purpose of the C-1 neighborhood commercial district is to provide for establishment of local centers for convenient retail outlets which deal directly with the consumer for whom the goods or services are intended. These centers are located in predominately residential areas and are limited to a type of use compatible with the surrounding residential character of the area.

### (2) Specific District Standards

#### a. Access.

1. Access to commercial activities shall be allowed only from arterial or collector streets or a street specifically designed for such development, provided, the planning commission may grant a variance from this provision upon a showing of good cause, if said commercial activity is located on either U.S. Highway 70 or State Highway 48.
2. Access points shall be located at least 150 feet from any street intersection.
3. Access points on the same street shall not be spaced closer than 100 feet as measured from the centerlines. Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
4. Commercial developments which may not be able to meet the requirements of subsections a.2. and a.3. of this section and which are requesting deviations from such standards shall submit an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - a) Traffic volumes.
  - b) Turning movements.
  - c) Traffic controls.
  - d) Site design.
  - e) Site distances.
  - f) Location and alignment of other access points.

Based upon this data, the planning commission shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

### (3) Other Applicable Standards

Table 54.50.8: C-1 District Dimensional Standards	
Development Type	Neighborhood Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	25 feet
Side setback min.	10 feet
Corner side setback, min.	10 feet
Rear setback, min.	10 feet
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Parking lot <sup>4</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.50.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	<a href="#">Sec. 54-106</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-117</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>4</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

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(b) C-2 Community Commercial District

(1) *Purpose.* The purpose of the C-2 community commercial district is to provide for low-intensity retail or service outlets which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and should be located in areas which are served by arterial street facilities.

(2) Specific District Standards

- a. Merchandise which is offered for sale may be displayed beyond the confines of a building in any C-2 district, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies.
- b. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a 100 percent opaque wall or fence not less than six feet tall. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street, or within any required interior side or rear setback.
- c. Additional districts. There are created additional sub-districts within the C-2 district, identified as C-2a through C-2f, as may be designated on the official zoning map after notice and hearing, and which are subject to the C-2 provisions herein, provided that additions or exceptions to the C-2 provisions may be made by ordinance from time to time for specific sub-districts.
- d. The following residential uses are permitted in the C-2 district as conditional uses:
  - 1. Multiple family structures containing four or more dwelling units as part of a mixed-commercial residential use structure where the residential use cannot be located on the ground floor.
  - 2. Attached one bedroom and two-bedroom apartments occupied by the owner of the business on the same premise or by an employee of the business who provides custodial and security services.

(3) Other Applicable Standards

Table 54.50.9: C-2 District Dimensional Standards	
Development Type	Community Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	20 feet

Table 54.50.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	<a href="#">Sec. 54-106</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>

Table 54.50.9: C-2 District Dimensional Standards	
Side setback min.	10 feet
Corner side setback, min.	15 feet
Rear setback, min.	10 feet
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Parking lot <sup>5</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.50.2: Other Applicable Standards	
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>5</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

(c) C-3 Midtown Commercial District

(1) *Purpose.* The purpose of the C-3 midtown commercial district is to allow the development of commercial retail and service establishments with carefully integrated multiple-family residential, entertainment and public parking facilities in the "Midtown" area of the village. The district encourages development to take place in an intensive fashion to facilitate pedestrian circulation and to maximize the use of valuable locations and existing infrastructure and building stock.

(2) Specific District Standards

- a. Merchandise which is offered for sale in the C-3 district may be displayed as follows:
- b. Merchandise may be displayed within the building footprint which includes the area up to and including the edge of the roof overhang.
- c. No display shall occur outside the area of the building footprint (outdoor sales) except as authorized below.
- d. The planning commission may grant a conditional use to authorize outdoor display of merchandise due to a unique configuration of the property or the type of merchandise offered for sale. Application, review and approval shall follow the conditional use procedures set forth in this chapter.
- e. Outdoor sales may be conducted as part of a special event sanctioned by the Ruidoso Midtown Association.
- f. A merchant may conduct an individual outdoor sales event twice a year as follows:
  1. Each event shall be limited to three consecutive days in duration.
  2. Only items of normal inventory of the business may be sold or displayed outdoors during the event.
  3. Merchandise shall not be displayed within any public right-of-way, impede vehicular or pedestrian traffic or obstruct any clear sight triangle required by this chapter.
  4. An outdoor sales special use permit shall be obtained from the planning department prior to each event. The planning department may require submittal of a site plan and event schedule with the application. The planning department may ask for comments by other village departments prior to issuing the special use permit and may impose restrictions on the event when issuing the permit.
- g. The following residential uses are permitted in the C-3 district as conditional uses:
  1. Multiple family structures containing four or more dwelling units as part of a mixed-commercial residential use structure where the residential use cannot be located on the ground floor.



2. Attached one bedroom and two-bedroom apartments occupied by the owner of the business on the same premise or by an employee of the business who provides custodial and security services.

(3) Other Applicable Standards

Table 54.50.10: C-3 District Dimensional Standards	
Development Type	Midtown Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	25 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	No min.
Side setback min.	No min.
Corner side setback, min.	No min.
Rear setback, min.	No min.
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Multifamily structures Interior side and rear setbacks	Same as in the R-4 district
Parking lot <sup>6</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.50.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>6</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

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(d) C-4 Heavy Commercial District

(1) Purpose. The purpose of the C-4 heavy commercial district is to provide for construction-oriented businesses and service operations that are necessary to complement the economy of the village and in a manner consistent with the resort character of the village. Uses allowed in this district shall be located in areas which are served by arterial street facilities. There are no restrictions on outdoor sales or storage of materials, supplies, merchandise or other similar matter in this zone.

(2) Specific District Standards

- a. Access.
- b. Access for uses in the C-4 heavy commercial district shall be allowed only from arterial or commercial collector streets.
- c. Access points on arterial streets shall, whenever possible, be located at least 150 feet from any street intersection.

(3) Other Applicable Standards

Table 54.50.11: C-4 District Dimensional Standards	
Development Type	Heavy Commercial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	20 feet
Side setback min.	15 feet
Corner side setback, min.	15 feet
Rear setback, min.	15 feet
<b>Setback Exceptions</b>	
Abutting residential districts	Residential district setbacks apply
Parking lot <sup>7</sup>	
Front	4 feet

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-119</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>

<sup>7</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

Table 54.50.11: C-4 District Dimensional Standards	
Interior side and rear	4 feet
Corner side	3 feet
<b>Height</b>	
Height, max.	35 feet

Table 54.41.2: Other Applicable Standards	
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

(e) I-1 Industrial District

(1) Purpose. The purpose of the I-1 industrial district is to provide for the development of storage, warehousing, industrial and office facilities that are necessary to complement the economy of the village in a manner which is not detrimental to the overall resort character of the village and does not cause adverse off-site environmental impacts. Uses allowed in the I-1 district are those whose activities, including storage, take place entirely within enclosed buildings or areas not visible off-site, which have little or no emission of noise, smoke, dust, odor, vibration or glare, and which pose little or no danger to the public health and safety.

(2) Specific District Standards

None

(3) Other Applicable Standards

Table 54.41.12. I-1 District Dimensional Standards	
Development Type	Industrial
<b>Lot Standards</b>	
Lot area, min	No min.
Lot width, min.	100 feet
Lot depth, min.	No min.
<b>Setbacks</b>	
Front setback, min.	35 feet
Side setback min.	15 feet
Corner side setback, min.	30 feet
Rear setback, min.	15 feet
<b>Setback Exceptions</b>	
Abutting residential districts	60 feet
Parking lot <sup>8</sup>	
Front	4 feet
Interior side and rear	4 feet
Corner side	3 feet
Residential district boundary	3 feet
<b>Height</b>	

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Non-residential terrain management	
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-119</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>

<sup>8</sup> Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the village.

Table 54.41.12. I-1 District Dimensional Standards	
Height, max.	55 feet <sup>9</sup>

Table 54.41.2: Other Applicable Standards	
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

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<sup>9</sup> Buildings over 35 feet in height must be approved by the planning commission upon recommendation of the fire chief and shall be subject to additional fire protection precautions as determined by the fire chief.

## SEC. 54-71. SPECIAL DISTRICTS

### (f) PUD Planned Unit Development Districts

#### (1) Purpose. The purpose and intent of planned unit development is to:

- a. Produce more appropriate development than would result from the strict application of this article.
- b. Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing needs of the community.
- c. Locate housing, recreation, shops, offices and industrial uses conveniently to each other for the benefit of the entire community.
- d. Permit flexibility of land use, placement of buildings, arrangement of open space, circulation facilities and off-street parking areas, and to maximize the potentials of individual sites under development.
- e. Promote the infill of vacant land within established village limits.
- f. Accomplish more aesthetic and desirable developments which can best utilize and protect special features of the geography, topography, size and shape of particular pieces of property and provide a compatible and stable environment in harmony with the surrounding area.

#### (2) Planned Unit Development Types

- a. R-PUD Residential Planned Unit Development. Residential planned unit developments (R-PUD). Residential planned unit developments shall allow the principal permitted uses in the R-1, R-2, R-3, R-4 and C-1 zoning districts and shall contain at least 70 percent residential uses.
- b. C-PUD Commercial Planned Unit Development. A commercial planned unit development shall allow the principal permitted uses in the C-1, C-2 and C-3 districts plus any type of residential use in the R-1, R-2, R-3 and R-4 districts. Residential use shall in no event exceed 50 percent of the total planned unit development area.
- c. M-PUD Mixed-use Planned Unit Development. A mixed use planned unit development shall permit any combination of land uses integrally developed under one concept and shall be permitted in any zoning district or combination of zoning districts. The use mix shall be approved by the planning commission as conforming to the comprehensive plan of the village.
- d. I-PUD Industrial Planned Unit Development. An industrial planned unit development shall include principal permitted uses in the I-1 and C-4 districts only, and may include conditional

uses in the I-1 and C-4 districts on approval by the planning commission. No residential uses are permitted, and there is no open space requirement.

(3) Specific District Standards

- a. The planned unit development shall consist of a harmonious selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit in such a manner as to constitute a safe, efficient and convenient community that complements the resort character of the village. The planned unit development may include one or more principal uses or structures on a single parcel of ground or contiguous parcels.
- b. Requirements and standards. All residential, commercial and industrial planned unit developments shall meet the minimum requirements of this section. In addition, the planning commission may require compliance with such other design standards relating to the construction, placement of buildings, landscaping, streets, pathways, drainageways and other site design features as it may deem necessary.
  1. *Ownership.* The tract shall be a development of land under unified control at the time of application. It shall be planned and scheduled to be developed as a whole, though development may be phased in accordance with this section. No authorization or permits shall be granted unless the applicant has acquired actual ownership of, or executed a binding sales contract for, all of the property comprising such tract. The term "single ownership," as used in this section, shall include individuals who by legal agreement have joined to develop the property.
  2. *Conformance with comprehensive plan.* The proposed planned unit development shall be consistent with the comprehensive plan of the village.
  3. *Minimum total area.* The minimum total area of a planned unit development shall be no less than five acres unless the applicant shows that waiving the minimum area requirements would be in the public interest and that one or both of the following conditions exist:
    - a) Unusual physical features of the property itself or the surrounding area are such that standard development provisions are not appropriate to provide for conservation of terrain or physical features important to the neighborhood or community.
    - b) The property is abutting or across the street from property which has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.
  4. *Use Mix.* All applications for planned unit development approval shall designate the type of use mix for which application is made. Properties designated as planned unit developments in the zoning district map adopted June 28, 1988, may allow any planned unit development use mix designation except industrial planned unit development until

approved by the planning commission in accord with section 54-69. No development shall be commenced until the planned unit development use mix is designated and approved by the planning commission.

5. *Density.* The number of dwelling units per acre allowable within a planned unit development shall be determined by the planning commission; however, in no event shall the number of dwelling units per acre exceed the maximum established by the following schedule, calculated based only upon the areas indicated for residential use:

Designated Use	Dwelling Units/Acre
R-1	6
R-2	10
R-3	18
R-4	25

If the unit density is not consistent with the policies of the Comprehensive Plan, the applicant has the burden to show that such increase in density will not have an undue and adverse impact on existing public facilities, neighborhood properties or the natural environment.

In determining the reasonableness of the increase in unit density, the planning commission and the council shall consider increased efficiency in public facilities and services, based in part upon:

- a) The location, amount and proposed use of common open space.
  - b) The location, design and type of dwelling units.
  - c) The physical characteristics of the site.
  - d) Particular distinctiveness and excellence in siting, design and landscaping.
6. *Building setbacks generally.* Residential building setbacks from all property lines which form the perimeter of the planned unit development shall be no less than 20 feet. Commercial building setbacks shall be no less than 35 feet or the height of the building, whichever is greater.
  7. *Placement of more than one building on lot; compliance with subdivision regulations.* More than one building may be placed on one platted or recorded lot in any planned unit development. Areas for single-family detached dwellings or other housing types providing privately owned lots must comply with the village's subdivision code (article III



of this chapter) in all respects not specifically noted in this section as appropriate variances or waivers.

8. *Developments involving only one housing type.* A planned unit development which only involves one housing type, such as all detached or all attached units, shall not be considered inconsistent with the stated purposes and objectives of this section, and this shall not be the sole basis for denial or approval.
9. *Architectural style and appearance of buildings.* The architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, overall appearance and compatibility of individual buildings with other site elements and with surrounding development will be primary considerations in the review stages of the planning commission and the council.
10. *Issuance of building permits.* No building permits shall be granted for any building on land for which an application for a planned unit development is in the process of village council review or which does not conform to an approved planned unit development.
11. *Staging of development.*
  - a) Any part of a plan for a planned unit development proposed to be constructed in stages shall include full details relating thereto, and the village council may approve or modify where necessary any such proposals.
  - b) The staging shall include the time for beginning and completion of each stage. Such timing may be modified by the village on the showing of good cause by the developer.
  - c) The landowner or developer shall make such easements, covenants and other arrangements and shall furnish such financial guarantees as may be determined by the village to be reasonably required to ensure performance in accordance with the plan and to protect the public.
12. *Streets, utilities, services and public facilities.* The uniqueness of each proposal for a planned unit development may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this chapter and other village codes governing their construction. The village council may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents of the planned unit development or the village. The plans and profiles of all streets, utilities and services shall be reviewed, modified, if necessary, and approved by the village council prior to the final approval of the planned unit development. All planned unit developments shall be served by public or community water and sewer systems.
13. *Open space.* At least seven percent of the total area of the planned unit development shall be set aside for public and/or private open space and recreational use. The village

council shall determine what portion of the seven percent shall be private and what shall be public.

14. *Operation and maintenance of common facilities.* If certain land areas or structures are provided within the planned unit development for private recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the village to ensure a continued standard of maintenance. These common areas shall be placed under the ownership of one of the following, depending on which is more appropriate:

- a) Dedicated to the public where a community-wide use would be anticipated.
- b) Landlord control.
  - 1) Landowners' association, provided all of the following conditions are met:
    - a. The landowners' association must be established prior to any sale.
    - b. Membership must be mandatory for each owner and any successive buyer.
    - c. The open space restrictions must be permanent, not for a given period of years.
    - d. The association must be responsible for liability insurance and the maintenance of recreational, service and other facilities as deemed necessary by the village.
    - e. Landowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property in accordance with state statutes.
    - f. The association must be able to adjust the assessment to meet changing needs.

15. *Landscaping and screening.* Screening shall be provided shall be provided according to a plan approved by the village council. Screening may include landscaping and/or fencing, and shall include a detailed planting list with sizes indicated.

16. *Underground installation of utilities.* All utilities, including electricity and telephone service, shall be installed underground.

(4) Other Applicable Standards

Table 54.41.2: Other Applicable Standards	
Overlay zones/districts	<a href="#">Sec. 54-62</a>
Commercial terrain management	<a href="#">Sec. 54-106</a>
Forest management	<a href="#">Sec. 54-107</a>
Screening	<a href="#">Sec. 54-108</a>
Landscaping	<a href="#">Sec. 54-109</a>
Use of certain areas and structures as dwelling unit prohibited	<a href="#">Sec. 54-110</a>
Fences	<a href="#">Sec. 54-112</a>
Retaining Walls	<a href="#">Sec. 54-113</a>
Setback and height encroachments, limitations, and exceptions	<a href="#">Sec. 54-114</a>
Off-street parking facilities	<a href="#">Sec. 54-115</a>
Off-street loading facilities	<a href="#">Sec. 54-116</a>
Nonconforming uses and structures	<a href="#">Sec. 54-119</a>
Miscellaneous performance requirements	<a href="#">Sec. 54-118</a>
Noise abatement and emission control	<a href="#">Sec. 54-119</a>
Lots not served by public water or sewer systems	<a href="#">Sec. 54-121</a>
Architectural design standards	<a href="#">Sec. 54-123</a>
Approved structures	<a href="#">Sec. 54-124</a>
Urban-Wildland Interface Code	<a href="#">Sec. 54-125</a>
Flood hazard regulations	<a href="#">Article IV</a>
Airport hazard regulations	<a href="#">Article V</a>
Wildfire Hazard Overlay District	<a href="#">Article VI</a>
Wireless Telecommunications Facilities	<a href="#">Article VII</a>
Signs	<a href="#">Division 8</a>

## SEC. 54-72. OVERLAY ZONES

(a) Short-Term Residential Rental Overlay Zone

(1) Purpose of zone. The Governing Body of the Village of Ruidoso finds and declares as follows:

- a. Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to seasonal visitors.
- b. Short-term residential rentals are not commercial but are strictly a residential use of the property under the Village of Ruidoso Municipal Code.
- c. The provisions of this section are necessary to prevent a burden on village services and impacts on residential neighborhoods posed by short-term residential rentals.

- (2) Applicability of requirements. This overlay zone applies to all non-commercial residential property within the village regardless of the zoning district. The requirements of [Section 54-62\(a\)](#) shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as a hotel, motel or commercial cabin rental located on a single lot or a group of contiguous lots within a commercial zoning district. These requirements do apply to individual dwelling units on non-contiguous property owned and operated by a hotel, motel or commercial cabin rental owner.
- (3) Definitions. For purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:
- a. *Local contact person* means an owner, representative of the owner or local property manager who lives in the Village of Ruidoso or within proximity of the village limits such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this section and take remedial action.
  - b. *Managing agency or agent* means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or a person, firm or agency owning the residential unit.
  - c. *Operator* means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgagee in possession.
  - d. *Owner* means as defined in section 1-2 of this Code.
  - e. *Remuneration* means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.
  - f. *Rent* means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature, without any deductions therefrom whatsoever.
  - g. *Short-term residential rental* means a dwelling unit or one bedroom within a dwelling unit, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons. ]
  - h. *Sleeping unit* as defined by the International Building Code, 2015, and as amended, means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
  - i. *Third-party internet listing service* means an internet-based (or online) marketplace that connects owners of short-term residential rentals to potential renters by way of a website

and in exchange for a service fee. Third-party listing agent shall not mean local contact person or managing agency or agent as defined in this chapter.

(4) Short-term residential rental permit required. No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Village of Ruidoso. Short-term residential rental permits are issued to the owner for a period of one year and are non-refundable.

a. Nothing contained within this section shall be construed to abridge the ability of bona fide neighborhood covenants and/or deed restrictions to be more restrictive than the regulations within this section. Such covenants and deed restrictions shall not be enforceable by the Village, but remain the responsibility of property owners to ensure compliance within the applicable neighborhood.

(5) Application for short-term residential rental permit. The dwelling unit owner or managing agency shall apply to the village for a short-term residential rental permit and supply, at a minimum, the following information:

a. The maximum number of occupants and vehicles that the dwelling unit can accommodate.

1. The parking calculation shall be based upon a minimum of one off-street parking space provided per sleeping unit. Properties offering a single-room rental must also meet parking requirements as set forth in section [Sec. 115](#).

2. The occupancy per sleeping unit shall be determined by the floor area of each sleeping unit, number of restrooms per dwelling unit, infrastructure suitable to service the occupants and shall be in accord with habitable and occupancy codes contained within the duly adopted Code or successor as required per section [22-31\(a\)](#).

b. The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.

c. The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the agent, representative or local contact person for the owner of the residential rental

d. An application fee of \$50.00 per year.

e. Compliance inspections are required on all short-term permits. The inspections are valid for biennial (every two years), and the fee is \$40.00.

After a permit is issued the compliance inspections will be conducted by Village of Ruidoso staff no later than 30 days.

If the property is not in conformance with the compliance requirements at the time of the inspection, a correction notice will be issued, and a reinspection fee may be assessed of \$40.00 if the inspector is required to return.

The compliance inspection shall meet the following requirements:

1. An ABC type fire extinguisher(s) to be mounted at points of egress, with at least one provided per floor and minimum one per dwelling unit with at least two per dwelling unit if greater than 1,000 square feet, at a height not to exceed 48 inches. Extinguishers must be inspected and maintained according to state requirements and must properly display the inspection history of the device.
  2. Approved (and working) smoke alarms installed as per manufacturer's instructions in every sleeping room, in compliance as required per section [22-31\(a\)](#) of this Code and on every level of the home, including the basement.
  3. Every sleeping room and living area with access to a primary means of escape shall provide a clear, unobstructed path of travel to the outside.
  4. Where approved, an open fire permit in accordance with section 42-42 of the Village of Ruidoso Code of Ordinances shall be posted at, or immediately adjacent to the primary entrance to the building. Outdoor cooking appliances shall be properly maintained and notification visibly posted for their permitted use in accordance with section 42-42. Indoor fireplaces shall be properly maintained and inspected by a qualified person as necessary.
  5. Authority for code compliance inspection. By submitting application, the owner authorizes the Ruidoso Fire Department, the village code enforcement officer or other designated village employee or representative to conduct a code compliance inspection of the residence at intervals deemed appropriate by the village, or if deemed necessary when it is alleged or suspected that a violation of this section may exist or have occurred.
- f. Owner/agent authorization.
- g. Business registrations and taxes.
1. Business registrations are \$35.00 and are required for anyone conducting business within the Village of Ruidoso.
  2. If an owner rents, lists, or books their property with a managing agency, a business registration is not required.
  3. If a property owner rents, lists, or books their property without a managing agency, a business registration is required.
- h. Notification to adjacent property owners shall be required for all short-term rental permits.
1. The notification fee is \$25.00. The staff of the Village of Ruidoso will notify all property owners within 200 feet of the permitted property notifying the intent to use their home as a short-term rental, and the name and number of the local contact person.

2. Managing agent may opt out to perform this task by certifying compliance with the notifications. If the managing agent opts out to perform this task, the \$25.00 fee will not be charged.
  - i. The owner or managing agent/agency shall attest that they have met these requirements in each property registered as part of the initial rental registration and each successive renewal registration. The form utilized to attest to these requirements shall be part of the registration form provided by the village and be authenticated by a notary public.
- (6) *Application renewal or update.* Prior to the expiration of the permit or when there is a change to the information contained in the permit regarding ownership, changes in the structure or parking area, or contact person, a new permit application shall be submitted. A transfer fee of \$10.00 shall be assessed.
- (7) *Fees.* Fees are set forth in appendix A to this Code. The initial application fee sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.
- (8) *Review of application and issuance of permit.*
- a. The village shall complete review of the initial permit application within ten business days. Renewals notifications of all permits shall occur 30 days prior to renewal. Such permits that are active at the time of this ordinance adoption shall not need to be prorated if extending their expiration to coincide with the new renewal date.
  - b. Once the application review is complete, the village shall notify the applicant of the decision of whether or not to issue the permit based on compliance with this section. If approval is granted, the village will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within 30 days after the applicable first day of August shall subject the owner to payment of a late permit renewal penalty fee.
  - c. An application for permit or renewal application shall be denied if:
    1. All applicable fees and taxes have not been paid, including lodgers' taxes as provided under chapter 78, article II of the Village of Ruidoso Code of Ordinances; or
    2. Outstanding property nuisance or building code violations exist on the property; or
    3. The applicant has not met the fuels management certification requirements of Section 42-80, or as amended, of the Village of Ruidoso Code of Ordinances; or
    4. The owner of the property is not compliant with subsection (h)(6) herein and has exceeded the number of adjudicated citations afforded under that subsection.
  - d. The Village of Ruidoso recommends all property owners to purchase short-term rental insurance.

- e. Failure to comply with any provision of chapter 78 of the Village of Ruidoso Code of Ordinances may result in a revocation of the permit for a 12-month time period at the discretion of the planning director.
  - f. If the dwelling unit owner plans to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the village and the permit will be revoked.
- (9) Tenant notification requirements. Each short-term residential rental unit shall have a clearly visible and legible notice posted by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:
- a. A copy of the short-term residential rental permit.
  - b. The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which that party can be reached on a 24-hour, seven days a week basis.
  - c. The maximum number of occupants three years of age and older permitted to stay in the unit.
  - d. The maximum number of vehicles allowed to be parked on the property.
  - e. The number of on-site parking spaces and the parking rules for seasonal snow removal (if applicable).
  - f. The specific procedures regarding the disposal of trash and refuse.
  - g. A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of the Village of Ruidoso Municipal Code.
  - h. Notice that noise provisions contained in the Village of Ruidoso Municipal Code section 38-31 will be enforced.
  - i. Notification that the Village of Ruidoso Municipal Code prohibits ground fires, camp fires, fire rings and fire pits other than by permit.
  - j. The 911 address for the property.
  - k. Notice that animal leash laws contained in section 14-8 (prohibited acts; animal nuisances; vicious or dangerous animals) will be enforced.
  - l. Notification that the Village of Ruidoso Municipal Code section 42-40 makes it "unlawful for any person to discard a lit cigarette, cigar, match or other type of incendiary material."
- (10) Exterior advertising or signage. Exterior signage on short-term rental units which indicate availability, phone numbers or other type of information is prohibited. For the purposes of this section, signage shall only be permitted if it includes the name of the dwelling unit or owner's name and does not include advertisement of the property.



(11) Penalties for violation of requirements of this section. In addition to any other penalties or fines authorized by the Village of Ruidoso Municipal Code, the owner of a short-term residential rental unit shall be required to pay a penalty as set forth in appendix A to this Code in order to obtain, retain or renew a short-term residential rental permit.

- a. Each day that an owner rents a unit for a short term without first obtaining a short-term residential rental permit is considered a separate violation of the Village of Ruidoso Municipal Code as provided for in section 1-6.
- b. The village code enforcement officer or other designated village employee or representative shall take action to correct the violation as provided for in this Code or state statute.
- c. The first suspected or observed violation of this section by the village may result in an initial warning notice requesting registration of the unregistered short-term residential rental unit in accordance with the provisions of this code without subject to penalty. Should the property owner fail to comply after receiving such initial notice from the village, penalties may be assessed as provide elsewhere in this Code in section 1-6, including the assessment of a registration fee twice the listed amount.

(Ord. No. 2009-06, 3-10-09; Ord. No. 2017-06 , § 1, 5-9-17; Ord. No. 2019-01 , 1-8-19; Ord. No. 2019-03 , 3-12-19)

## **SEC. 54-73 – SEC. 54-82. RESERVED**

# **DIVISION 5: USE REGULATIONS**

## **SEC. 54-83. GENERAL PROVISIONS**

- (a) [Sec. 54-74](#) identifies the uses allowed as a principal use in each district. Some of the listed uses have use specific standards that further define how uses can be conducted. If use specific standards are in place, they are indicated in the ‘supplemental use standards’ column and a link is provided to the specific standards for that use.
- (b) Accessory Uses identify uses commonly allowed as secondary to principal use, some of which have applicable use specific standards.
- (c) Temporary Uses identify uses allowed on a temporary basis. Applicable use specific standards are identified in the ‘supplemental use standards’ column.
- (d) If a particular use or structure is not specifically listed in [Sec. 54-74](#), the community development department has the authority to interpret the intent of the Zoning Ordinance and to treat the unlisted use or structure in the same manner as a similar use or structure listed in [Sec. 54-74](#). If no similar use or structure is listed for a district, the presumption shall be that the unlisted use or structure is prohibited.

## SEC. 54-84 USE TABLE

Purpose. The purpose of this section is to authorize the establishment and continuation of land uses allowed as the principal uses, accessory and/or temporary uses of a lot. Table 54.53.1 lists the uses allowed in all districts.

(a) Table Abbreviations. the following abbreviations to designate whether and how a principal use is allowed within a zone:

- (1) P: A "P" (Permissive) indicates the use is allowed by right within the respective district. Permitted uses are subject to all other applicable regulations of this Ordinance, including the supplemental use standards in this section and the requirements of [Division 7](#).
- (2) C: A "C" (Conditional) indicates the land use is allowed within that district upon approval of a Conditional Use Permit and upon compliance with any Use-specific standards and with all other applicable requirements of this Ordinance.
- (3) A: An "A" (Accessory) indicates the use is Accessory (i.e. allowed as an accessory use compatible with a Permissive or Conditional use on the lot) and is subject to any applicable Use specific Standards.
- (4) T: A "T" (Temporary) indicates a use that is allowed within that district for a limited time upon approval of a Temporary Use Permit and upon compliance with any Use-specific standards and with all other applicable requirements of this Ordinance.

A blank cell indicates the use is prohibited within the respective district.

Table 54.53.1 Allowable Uses																
P = Permissive Use		T = Temporary Use														
C = Conditional Use		Blank means use is not allowed in the district														
A = Accessory Use																
	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
<b>Agricultural Uses</b>																
Farm and ranch					P											
Plant nursery					P											
Private stables	C				P											
Cannabis producer					P						P	P				<a href="#">Sec. 54-75 (a)(1)</a>
Cannabis producer microbusiness					P							P				<a href="#">Sec. 54-75(a)(2)</a>
<b>Residential Uses</b>																

**Table 54.53.1 Allowable Uses**

P = Permissive Use      T = Temporary Use  
 C = Conditional Use  
 A = Accessory Use      Blank means use is not allowed in the district

	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
Single family dwellings <sup>10</sup>	P	P			P	P	P	C					P	P		<a href="#">Sec. 54-75(b)(1)</a>
Two-family dwelling	C	P	P					C					P	P		<a href="#">Sec. 54-75(b)(2)</a>
Caretaker quarters								C	C	C	C	C			C	<a href="#">Sec. 54-75(b)(3)</a>
Multifamily dwellings		C	P	P	P	C	C	C	C	C	C		P	P		<a href="#">Sec. 54-75(b)(4)</a>
Mobile home						P	P									<a href="#">Sec. 54-75(b)(5)</a>
Single section manufactured home						P	P									<a href="#">Sec. 54-75(b)(5)</a>
Multi-section manufactured home <sup>10</sup>	P	P			P	P	P	C					P	P		<a href="#">Sec. 54-75(b)(1)</a>
Group home			C	C				C	C							<a href="#">Sec. 54-75(b)(6)</a>
Nursing home								C	C							<a href="#">Sec. 54-75(b)(7)</a>
<b>Hospitality/Lodging</b>																
Hotel/motel								P	P	C	C	C		P		<a href="#">Sec. 54-75(c)(1)</a>
Overnight campground									C		C	C				<a href="#">Sec. 54-75(c)(2)</a>
Recreational vehicle park									C		C					<a href="#">Sec. 54-75(c)(3)</a>
<b>Food and Beverage</b>																
Restaurant								P	P	P	C	P		P		<a href="#">Sec. 54-75(e)(5)</a>
Convenience food restaurant									C	C		P				<a href="#">Sec. 54-75(e)(6)(a)</a>
Tap Room/Tasting Room									P	P	C	C		P	P	<a href="#">Sec. 54-75(e)(10)</a>
Bar and nightclub									P	P	C	C		P	P	<a href="#">Sec. 54-75(e)(8)</a>
<b>Commercial Uses</b>																
Light vehicle washing establishment									C		P	P			P	<a href="#">Sec. 54-75(d)(3)</a>
Automobile fuel sales									C		P	P		P		<a href="#">Sec. 54-75(d)(1)</a>
Automobile, boat or RV sales, rental, service and repair									C			P		P	P	<a href="#">Sec. 54-75(d)(2)</a>
Adult or Child Care Facility	C	C	C	C		C	C	P	P	C	P		C	P		<a href="#">Sec. 54-75(e)(1)</a>
Convenience food store								P		P	C			P	P	
Retail, general								P	P	P	C	C		P	P	<a href="#">Sec. 54-75(e)(2)</a>
Cannabis retailer								P	P	P	C	C			P	<a href="#">Sec. 54-75(e)(3)</a>
Cannabis testing laboratory								P	P		P	P				<a href="#">Sec. 54-75(f)(8)</a>
Cannabis research laboratory								P	P		P	P				<a href="#">Sec. 54-75(f)(7)</a>
Cannabis courier								P	P	P	P			P	P	<a href="#">Sec. 54-75(e)(3)(b)</a>

<sup>10</sup> Single family dwellings include site-built homes and multi-section manufactured homes that meet the standards of the New Mexico Manufactured Housing and Zoning Act, NMSA 3-21A-2.A..

**Table 54.53.1 Allowable Uses**

P = Permissive Use      T = Temporary Use  
 C = Conditional Use  
 A = Accessory Use      Blank means use is not allowed in the district

	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
On-site cannabis consumption premises								P	P	P	C					<a href="#">Sec. 54-75(e)(3)</a>
Cannabis manufacturer									C	C	P	P				<a href="#">Sec.54-75(f)(6)</a>
Tobacco sales								P	P	P	C			P		<a href="#">Sec.54-75(e)(4)</a>
Liquor for consumption off site									P	P	C				C	<a href="#">Sec.54-75(e)(9)</a>
Shopping center								P	P		P	C				
Office								P	P	P	C	C		P	P	
Personal and convenience services								P	P	P	C	C		P	P	
Financial institution								C	P	P	C	C				
Club and meeting facility									P	P	C	C				
Hospital									P		C	C				<a href="#">Sec.54-75(e)(7)</a>
Medical or dental clinic									P	P	C	C				
Radio and television studio									P	P	C	C				
Printing and publishing house									P	P	C	C		P		
Media production facility									P	P	C	P		P	P	
Animal hospital and/or clinic									P		P	P		P	P	
Animal hospital and/or clinic with open animal runs									C		C	C		C	C	<a href="#">Sec.54-75(e)(11)</a>
Kennel, within an enclosed building									P	C	P	C			P	
Kennel, with open animal runs									C		C				C	<a href="#">Sec.54-75(e)(12)</a>
Adult entertainment, retail sales and/or live entertainment									C							<a href="#">Sec.54-75(e)(13)</a>
Landscape nursery, retail								C	P	C	C	C		P		
Landscape nursery, wholesale or bulk sales									C		P	P		C	P	<a href="#">Sec. 54-75(f)(10)</a>
Mobile Vending									C	C	C	C	C	C	C	<a href="#">Sec.54-75(e)(14)</a>
<b>Industrial Uses</b>																
Artisan manufacturing									P	C	P	P		C	P	<a href="#">Sec.54-75(f)(1)</a>
Light manufacturing									C	C	P	P		C	P	<a href="#">Sec.54-75(f)(2)</a>
Heavy manufacturing											P	P			P	<a href="#">Sec.54-75(f)(3)</a>
Special manufacturing												C			C	<a href="#">Sec. 54-75(f)(4)</a>
Storage units								C	C		P			C	P	<a href="#">Sec.54-75(f)(5)</a>
Building material sales and storage									C		P	P		C	P	<a href="#">Sec.54-75(f)(9)</a>
Feed, grain and fertilizer sales and storage												P		C	P	<a href="#">Sec. 54-75(f)(11)</a>
Firewood sales, splitting and storage									C		P	P			P	<a href="#">Sec.54-75(f)(12)</a>

**Table 54.53.1 Allowable Uses**

P = Permissive Use      T = Temporary Use  
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 A = Accessory Use      Blank means use is not allowed in the district

	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
Bulk fuel sale or storage									C		P	P			P	<a href="#">Sec. 54-75(f)(13)</a>
Automobile, boat, motorcycle or RV sales, service and repair										C	P	P			P	<a href="#">Sec. 54-75(d)(2)</a>
Heavy vehicle and equipment sales, rental, service and repair											P	P			P	<a href="#">Sec. 54-75(f)(14)</a>
Automotive upholstery shop									P		P	P			P	
Tire sales, service and repair									C		P	P			P	
Contractor's shop and yard									C		P	P			P	<a href="#">Sec. 54-75(f)(15)</a>
Warehousing, storage and distribution											P	P			P	<a href="#">Sec. 54-75(f)(16)</a>
Metalwork and/or machine shop									C		P	P			P	<a href="#">Sec. 54-75(f)(17)</a>
Glass cutting and finishing									C		P	P			P	<a href="#">Sec. 54-75(f)(18)</a>
Engraving shop									P		P	P			P	<a href="#">Sec. 54-75(f)(19)</a>
Towing or wrecker service											C	P		P		<a href="#">Sec. 54-75(f)(20)</a>
Recycling purchase center, not including processing and storage											C	P		P		
Bulk storage of nonexplosive liquids											C	P		P		<a href="#">Sec. 54-75(f)(21)</a>
Television and radio towers									C		C	P			P	<a href="#">Sec. 54-75(f)(22)</a>
<b>Public/Institutional Uses</b>																
Church	C	C	C	C	C	C	C	P	P	C	P		P	P		
School	C	C	C	C	C	C	C	C	P	C	C			P		
Public Buildings		C	C	C	C	C	C	P	P	P	P	C	P	P	P	
Library								P	P		P		P	P		
Instructional center, other than a school									P	P	P			P		
Trade school									P		P	P		P	P	
Airport												C			C	
<b>Recreation and Entertainment Uses</b>																
Neighborhood Park or public open space	C	C	C	C	C	C	C	C	C	C	C	C	C	C		<a href="#">Sec. 54-75(g)(1)</a>
Entertainment, recreational, health and exercise facility, indoor								P	P	P	P	C		P		
Entertainment, recreational, health and exercise facility, outdoor									C			P		P	P	<a href="#">Sec. 54-75(g)(2)</a>
Shooting range, indoor and outdoor									C		C	C			C	<a href="#">Sec. 54-75(g)(2)</a>
Swimming pool, commercial									C	C	C			C		<a href="#">Sec. 54-75(g)(3)</a>
<b>Utilities/Telecommunication</b>																
Utilities, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Table 54.53.1 Allowable Uses																
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C = Conditional Use		Blank means use is not allowed in the district														
A = Accessory Use																
	R-1	R-2	R-3	R-4	AR-1	M-1	M-2	C-1	C-2	C-3	C-4	I-1	R-PUD	M-PUD	I-PUD	Use Standards
Utilities, Minor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Wireless telecommunications	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Sec.54-75(h)(1)</a>
<b>Accessory Uses</b>																
Accessory dwelling unit	A												A	A		<a href="#">Sec.54-75(i)(1)</a>
Caretaker unit											A	A		A	A	<a href="#">Sec. 54-75(i)(2)</a>
Drive up or drive through service window								A	A		A	A		A	A	<a href="#">Sec. 54-75(i)(3)</a>
Home Occupation	A	A	A	A	A	A	A	A					A	A		<a href="#">Sec. 54-75(i)(4)</a>
Family Child Care Home	A	A	A	A	A	A	A	A					A	A		<a href="#">Sec. 54-75(i)(5)</a>
Outdoor storage, within enclosed yard									A		A	A		A	A	
Electrical Vehicle Charging Station, Commercial or Public			A	A				A	A	A	A	A	A	A	A	<a href="#">Sec. 54-75(i)(6)</a>
<b>Temporary Uses</b>																
Special event								T	T	T	T	T		T	T	<a href="#">Special events permit</a>
Outdoor sales								T		T						<a href="#">Sec.54-75(i)(1)</a>
Circus, carnival, or similar enterprise								T	T		T			T		<a href="#">Sec.54-75(i)(2)</a>

## SEC. 54-85. USE SPECIFIC STANDARDS

(a) Agricultural Uses

(1) Cannabis producer

a. This use must comply with applicable local and state laws and regulations.

(2) Cannabis producer microbusiness

a. This use must comply with applicable local and state laws and regulations.

(b) Residential Uses

(1) Single-family detached dwelling

a. Manufactured or modular homes shall be installed on a permanent foundation consistent with the Manufactured Housing and Zoning Act (NM Statutes 3-21A)

(2) Two-family dwelling

- a. A two-family dwelling must be in a single principal dwelling structure on a single lot. The structure is divided into two dwelling units that share a common wall or floor structure.
- b. An accessory dwelling unit is not allowed on the same lot as a two-family dwelling approved as a conditional use in the R-1 district.

(3) Caretaker quarters

- a. One dwelling unit for security or 24-hour supervision may be allowed on the premises of a nonresidential principal use if approved as a conditional use.

(4) Multifamily dwelling

- a. A multifamily dwelling allowed as a conditional use in the R-2 District may not exceed four dwelling units per building.

(5) Mobile home

- a. Placement and maintenance of mobile homes; mobile home construction standards.
  - 1. No mobile home may be placed upon any lot prior to submittal of a site plan to the village and receipt of subsequent approval of the site plan as provided in [Section 54-90](#).
  - 2. There shall be no occupancy of any mobile home until an occupancy permit is issued. No occupancy permit shall be issued if the mobile home is not connected to public sewer and water lines, unless an alternate system is approved by the village engineer.
  - 3. No mobile home may be parked on a roadway for more than 24 hours.
  - 4. No abandoned, burned or wrecked mobile home may be kept within the M-1 district for more than 30 days.
  - 5. Each mobile home must bear a certification label which attests that the construction of the mobile home meets the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.
  - 6. Standard mobile home skirting must be provided around the entire perimeter of the mobile home between the bottom of the body of the mobile home and the ground.
  - 7. Each mobile home must be anchored to the ground in a manner acceptable to the [New Mexico Regulation and Licensing Division, Manufactured Housing Division](#).
  - 8. Each mobile home must be stabilized from beneath using a concrete masonry and/or metal support system acceptable to the [New Mexico Regulation and Licensing Division, Manufactured Housing Division](#).
  - 9. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment or building materials or supplies.

- k. Inspections.

1. The planning administrator or his agent is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this article and shall have the authority to enter at reasonable times upon any private or public real property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.
2. It shall be the duty of the owners or occupants of a lot in a mobile home subdivision to allow the planning administrator or his agent free access to such premises at reasonable times for the purpose of inspections.

(6) Group home

- a. A group home must comply with applicable local, state, and federal regulations.
- b. In residential districts, the appearance of a group home must be compatible with the character of dwellings in the surrounding neighborhood.

(7) Nursing home

- a. A nursing home must comply with applicable local, state, and federal regulations.

(c) Hospitality/Lodging Uses

(1) Hotel/motel/cabin rentals

- a. An application for a traditional lodging facility (hotel, motel or cabin rentals) must be accompanied by a site development plan as described in [Section 54-90](#).

(2) Overnight campground.

- a. The minimum size of a campground is two (2) acres.

(3) Recreational vehicle (RV) park

- a. The minimum size of an RV Park is two (2) acres.
- b. Commercial uses in an RV Park require conditional use approval as described in [Section 54-88](#).

(d) Automobile Related Uses

(1) Automobile fuel sales

- a. Site improvements such as buildings or structures (permanent or temporary) shall be separated from any residential district by at least 50 feet. Parking areas shall be separated from any residential district by at least 15 feet.
- b. The total site area shall not be less than 12,000 square feet.



- d. Pump islands shall be set back not less than 25 feet from any street right-of-way line, not less than 40 feet from any non-street line, and not less than 75 feet from any residential district boundary.
- e. Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.
- f. No automobile service station on a site contiguous to any residential district shall be operated between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(2) Automobile and motor vehicle service and repair facilities

- a. All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within an enclosed building.
- b. Vehicles that are actively being serviced or repaired may be temporarily stored on site. Vehicles must be screened from residentially zoned properties and public rights of way as required in [Section 54-108](#).

(3) Light vehicle washing establishment

- a. Light vehicle washing establishments shall be subject to the same limitations and conditions as automobile fuel stations as set out in subsections (d)(1)a. through f. of this section.
- b. Sufficient off-street area to provide space for not less than ten automobiles waiting to be washed or three waiting spaces per washing stall, whichever is greater, shall be provided. A space 20 feet by nine feet shall be deemed adequate for each such required space.
- c. All washwater disposal facilities, including sludge and grit removal and disposal equipment, shall be subject to the approval of the village engineer, and shall conform with all village ordinances regarding sewage and health, and shall be designed so as not to detrimentally affect the village water or sewer system.

(e) Commercial Uses

(1) Adult or child care facility.

- a. A minimum of 35 square feet per child shall be provided within a child care facility for indoor activity and at least 50 square feet of fenced-in outdoor play space per child shall be provided on site. Fenced-in outdoor play space shall not include driveways, parking areas or land unsuited for children's play space by virtue of the usage or natural features. A state license shall be obtained prior to commencement of operation of an adult or child care facility.

(2) Retail, general

- a. A retail business can have up to 10% of ground floor area of the principal use for outdoor displays

- b. Outdoor merchandise displays must be screened from adjacent Residential districts or adjacent residences.
- c. Outdoor storage is not allowed.

(3) Cannabis Retail and Related Uses

- a. A cannabis retail use must comply with all applicable local, state, and federal regulations. If the cannabis retail establishment is licensed by the state as a cannabis consumption area and/or a cannabis edible manufacturing facility, a cannabis ventilation, odor control and air filtration plan must be approved by the village building official and the New Mexico Environment Department.
- b. A cannabis courier must hold a valid cannabis courier license. If the courier will transport medical cannabis, the courier must hold a valid medical cannabis courier license.

(4) Tobacco sales

- a. All establishments selling tobacco products must comply with state laws and regulations and licensing requirements.

(5) Restaurant

- a. Alcohol sales for consumption on site are allowed.
- b. Alcohol sales must comply with state laws and regulations.

(6) Convenience food restaurant

- a. Convenience food restaurants shall be subject to the same limitations and conditions as automobile service stations as set out in subsection (d)(1)a. through f. of this section.

(7) Hospital

- a. This use should be screened from Residential districts and any lot with a residential use.
- b. Helipads are allowed as a use incidental to a hospital. This use shall comply with all applicable state and federal regulations regarding design, location, construction, and public safety.

(8) Bar and nightclub

- a. Alcohol sales are for on-premise consumption only.
- b. Alcohol sales must comply with state laws and regulations.

(9) Liquor for consumption off-site

- a. This use must comply with state laws and regulations.

- b. Liquor sales for off-site consumption shall not be located within three hundred (300) feet of an active religious institution or educational facility as measured from the property line of the licensed premises and the property line of the restricting facility.

(10) Tap room/tasting room

- a. Tap rooms and tasting rooms must comply with state laws and regulations for a small brewer's license, domestic winery, and craft distiller's license.

(11) Animal hospital and clinic, with open animal runs

- a. Outdoor animal runs are permitted as an accessory use provided that they are enclosed with a solid wall or fence at least six feet in height.
- b. This use must comply with section 38-62 regarding property nuisances

(12) Kennel, with open animal runs

- a. Outdoor animal runs are permitted as an accessory use provided that they are enclosed with a solid wall or fence at least six feet in height.
- b. This use must comply with section 38-62 regarding property nuisances.

(13) Adult entertainment, retail sales and/or live entertainment

- a. These uses are prohibited in the following locations:
  - 1. Within 500 feet in any direction of any Residential zone district; lot containing any residential use in any Mixed-use zone district; religious institution; or elementary, middle, or high school.
  - 2. Within 1,000 feet in any direction of another premises containing an adult entertainment or adult retail use.

(14) Mobile vending

- a. Mobile vending includes any activity involved with food preparation or sales and sales of merchandise from a mobile truck or trailer.
- b. Other than special events approved as a temporary use, the mobile vending must receive approval as a conditional use and meet the following standards:
  - 1. The minimum lot size for mobile vending units is 10,000 square feet.
  - 2. Mobile vending units must be located on a site with an existing business.
  - 3. The operator of a mobile food truck/retail truck court must provide trash receptacles and hand-wash stations. A waste disposal plan must be approved with the conditional use request.

4. Mobile vending operators shall comply with all applicable City, State, and federal requirements, including food safety, business licenses, and noise.
5. A mobile vending unit and any associated tables, chairs, displays, umbrellas, or the like, do not physically occupy or obstruct access to any parking spaces necessary to meet the minimum parking requirements for any on-premises land uses. A restroom must be accessible to customers when seating is available.

(f) Industrial Uses

(1) Artisan Manufacturing

- a. All activities must be conducted within a completely enclosed building.
- b. Retail sales of goods produced on the property are allowed.
- c. Processes and production that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts shall obtain a Conditional Use Permit

(2) Light Manufacturing

- a. All activities in this use must be conducted in an enclosed building.
- b. Processes and production that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts shall obtain a Conditional Use Permit

(3) Heavy Manufacturing

- a. This use may be conducted outside of an enclosed building.
- b. This use must comply with section 38-62 regarding property nuisances.

(4) Special Manufacturing

- a. All special manufacturing uses must obtain a conditional use permit.
- b. Special manufacturing uses must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits for the duration of the activity.
- c. The conditional use request must demonstrate that noise, smoke, odors, fumes, and other potential health and safety hazards will be managed so as not to have an impact beyond the property boundaries.
- d. This use must comply with section 38-62 regarding property nuisances.

(5) Storage Units

- a. *Minimum site area.* Minimum site size shall be one acre.

- b. On-site circulation drives and driveways.
  - 1. Each storage unit shall provide a minimum of two exits.
  - 2. All one-way driveways shall provide for one ten-foot-wide parking lane and one 15-foot-wide travel lane. Traffic direction and parking shall be designated by painting or signs.
  - 3. All two-way driveways shall provide for one ten-foot-wide parking lane and two 12-foot-wide travel lanes.
  - 4. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
  - 5. At least one parking space for each ten storage cubicles, equally distributed throughout the storage area, shall be provided, in addition to those in the parking lanes.
  - 6. All driveways and parking, loading and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
- c. Fencing and screening.
  - 1. Fencing shall be required around the perimeter of the project at a minimum of six feet in height and constructed of decorative concrete block, as approved by the planning commission.
  - 2. All outdoor storage shall be limited to recreational vehicles and shall be screened from view from surrounding properties.
- d. *Setbacks.* Any side of a building providing doorways to storage areas shall be set back from the property line with not less than 25-foot side and rear yard setbacks; otherwise, sides of a building not providing doorways to storage areas may have a zero side or rear lot line provided the building is of the same material as the fencing. If not of the same material, the rear yard setback shall be at least 15 feet.
- e. *Trash enclosures.* Masonry trash enclosures shall be installed subject to the approval of the planning commission.
- f. *Prohibited uses.* No storage unit may be used for active commercial operations or residential housing.

(6) Cannabis manufacturing

- a. Cannabis cultivation is allowed, provided that the establishment complies with all local, state laws and applicable regulations, including location at least 300 feet from a school or adult or child daycare center.
- b. Site development plan must meet minimum code requirements set forth in [Sec. 54-90](#). Site plan and concept approval.

- c. All activities in this use shall be conducted within the fully enclosed portions of a building unless an incidental storage area is approved in the site plan.
  - d. An incidental storage area is allowed outside of the fully enclosed portions of a building but shall be screened from view from each property line.
  - e. A ventilation, odor control and air filtration plan approved by the Village Building Official and the New Mexico Environment Department is required.
  - f. A manufacturer of edible cannabis products must be permitted by the New Mexico Environment Department as a cannabis edible manufacturing facility.
- (7) Cannabis research laboratory
- a. This use must comply with all local and state laws.
- (8) Cannabis testing laboratory
- a. This use must comply with all local and state laws.
- (9) Building material sales and storage
- a. All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use.
- (10) Landscape nursery, wholesale or bulk sales
- a. All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use.
- (11) Feed, grain and fertilizer sales and storage
- a. All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use.
- (12) Firewood sales, splitting and storage, wholesale
- a. Materials stored outdoors must be screened from adjacent Residential districts and any adjacent residence.
  - b. This use must comply with Sections 38-31 and 38-62 regarding noise and property nuisances.
- (13) Bulk fuel sales or storage
- a. This use must be screened from adjacent non-industrial uses and from public streets.
- (14) Heavy vehicle and equipment sales, rental, service or repair
- a. All materials, merchandise and equipment shall be stored within an enclosed building.
  - b. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.

- c. Vehicles for sale may be displayed on the property as long as they do not interfere with traffic circulation, but vehicles must be screened from view of adjacent non-industrial zoned properties.
  - d. Temporary outdoor storage of vehicles being repaired is allowed. When not within an enclosed building, vehicles being repaired must be screened from view of adjacent non-industrial properties and from any public street.
  - e. Wrecker or towing services may be located on the property provided that they meet all state regulations for such services.
- (15) Contractor's shop and yard
- a. All outdoor storage of materials and equipment must be located behind the principal building and screened from view of any adjacent non-industrial property and any public street.
- (16) Warehousing, storage and distribution
- a. All activities in this use must be conducted in an enclosed building.
  - b. This use must be screened from adjacent non-industrial uses and from public streets.
- (17) Metalwork and/or machine shop
- a. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.
- (18) Glass cutting and finishing
- a. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.
- (19) Engraving shop
- a. All processes that generate noise, fumes, or other adverse effects must be conducted within an enclosed building.
- (20) Towing or wrecker service
- a. All outdoor storage of vehicles and equipment must be located behind the principal building and screened from view of any adjacent non-industrial property and any public street.
  - b. This use must meet state regulations for towing services.
- (21) Bulk storage of nonexplosive liquids
- a. This use must be screened from adjacent non-industrial uses and from public streets.
- (22) Television and radio towers
- a. Television and radio towers shall meet the requirements of other sections of this Article. Exemptions from height limitations shall be as defined in Section 54-49. This use does not include wireless telecommunications towers, which are regulated in Article VII of this Chapter.

(g) Recreation and Entertainment Uses

(1) Neighborhood Park

- a. This use must meet local ordinances related to lighting, noise, odors, and other impacts on adjacent properties, including Section [38-31](#) (noise) and Section [38-62](#) (property nuisance).

(2) Entertainment, recreational, health and exercise facility, outdoor

- a. This use shall be screened from any adjacent residential district or lot containing a residential use by a solid wall, fence or other measures. The screening must be designed to prevent objects from the activity from passing beyond the property line onto any surrounding property not owned by the operator of the use.
- b. This use must meet local ordinances related to lighting, noise, odors, and other impacts on adjacent properties, including section [38-31](#) (noise) and section [38-62](#) (property nuisance).

(3) Swimming pool, commercial

- a. Swimming pools must meet all local, state, and federal health and safety standards.
- b. Outdoor swimming pools must be screened from adjacent Residential districts and any adjacent residence.

(h) Utilities/Telecommunication

(1) Wireless telecommunications facilities

- a. This use must comply with [Article VII](#) of this Chapter (Wireless Telecommunications Facilities)

(i) Accessory Uses

(1) Accessory dwelling unit

- a. Accessory dwelling units are allowed only in the R-1 district and must receive conditional use approval.
- b. Accessory dwelling units may not be used as short-term rentals.
- c. The owner or long-term resident of the primary structure must live on site.

(2) Caretaker dwelling unit

- a. Caretaker dwelling units are allowed in RV parks and other commercial businesses as a conditional use.

(3) Drive-up or drive-through service window

- a. Drive-up or drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street.



- b. Drive-up or drive-through service windows, stacking lanes, and circulation are treated as component off-street parking for the purposes of screening as described in [Section 54-108](#) to [Section 54-109](#).
- c. Drive-up or drive-through service windows must meet the standards for drive-up window stacking lanes as defined in Section [54-115](#).
- d. The service lane(s) must be distinctly marked by striping, pavement markings, or traffic islands.
- e. A separate circulation drive must be provided for passage around the outermost service lane.
- f. Screening is not required for walk-up service accessories such as depositories and ATM's.

(4) Home Occupation

- a. Any Home Occupation must meet the standards specified in Division 6. Home Occupations.

(5) Family Child Care Home

- a. An independent childcare provider must be a licensed or registered family child care home with the State of New Mexico and comply with state regulations for family child care homes.
- b. Only permanent residents of the home may provide care.
- c. Outdoor play areas must be enclosed by a wall, fence or landscape screen at least 6 feet in height.

(6) Electrical Vehicle Charging Station

- a. Level 1 and Level 2 EV charging equipment is allowed outright as an accessory use to any principal use in all districts.
- b. Level 3 charging equipment is allowed as an accessory use in commercial zones with permit approval by the Community Development Department.
- c. The permit process for a Level 3 EV charging station is the same as the conditional use process.
- d. EV charging stations must meet the standards of the National Electric Code.

(7) Accessory structures common to permitted and conditional uses of the zoning district

- a. Accessory structures must meet the use and equipment and setbacks, height, and encroachments standards of this Section (section 54-137 and section 54-140).

(j) Temporary Uses

(1) Outdoor sales

- a. Unless a conditional use is granted by the planning commission for outdoor sales, outdoor sales are restricted as follows:
- b. An outdoor sales special events permit shall be obtained from Village as defined in section 26-69 prior to each event. The Community Development Department may require submittal of a site plan and event schedule with the application. The special event application is reviewed by Village departments prior to issuing the special use permit and may impose restrictions on the event when issuing the permit.

(2) Circus, carnival, or similar enterprise

1. This use must obtain a special event permit and described in section 26-69 and section 62-34.

**SEC. 54-86 – SEC. 54-92. RESERVED**

# DIVISION 6: PROCEDURES

## SEC. 54-93. GENERAL PROCEDURES

(a) General Review Processes

Procedures	Planning Administrator (No Public Hearing)	Planning Commission (Public Hearing)	Governing Body (Public Hearing)	Code Citations
Certificate of Zoning Compliance	Decision	Appeal	Appeal	<a href="#">Article III</a> <a href="#">Division 8</a> <a href="#">Division 9</a> <a href="#">Sec. 54-112</a> <a href="#">Sec. 54-109</a>
Subdivision – Minor	Decision	Appeal	Appeal	
Sign Permits	Decision	Appeal	Appeal	
Home Occupation	Decision	Appeal	Appeal	
Fences	Decision	Appeal	Appeal	
Landscaping	Decision	Appeal	Appeal	
Building Permits	Decision	Appeal	Appeal	
Telecommunications	Decision	Appeal	Appeal	
Variance	Review	Final	Appeal	<a href="#">Sec. 54-87</a>
Conditional Use Permit	Review	Final	Appeal	<a href="#">Sec. 54-88</a>
Planned Unit Development				<a href="#">Sec. 54-89</a>
1. Concept Plan	Review	Recommendation	Optional	
2. Development Plan	Review	Recommendation	Decision	
3. Final Construction Plan	Decision			
Site Development Plan	Review	Decision	Appeal	<a href="#">Sec. 54-90</a>
Zone Map Amendment	Review	Recommendation	Decision	<a href="#">Sec. 54-85</a>
Subdivisions - Major	Review	Recommendation	Decision	<a href="#">Article III</a>
Text Amendments	Review	Recommendation	Decision	<a href="#">Sec. 54-86</a>
Annexation	Review	Recommendation	Decision	<a href="#">Sec. 54-91</a>
Vacation	Review	Recommendation	Decision	<a href="#">Sec. 54-92</a>

(1) Administrative Review and Decision Processes - The following development requests can be administratively reviewed through the building permit process provided that other additional review processes and standards do not apply:

- a. Sign Permits
- b. Certificates of Zoning Compliance
- c. Subdivision - Minor

(2) Review and Decision Processes Requiring a Public Meeting – The following development requests require a public hearing:

- a. Variance
- b. Conditional Use Permit
- c. Site Development Plan
- d. Planned Unit Development
- e. Zone Map Amendment
- f. Subdivisions - Major
- g. Text Amendments
- h. Annexation

(b) Development Application and Submission Requirements

(1) Authority – The Planning Administrator has the authority ask for application and submission materials, to review plans for completeness, and to assess plans for compliance with relevant code requirements.

(2) Application and Submission Materials – The applicant shall submit to staff an application and the necessary submission materials as determined relevant by the Planning Administrator.

a. The Planning Administrator should provide application checklists with standard application materials required for different development requests.

b. Application materials should be necessary and correspond to the level of review. For example: submission materials for a concept plan should allow for a general review of design themes, building massing, and land uses but should not include technical, construction, or engineering drawings if such materials are beyond the scope of review and if such materials are better evaluated through review of the final construction plan or building permit.

c. More information may be requested to clarify the application or determine its compliance with the provisions of this chapter or other applicable ordinance, resolution, policy, or guideline.

d. Submission materials should not impose an excessive or unnecessary burden on the applicant.

(c) Fees: Application fees related to the cost of processing applications shall be charged in accordance with the fee schedule in Appendix A of this Code.

(1) Application fees should approximately cover the cost of public services necessary for processing the request.

(2) Fees are not refundable.

(d) Withdrawal of Application

- (1) A land development application may be withdrawn by the applicant at any time.
- (2) Withdrawal of an application must be made via a written notification to both the Planning Administrator and the Village Clerk.
- (3) Withdrawn applications do not nullify final decisions, nor do they nullify documents which have been filed and recorded by the County Clerk – such as final plats.
- (4) Application fees are not refundable due to the withdrawal of an application.

(e) Public Hearings

- (1) Notice. The Planning Administrator shall issue a notice of the time and place for a scheduled public hearing. The notice shall identify the nature of the application or proposed action and list contact information where persons can obtain additional details or view the file. A record of all notices issued shall be maintained in the case file.
- (2) Notice of a public hearing shall occur as follows:
  - a. Notice shall be given at least 15 days in advance of the scheduled meeting through the mail or, if requested and such contact information is available, via fax or email to the following:
    1. Property owners within 200 feet of the subject property. Public rights-of-way abutting the subject property shall be considered part of the application or proposed action area for purposes of determining which properties are within the notice area.
    2. The applicant, the applicant's agent, and the property owners if other than the applicant.
    3. Individuals, newspapers of general circulation, and broadcast stations licensed by the federal communications commission who have filed a written request to receive notice.
  - b. Notice shall be posted on the village web site at least 15 days prior to the scheduled meeting.
  - c. Notice shall be posted on the subject property at least 15 days prior to the scheduled meeting.
  - d. Notice shall also be published in a local newspaper of general circulation at least 15 days prior to the scheduled meeting for the following types of applications:
    4. Proposed amendments to the Village Municipal Code related to land use.
    5. Applications or proposed actions involving at least five acres.
    6. Applications or proposed actions involving property along arterial or collector streets within the village.
    7. Any application requiring a public hearing before the planning commission.

8. Any other action that the Planning Administrator deems appropriate for publication due to its impact on the community at large.

(f) Planning Commission Hearing procedures.

- (1) The planning commission shall hold public hearings to consider applications as required under this article.
- (2) Review Packet. Prior to the public hearing, the Planning Administrator shall assemble a packet with the submitted proposal and any supplementary materials available such as a staff report, review by other agencies, or comments made by the public. The packet shall be available for review by both the planning commission and the public. The review packet shall be submitted to the planning commission and shall be made a part of the hearing record.
- (3) Parties to hearing. A written statement giving the name and address of the person making the appearance, signed by him or his agent and filed with the Planning Administrator, constitutes appearance of record. The parties to a hearing shall be any of the following persons who entered an appearance of record either prior to commencement of the hearing or when permitted by the planning commission during the conduct of the hearing:
  - (4) Persons entitled to notice under subsections (e)(2)a. of this subsection.
  - (5) The representatives of any department or agency of the village or another unit of government.
  - (6) A person who demonstrates interest in the subject matter of the hearing to the planning commission.
- (7) Testimony. Each party or witness shall be placed under oath at the time of speaking and shall be offered reasonable opportunity to present evidence and argument on all relevant issues. The planning commission may impose reasonable limitation on the number of witnesses heard and, on the nature, and length of testimony and questioning. The planning commission may call witnesses and introduce papers on its own volition.
- (8) Records. The Planning Administrator or Village Clerk shall make a full record of the hearing by sound recording. Summary minutes shall be kept of all public hearings, and they shall be kept available for public inspection. Any person shall have the opportunity to listen to, copy or transcribe the sound recording of the public hearing at any reasonable time at the office of the Planning Administrator or the Village Clerk.
- (9) Continuation of hearing. An advertised hearing may be continued to a time and place announced at the hearing without re-advertising.
- (10) Prohibited acts by commission. Prior to planning commission action, the Commission shall not:
  - a. Communicate directly or indirectly with any party or his representative in connection with the merits of an issue involved;

- b. Use or rely upon communication, reports, staff review, or other materials prepared in connection with the particular case unless made part of the record; or
- c. Inspect the site with any party or his representative unless all parties are given an opportunity to be present.

(11) Decision by commission. The planning commission shall act on an application on conclusion of the public hearing or at its next regular meeting following the hearing. The commission shall state for the record the key findings of fact on which the commission decision is based.

(12) Notification of decision. When any application is approved, approved with conditions, or denied, written notification of the planning commission action, listing any conditions imposed, shall be sent within two days of the commission action to the applicant and to any other party who has requested to be so informed.

(13) Appeals. Any decision by the planning commission is final unless appeal is initiated to the governing body as prescribed by [Section 54-83](#).

(14) Building Permits. A building permit dependent on a case shall not be issued until an appeal is decided or the time for filing an appeal has expired without an appeal being filed. However, a building permit may be issued before the appeal period has expired if the applicant agrees in writing to surrender the building permit and cease all work if an appeal is duly filed.

(Code 1985, § 10-2-1; Ord. No. 96-01, 1-9-96; Ord. No. 2008-11, 10-14-08; Ord. No. 2019-01 , 1-8-19; Ord. No. 2019-02 , 3-12-19)

Cross reference(s)—Boards, commissions and committees, § 2-81Cross reference(s)— et seq.; planning commission, § 2-161Cross reference(s)— et seq.

(g) Appeals

(1) Appeal Period. A request for an appeal shall be filed within 15 calendar days of the decision which is being appealed unless otherwise noted and receipt of the request will be communicated to the appellant and, if different, to the appellee.

(2) Applicability. Any aggrieved person or any officer, department, board or bureau of the Village affected by a decision of an administrative officer, commission, or committee that erroneously enforces this article or any ordinance adopted pursuant thereto may request an appeal hearing per [NM Stat § 3-21-8 \(2021\)](#).

a. Advisory opinions, recommendations, and informal interpretations of code are not appealable actions.

b. Decisions which are not alleged to be an erroneous enforcement of this article or requests for a variance from or change to the applicable regulations are not valid appeals.

c. Any sign permit application which is rejected, for any reason, by the community development department may be appealed to the planning commission. The applicant shall submit, in writing,

a request to be placed on the planning commission agenda within five working days of the rejection. The appeal will be scheduled for the next planning commission meeting, provided the planning commission agenda deadline has not passed, in which event the matter will be scheduled for the next regularly scheduled planning commission meeting.

- (3) Submission. A request for an appeal shall be on a form prescribed by the Planning Administrator, shall state the name, contact information, and address of the applicant, and shall specify how the decision being appealed is based on an error related to the enforcement of this article or of any ordinance adopted pursuant thereto.
- (4) Stay of proceedings. Submission of an appeal request shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee or board from whom the appeal is taken certifies that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. Upon certification, the proceedings shall not be stayed other than by a restraining order granted by the district court on notice to the village clerk with due cause shown.
- (5) Determination of Appeal Validity and Notice.
  - a. Within 5 working days of receipt of an appeal request, the Village Attorney or Planning Administrator shall determine and communicate to the applicant whether the submission is a valid request for an appeal based on the applicability and submission requirements or if more information is needed. Applicants will have 5 working days to resubmit.
  - b. Notification of a valid appeal request shall be sent by the Planning Administrator to the the appellant, the appellee, a representative of the opponents if any are known, and to any other parties who have requested to be so informed.
  - c. Notification of an invalid request for an appeal shall be sent by the Planning Administrator to the appellant along with a rationale of why the request for an appeal was invalid.
- (6) Scheduling of an Appeal. For a valid appeal request, the Planning Administrator shall schedule a public hearing with either the planning commission or the governing body as defined by applicable processes.
- (7) Notice of Public Hearing.
  - a. Notice of a public hearing shall be given according to applicable regulations ([Sec. 54-83](#)).
  - b. The Planning Administrator shall give written notice of the date, time and place of such hearing to the applicant, the appellant, the appellee, a representative of the opponents if any are known, any persons who appeared before the planning commission during its consideration of the matter, and any other parties who have requested to be so informed at least 15 days prior to the date of the hearing. In addition, if the appeal relates to a specific site, a similar notice shall be sent to each owner of property situated within the required notification area of the property to which the appeal relates. The appellant shall furnish an abstractor's certified property certificate showing the property ownership within the



required notification area of the property. The Planning Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings.

- c. If requested, the Planning Administrator may provide notice by fax or email, if the Planning Administrator has facsimile numbers or email addresses available, in lieu of mailed notice. Faxed or emailed notice shall be sent at least ten days prior to the meeting at which the case is to be heard.
- d. Packet of Materials for Review. Prior to the public hearing the Planning Administrator shall submit a packet containing all the documents constituting the record of the case appealed, evidence provided by the appellant supporting the appeal, comments from other interested parties, and such further facts as may be pertinent or material to show the grounds of the decision appealed.

(8) Review Process. The planning commission or governing body shall hear the appeal and render a decision within 45 calendar days.

- a. The reviewing body shall consider oral and written testimony from the appellant, the appellant's agent or attorney, village staff members, and other interested parties. All such oral testimony, other than attorneys' statements and questions, shall be in accordance with the provisions of section 54-61(f)(8), relating to testimony and evidence before the planning commission. The reviewing body shall also study the record of the action on the appeal.
- b. If postponed, the reviewing body shall make a decision on the appeal at its next regularly scheduled meeting.
- c. The reviewing body, by a simple majority vote of all of its members present, may:
  - 1. Reverse any order, requirement, decision or determination;
  - 2. Decide in favor of the appellant; or
  - 3. Make any change in any order, requirement, decision or determination.
- d. If the reviewing body fails to so decide by a simple majority vote of all of its members present, or if it decides by a simple majority of those members present to uphold the decision, then the decision shall stand.
- e. Notice of decision. The planning commission or governing body shall issue a written notice of its decision to all concerned parties and to the Village Clerk. The notice shall state the facts of the matter, the reasons for its decision, and any conditions applied to the decision.
- f. Judicial review. The exclusive remedy for parties dissatisfied with the action of the governing body shall be the filing of a petition for review in the district court, according to state law.

(Code 1985, § 10-2-2; Ord. No. 96-01, 1-9-96; Ord. No. 98-17, § 2, 11-10-98; Ord. No. 2008-11, 10-14-08)

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(h) Reconsideration of applications.

- (1) An application which is substantially the same as one which has been rejected by the planning commission or governing body, shall not be accepted within 12 months of the final decision.

(i) Approval Expirations

(1) Expiration due to inactivity.

- a. Unless otherwise noted, if work has not started, or if a land development request has not been filed which amends or further refines the approval within one year of issuance, the land development approval shall expire and shall be considered cancelled by the Planning Administrator.

(2) Expiration due to timeliness.

- a. If the work described in a permit or land development request has not been substantially completed within two years of the date of issuance thereof, or within the time limit established by the planning commission or governing body, the permit shall expire and shall be considered cancelled by the planning administrator. Applicants without a specific time limit established by the planning commission or governing body may request up to three, one-year extensions to the Planning Administrator.

(j) Administrative Amendments and Minor Deviations

- (1) Administrative amendments. The planning administrator may approve minor amendments to existing development approvals that would otherwise require review by applicable approval bodies provided such changes do not exceed the following limitations:

- a. Administrative amendments shall be consistent with or neutral in regards to prior actions by the planning commission or governing body, if applicable. No administrative amendments shall be approved would reduce the effect of any existing conditions of approval.
- b. Administrative amendments can be combined with a minor deviation but cannot be used for a change that would require a variance to applicable regulations.
- c. Administrative amendments shall not increase the square footage or building footprint of a proposed development by more than 10% as calculated from the net increase of an existing approval, not the total existing or proposed building area.
- d. Administrative amendments shall not increase the height of a building or structure by more than 12 inches or 10% of the total approved height, whichever is greater. In no event shall the height of a building exceed 35 feet from grade.
- e. Administrative amendments shall not result in changes which are expected to be controversial or which contradict negotiations, agreements, or approvals reviewed and decided upon by the planning commission.

- f. Administrative amendments should not result in noticeable and relevant detrimental effects to surrounding property owners, residents, or the Village.
- (2) Minor Deviations. The Planning Administrator may approve minor deviations to applicable regulations that would otherwise require a variance provided such changes comply with the limitations of administrative amendments and, additionally, do not exceed the following limitations:
  - a. Minor deviations shall be necessary to overcome a hardship, meet the overall intentions of the code, or to improve compliance with planning goals and intentions adopted by the Village of Ruidoso.
  - b. Minor deviations shall not exceed 10% of any dimensional requirements.
  - c. Minor deviations shall not result in the need for a new traffic study.

(h) Enforcement

(1) Applicability

- a. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or structure, or use any land, in violation of this article.
- b. This section describes enforcement actions related to Village land use regulations imposed in this article and to conditions of approval which are directly applied through Village land development processes.
- c. Private covenants shall not be enforced by the Village.

(2) Complaints. When a violation of this article is alleged to have occurred, any person may file a complaint, which shall be in writing. The complaint, stating fully the causes and basis thereof, shall be filed with the code enforcement officer or the Planning Administrator who shall record the complaint properly, investigate in a timely manner and take action as provided by this article.

(3) Notice of violation. If a code enforcement officer or the planning administrator shall find that any of the provisions of this article are being violated, they shall:

- a. Notify, in writing, the owner or tenant of the property, indicating the nature of the violation, the code provision violated, the time by which the violation must be corrected, and ordering the action necessary to correct it.
- b. The notification shall order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; or discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violations of its provisions.

- (4) After a notice of violation has been served, no work shall proceed on any structure or tract of land covered by such the notice except to correct such violation or to comply with the order.
- (5) Remedies for violations. If any building or structure is erected, placed, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this article or any of the regulations promulgated thereunder, the governing body, Village Attorney, administrative official, or any other proper village official may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- (6) Penalties
  - a. Any and all persons who shall violate any of the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any lawful order or regulation made under this article, shall severally, for each and every such violation and noncompliance respectively, be punishable as provided in section 1-6, to which penalty may be added the costs of the action at the discretion of the court.
  - b. The imposition of a penalty shall not excuse the violation or permit the continuation thereof, and all such persons shall be required to correct or remedy such violations and defects within a reasonable time.
  - c. Each day that the prohibited condition is not corrected or remedied shall constitute a separate offense, and the court shall impose a fine on a per diem basis for each day that the violation is maintained.
- (7) In addition to or in lieu of the procedures outlined in this section, this article shall be enforceable in a court of proper jurisdiction, and any or all appropriate remedies at law or in equity shall be available for the enforcement thereof.
- (8) This article shall not be construed to hold the Village, the Planning Administrator, or any other village official responsible for any damage to persons or property by reason of any inspection or reinspection authorized in this article or the failure to so inspect or reinspect or by reason of the issuance of a building permit as required in this article.

## **SEC. 54-94. ADMINISTRATIVE**

### (a) General Administrative Processes

- (1) The Planning Administrator and other City Staff shall review administrative applications per the summary table of review procedures in [section 54-93](#).
- (2) Certificate of Zoning Compliance
  - a. A certificate of zoning compliance can be issued upon applying for a business registration.

- b. A certificate of zoning compliance shall confirm that the requested use is either permitted, subject to a conditional use, legally nonconforming, or not permitted in the applicable zone.

**SEC. 54-95. ZONE MAP AMENDMENTS (REZONING)**

(a) Purpose

- (1) The purpose of a zone map amendment is to change the zoning of an area to meet the land use needs of the Village in conformance with the Village comprehensive plan and in accordance with state statutes.
- (2) Rezoning applications may be initiated by the governing body, the planning commission, the Planning Administrator, the property owner, or by an authorized agent representing one of the above entities.

(b) Criteria for Decision

- (1) An application for a zone map amendment will be evaluated based on the following criteria:
  - a. The existing zoning district is inappropriate for one or more of the following reasons:
    - 1. It was established in error or is the result of a mistake;
    - 2. Surrounding conditions have changed; or
    - 3. The proposed zoning is more advantageous to the community as measured by compliance or fulfillment with the Comprehensive Plan and other, applicable long-range planning priorities.
  - b. A zone map amendment which would result in “spot zoning” as defined per this Chapter shall not be approved.
  - c. Whether necessary infrastructure and public services can be feasibly provided to the property.

**Procedure: Zone Map Amendment (Rezoning)**



(c) Process

- (1) Application. An application for rezoning shall be made on a form provided by the planning administrator. The application shall indicate the legal description of the property, the present zoning classification, and the recommended use of the property by the Village comprehensive

plan. The applicant shall present evidence to the planning administrator of ownership or type of controlling interest in the property (e.g., option to purchase).

- (2) Administrative Review & Staff Recommendation. The planning administrator will provide the planning commission with a staff report including an analysis of the approval criteria and a recommended action to aid the planning commission in making a decision.
- (3) Planning Commission Review. A rezone not initiated by the planning commission shall be referred to the planning commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral or written statements from the applicant, the public, Village staff and its own members. The application may not be postponed more than two meetings in succession. The planning commission shall notify the council, in writing, of its recommendation.
- (4) Village Council Review. Rezone requests will be reviewed by the village council in accordance with the applicable public hearing procedures unless withdrawn by the applicant. During the scheduled public hearing on the matter, the council may approve or disapprove the request for rezoning by ordinance, or postpone the request. The application may not be postponed more than two meetings. If approved, the Planning Administrator shall revise the official zoning map accordingly.

(Code 1985, § 10-2-5; Ord. No. 2008-11, 10-14-08)

## SEC. 54-96. TEXT AMENDMENTS TO THE ZONING CODE (CODE AMENDMENTS)

### (a) Purpose.

- (1) The purpose of a text amendment is to change the details of this article to better regulate land use and zoning regulations. An amendment to this article may involve changes in its text and wording, including but not limited to changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration and/or procedures. Code amendments do not, however, include the rezoning of property.
- (2) Text amendments may be initiated by the village council, the planning commission, the planning administrator, or by petition of a person whose property would be affected by the amendment.

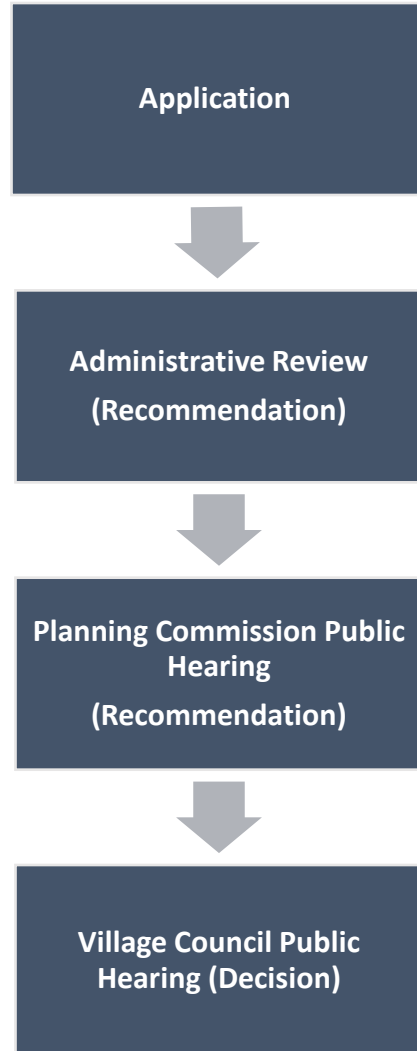
### (b) Criteria for Decision

- (1) A text amendment application will be evaluated based on the following criteria:
  - a. Substantial compliance with, or satisfaction of, community priorities related to the Comprehensive Plan and other applicable long-range plans.
  - b. The proposed change will not result in land use inconsistent with the purpose of the district.
  - c. The proposed change will clarify existing language, remove redundant or inconsistent language, or simplify the understanding and implementation of the code.
  - d. The proposed amendment promotes the public health, safety, and welfare of existing and future community residents.

### (c) Process

- (1) Application. If an individual or other party initiates a request for an amendment to this article, the request must be made on a form provided by the planning administrator. The request must state the exact section of this article proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted, as it will assist in understanding the benefits of the amendment. The submittal must be made to the planning administrator and the processing fee paid at least 30 days prior to the date of the public

### Procedure: Text Amendments to the Zoning Code



hearing by the planning commission. An amendment to this section of the code brought forth by the governing body shall be done in accordance with [Section 54-86](#).

- (2) Administrative Review. The planning administrator will provide the planning commission with a staff report including an analysis of the approval criteria and a recommended action to aid the planning commission in making a decision.
- (3) Planning Commission Review. An amendment not initiated by the planning commission shall be referred to the planning commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral or written statements from the petitioner, the public, Village staff and its own members. The commission may approve, disapprove or postpone an amendment application. The commission shall notify the council, in writing, of its recommendation.
- (4) Village Council Review. The village council may, at its next regular meeting after receipt of the report and recommendation of the planning commission, set a date for a public hearing on the amendment request. In its deliberations on the matter, the council shall consider oral or written statements from the petitioner, the public, Village staff, the planning commission and its own members. The council may approve or disapprove the request by ordinance or postpone the request. A vote of two-thirds of all members of the council shall be required to reverse the recommendation of the planning commission.
- (5) Hearing and decision by the village council of village council initiated amendments. The village council may, from time to time, discuss and amend the planning code. If the matter has been acted on by the village council within the last 18 months, the village council may choose to amend the ordinance through its own public hearing process, without changes being considered in public hearings of the planning commission. Upon approval of the amendment the village council will notify the planning commission of the changes.

(Code 1985, § 10-2-4; Ord. No. 98-10, 5-12-98)



## SEC. 54-97. VARIANCES

### (a) Purpose.

(1) The purpose of a variance is to vary or adjust the strict application of applicable requirements within this article when the strict application of the code cannot be accomplished due to unique characteristics affecting the land or improvements, or when the strict application of the code would result in a practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the property.

(2) Variances should normally be limited to regulations pertaining to height or width of structures or the size of yard and open spaces where a departure from the literal interpretation of this article will not be contrary to the public interest or establish a precedent that would undermine the purpose and intent of this article as described in [section 54-32](#).

(3) Use variances shall not be permitted.

### (b) Criteria for Decision

(1) Variance applications must demonstrate that the following criteria are satisfied:

- a. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.
- b. The Variance will not be materially contrary to the public safety, health, or welfare.
- c. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- d. The Variance will not materially undermine the intent and purpose of this ordinance or the applicable zone district.

### Procedure: Variances



- e. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

(c) Process

- (1) Application. A variance application shall be made on a form provided by the Planning Administrator. The application shall indicate the legal description of the property, the present zoning, and document rationale for why the application meets the above criteria.
- (2) Administrative Review. The Planning Administrator will provide the planning commission with a staff report including an analysis of the approval criteria and a recommended action to aid the planning commission in making a decision.
- (3) Planning Commission Review
  - a. The planning commission shall make a decision based on whether the approval criteria have been met. The commission shall consider oral or written statements from the applicant, the public, Village staff and its own members.
  - b. The planning commission may impose such additional conditions and safeguards as it deems necessary to protect the health, safety and welfare of the community.
  - c. A variance shall not be approved except upon the affirmative vote of two-thirds of all the members of the planning commission present.
  - d. The application may not be postponed more than two meetings in succession. The planning commission shall notify the council, in writing, of its recommendation.
  - e. Appeals to planning commission determinations can be filed per [Section 54-83](#).

(Code 1985, § 10-2-6; Ord. No. 2008-11, 10-14-08; Ord. No. 2019-02 , 3-12-19)

## SEC. 54-98. CONDITIONAL USE PERMITS

### (a) Purpose

- (1) The conditional use process is intended to be a way to evaluate and permit unique, unintended, potentially detrimental, or highly intensive land use types. The incorporation of a public hearing process and a deliberation of the request by the planning commission also allows for the identification, negotiation, and potential mitigation of negative impacts. In reviewing a conditional use proposal, the planning commission should weigh a comprehensive variety of potential positive and negative impacts resulting from an approval or denial.

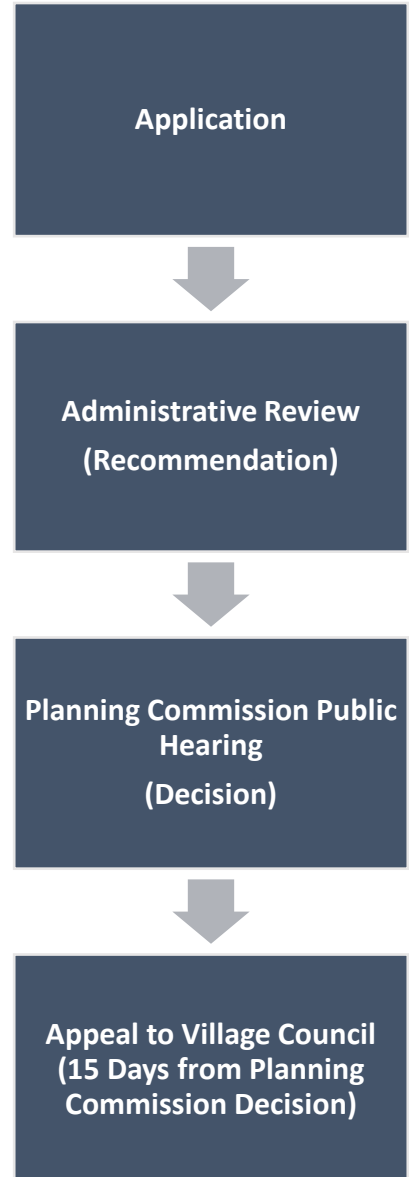
### (b) Applicability

- (1) Generally. Uses shown in the Use Table, [Sec. 54-74](#), as conditional may be granted a conditional use permit if they meet the criteria of this section.
  - a. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required.
  - b. The permit shall be granted for a particular use and not for a particular person.
- (2) Legally Nonconforming Uses
  - a. Reinstatement of legally nonconforming uses. Legally nonconforming uses, buildings, or structures which have been discontinued for a period that exceeds one year or which are otherwise prevented by this article from reinstating a verified, legal nonconformity shall be required to apply for and receive a conditional use permit.
  - b. Legally nonconforming uses are eligible to change their status from a legal nonconforming use into a conditional use by successfully proceeding through this section and being awarded a conditional use permit.

### (c) Criteria for Review and Approval

- (1) An application for a Conditional Use Permit must demonstrate that the proposed use meets the following criteria:

### Procedure: Conditional Use Permits



- a. The use is listed in this article as a conditional use in the particular district in which it is proposed to be located or is a legally nonconforming use as defined by this article.
- b. The requested use complies with the adopted community priorities related to the Comprehensive Plan and other applicable long-range plans.
- c. The requested use will not create significant adverse impacts to the surrounding neighborhood, including health, safety and general welfare, existing and anticipated traffic conditions, and the impact upon the natural environment.

(d) Process

(1) Application. An application for a conditional use permit shall include information as identified by the Planning Administrator necessary to evaluate the request.

(2) Administrative Review. The Planning Administrator will provide the planning commission with a staff report including an analysis of the administrative review criteria and a recommended action to aid the planning commission in making a decision.

(3) Planning Commission Review and Decision

a. The planning commission shall use the approval criteria to evaluate and debate the request.

b. Approval of conditional use permits shall require a two-thirds vote of the members of the planning commission present.

c. The planning commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

d. If approved, the commission shall be required to make findings supporting its decision. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval exist.

e. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission.

(e) Notice of decision; contents of permit. The applicant shall be notified in writing of the action taken by the planning commission. If the application has been granted, the permit shall be issued upon the signature of the chairman of the planning commission and the Planning Administrator, and any conditions, automatic termination date, or period of review shall be stated on the permit.

(f) Revocation. If the conditions and safeguards set by the planning commission are violated, the conditional use permit, after due process, may be revoked by a majority vote of the planning commission. Appeals may be made in accordance with [Section 54-83](#).

(Code 1985, § 10-2-8; Ord. No. 99-12, 7-27-99; Ord. No. 2008-11, 10-14-08)

## SEC. 54-99. PLANNED UNIT DEVELOPMENT

(a) Purpose.

- (1) The Purpose of a planned unit development is to provide additional review steps for larger or more intensive projects expected to have an impact on the Village as a whole. The process also allows more appropriate development, design flexibility, encourages infill on vacant or underutilized land.

(b) Applicability.

- (1) Any development proposal which meets the requirements of [Section 54-89](#), pertaining to planned unit development, shall be reviewed according to the provisions of this section.

(c) Criteria

- (1) Administrative Review Criteria – Staff will assess whether the application either demonstrates compliance with applicable code requirements or provides a reasonable expectation that all applicable code requirements can be satisfied in the building permit and technical review processes. Such review shall include but is not limited to:
  - a. Relationship of the site plan elements to conditions both on and off the property.
  - b. Conformance to this article.
  - c. The impact of the plan on the existing and anticipated traffic and parking conditions.
  - d. The adequacy of the plan with respect to land use.
  - e. Pedestrian and vehicular ingress and egress.
  - f. Environmental and safety standards.
  - g. The presence or requirement of easements.
- (2) Planning Commission and Village Council Criteria – The planning commission and village council shall consider

### Procedure: Planned Unit Development – Concept Plan



and weigh the following criteria in order to make a balanced and equitable decision:

- a. Substantial compliance with the Comprehensive Plan and other applicable and identified long-range planning priorities such as those related to environmental protection, economic development, affordable housing, or public safety.
- b. Sufficient compliance or a reasonable expectation that major code requirements can be satisfied in the building permit and technical review processes.
- c. The effect of the proposal on the health, safety, and welfare of surrounding neighbors and users.
- d. The effect of the proposal on the health, safety, and welfare of the applicant.
- e. The effect of the proposal on the health, safety, and welfare of Village residents.
- f. Impacts to particularly vulnerable or sensitive individuals or groups such as senior households, low-income households, and small businesses.

(d) Process

- (1) Pre-Application. Prior to submitting an application for a planned unit development approval, the applicant should meet with appropriate Village staff to discuss the development concept, the submittal requirements, and the review and approval process.
- (2) Application. An application for a planned unit development shall include information as identified by the Planning Administrator necessary to evaluate the request. Concept plan exhibits shall accompany the application. The concept plan shall be submitted at least ten days prior to a regularly scheduled planning commission meeting.
- (3) Concept plan. The concept plan stage of the process is intended to be a review of the conceptual, or preliminary project elements. This will typically include a site plan sketch, concept renderings illustrating potential design themes, approximate building massing, and/or approximate land use mixtures and intensities. The concept plan will typically not include technical design details.
  - a. Administrative Review. The Planning Administrator will provide the planning commission with a staff report including an analysis of basic administrative review criteria and a recommended action to aid the planning commission in making a decision.
  - b. Planning Commission Review. The planning commission shall review the concept plan and shall determine whether the conceptual plan appears to be in conformance with approval criteria. The planning commission may instruct the applicant regarding features or design elements to be included in the preliminary development plan and what exceptions or variances to this article may apply.
  - c. Governing Body Review. It is not required that the governing body review the concept plan portion of a planned unit development, however, the applicant may request a concept plan

review by the council following planning commission review and comment. The scope of review and comment by the council shall be the same as that of the planning commission.

(4) Development Plan. The development plan is intended to be a review of general proposal details, similar in scope to the Site Development Plan Process.

a. Administrative Review. The planning administrator will provide the planning commission and governing body with a staff report including an analysis of basic administrative review criteria and a recommended action to aid a decision. The planning administrator will assess whether the application either demonstrates compliance with applicable code requirements or provides a reasonable expectation that all applicable code requirements can be satisfied in the final construction plan, during the building permit process, or through additional technical review processes.

b. Commission Review. The planning commission shall review the development plan and shall make a recommendation to the governing body based on the approval criteria. The planning commission may instruct the applicant regarding features or design elements to be included in the development plan.

c. Village Council Review. Planned Unit Development requests will be reviewed by the village council in accordance with public hearing procedures unless withdrawn by the applicant. The governing body shall review the recommendations from staff, from the planning commission, from the public, and from the applicant and make a final decision based on the approval criteria. The village council may instruct the applicant regarding features or design elements to be included in the final construction plan.

(5) Final Construction Plan. The final construction plan is review and approval by staff to ensure that the applicant has incorporated all technical requirements and any conditions or guidance requested by the governing body. A final construction plan is not intended to be as comprehensive as a building permit but may include technical information or special considerations required to evaluate and work out necessary details prior to submitting for a building permit.

**PROCEDURE: PLANNED UNIT DEVELOPMENT – DEVELOPMENT PLAN**





## SEC. 54-100. SITE DEVELOPMENT PLAN

### (a) Purpose

- (1) The purpose of a site development plan is to evaluate moderate and higher-intensity development proposals which will likely impact the neighborhood or areas of the Village. The review of a site development plan by the planning commission should assess and mitigate demonstrable adverse impacts of the development and weigh a comprehensive variety of potential positive and negative impacts resulting from an approval or denial. Approved proposals should, on the whole, contribute to - rather than detract from - the broader goals, policies, and objectives established by the Village.

### (b) Applicability

- (1) The following developments shall require site development plan approval before proceeding to building permit review:
- (2) Multi-family residential development which would result in more than five (5) dwelling units.
- (3) New commercial, industrial, or manufacturing proposals of any size including hotels, motels, campgrounds, and RV parks.
- (4) Additions to existing Commercial, Industrial, or Manufacturing uses of more than ten thousand (10,000) square feet.

### (c) Criteria For Review and Approval

- (1) Administrative Review Criteria – In reviewing a site development plan, staff will assess and recommend approval if the application either demonstrates compliance with applicable code requirements or provides a reasonable expectation that all applicable code requirements can be satisfied in the building permit and technical review processes. Such review shall include but is not limited to:

- a. Relationship of the site plan elements to conditions both on and off the property.

### Procedure: Site Development Plan



- b. Conformance to this article.
- c. The impact of the plan on the existing and anticipated traffic and parking conditions.
- d. The adequacy of the plan with respect to land use.
- e. Pedestrian and vehicular ingress and egress.
- f. Environmental and safety standards.
- g. The presence or requirement of easements.

(1) Planning Commission Criteria and Considerations – In formulating a decision for a site development plan, the planning commission shall consider and weigh the following criteria and considerations in order to make a balanced and equitable decision:

- a. Substantial compliance with the Comprehensive Plan and other applicable and identified long-range planning priorities such as those related to environmental protection, economic development, affordable housing, or public safety.
- b. Sufficient compliance or a reasonable expectation that major code requirements can be satisfied in the building permit and technical review processes.
- c. The effect of the proposal on the health, safety, and welfare of surrounding neighbors and users.
- d. The effect of the proposal on the health, safety, and welfare of the applicant.
- e. The effect of the proposal on the health, safety, and welfare of Village residents.
- f. Impacts to particularly vulnerable or sensitive individuals or groups such as senior households, low-income households, and small businesses.

(e) Process

(1) Application: An application for a site development plan shall include information as identified by the Planning Administrator necessary to evaluate the request. The Planning Administrator should have an application checklist with informational items and submission requirements available to the public.

(2) Administrative Review and Staff Recommendation

- a. The applicant(s) and the Planning Administrator shall discuss areas of the code that are applicable to the proposed plan. The Planning Administrator shall provide in writing to the applicant a list of those items required under subsection 54-67(c) of this Code and other information that would help the planning commission make a decision.

- b. The Planning Administrator will provide the planning commission with a staff report including an analysis of the administrative review criteria and a recommended action to aid the planning commission in making a decision.

(3) Planning Commission Review and Determination

- a. The planning commission shall consider oral or written statements from the applicant, the public, village staff members or its own members. It may question the applicant and approve, deny or postpone the development proposal. The application may not be postponed for more than two regular meetings of the planning commission.
- b. Site development plan applications may be approved if the planning commission determines by motion that the proposed plan will not be overall detrimental to the health, safety or welfare of the community as evaluated by the applicable criteria and considerations.
- c. Site development plan applications may be denied if the planning commission determines by motion that the conditions required for approval do not exist.
- d. Appeals to planning commission determinations can be filed per [Section 54-83](#)

- (4) Building permit applications pertaining to approved site development plans may be submitted and reviewed but shall not be issued prior to the end of the appeal period or if the determination by the planning commission is being appealed.

## SEC. 54-101. ANNEXATION

- (a) Policy. All petitions for annexation to the village by owners of contiguous territory shall be in accord with §3-7-17 NMSA 1978..

- (1) Generally, the annexation of land shall not impose an economic burden on the village or result in an indirect subsidy of services by the village. Evidence shall be provided by the petitioner that existing infrastructure, including but not limited to streets, sewer and water lines, public facilities including fire stations and parks, and operating services such as fire, police and garbage collection, can accommodate potential development within the area to be annexed.

- (2) Annexation agreements shall be entered into between the village council and the petitioner requesting annexation to cover extension of streets, utilities, facilities and operation services for the area proposed for annexation.

- a. Agreements shall include a provision by the petitioner of all improvements within the annexation area required to serve such area, including streets, water and sewer and public facilities; and a provision by the petitioner of water rights or arrangement for payment for water rights to be used.

- (b) Initial zoning. Simultaneous annexation petitions, the petitioner shall submit an initial zoning request. Annexation and initial zoning shall be a joint and concurrent action and shall have final

approval of the governing body after recommendation by the planning commission. All newly annexed areas shall be considered to be in the R-1 district until otherwise classified.

(c) Annexation petition. Initial submission of an annexation petition and plat must be accompanied by applicable fees and will include the information required on the application for annexation form and any additional details and materials determined by the Planning Administrator to be needed to evaluate the annexation petition:

(d) Review procedure.

(1) In reviewing annexation petitions, the planning department looks at the proposed annexation in conjunction with the comprehensive plan and major transportation plan to determine the initial zoning classification and determine the need for dedication of public right-of-way.

(2) The infrastructure division looks at streets and utilities and the physical relationship of property proposed for annexation to determine the feasibility of serving the subject land. Other departments review the proposed annexation for general input on their particular service. Legal counsel will review the application and annexation agreement to determine compliance with applicable state statutes.

(3) The annexation petition shall also be distributed to the village public schools and all private utilities for review and comment.

(e) Annexation Process

(1) Petition signed by property owners is presented to planning administrator.

(2) The petition is accompanied by a plat of survey and legal description signed by New Mexico professional land surveyor and a map showing the relationship of the territory proposed to be annexed to the existing Village boundary.

(3) Annexation and initial zoning request reviewed by the planning administrator within three weeks of submittal.

(4) Notice of the public hearing is published 15 days prior to planning commission meeting.

(5) Annexation and initial zoning are presented at planning commission public hearing for recommendation to village council.

(6) Upon the planning commission's recommendation, both annexation and initial zoning ordinances are placed on the village council agenda.

(7) If annexation is denied by the village council, the petitioner may appeal to district court.

(8) If the annexation ordinance is approved by the governing body, a copy of the ordinance, with a copy of the plat of the area annexed, shall be filed in the office of the Lincoln County Clerk. After the filing the annexed area is part of the municipality. Two filed copies returned to village. If

zoning is denied, staff and property owners negotiate an alternate zoning request. If initial zoning is approved, district is designated.

(9) Within 30 days after the filing, any person owning land within the area annexed to the municipality may appeal to the district court questioning the validity of the annexation proceedings. If no appeal is filed within 30 days, the annexation shall be deemed complete.

(10) Fees to be paid: Annexation fees plus initial zoning fees as listed in the fee schedule available at the Community Development Department.

(Code 1985, § 10-2-11)

## **SEC. 54-102. VACATION**

(a) Vacation criteria. Vacation (closing) is the method by which land used to provide access for the movement of people, goods, drainage, utilities (surface or subsurface), vehicles and services is closed to those uses. Anyone (including the village) may request a vacation. A vacation may be approved if it is determined that:

(1) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of that right; and

(2) The public welfare is not served by retaining the way or easement; or

(3) The development made possible by the vacation results in a net benefit to the public welfare which is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

(b) Partial vacation. Vacation may not result in closure of all uses. For example, public access may be closed while utility access through creation of a defined utility easement is retained.

(c) Preapplication discussion. Applicant shall meet with the planning administrator prior to submitting a formal application.

(d) Application contents. Applicant shall submit a formal application for vacation of right-of-way or easement to the planning department along with the appropriate application fee as set forth in Appendix A to this Code. Include the following items with the application:

(1) A right-of-way or easement survey meeting the standards of NMAC 12.8.2.13 (New Mexico Administrative Code) showing the area to be vacated and the surrounding properties.

(2) Certification that the applicant has notified all property owners within the notification area as set forth in section 54-40. Certification may be documentation provided by the postal service or a notarized statement from the applicant.

(3) The location, description and ownership of all utilities within the proposed vacation area.

- (4) Statements from all utility companies stating their agreement to the proposed vacation and specifying any conditions of approval. These shall be on company letterhead with the title of the person signing the letter.
- (5) Statements from property owners within the notification area identifying their position on the proposed vacation. These may be in letter form signed by the property owner. It is not necessary to obtain a letter from every property owner within the notification area. The intent of this requirement is to provide an early indication of either support for or objection to the proposed action. It is in the applicant's best interest to have met with or discussed the action with neighboring property owners and obtained their agreement to the proposed action prior to submitting a formal application to the village.
- (6) In the event the parcel vacated exceeds the sum of \$2,500.00 in value based on the acquisition fee schedule set forth in Appendix A, the applicant shall also comply with the provisions of NMSA 1978 § 13-6-2 and the applicable regulation(s) of the state board of finance (a copy of the statute and regulations are available in the village planning department).
- (e) Staff review of application and scheduling for review and action by planning commission. Planning department staff will review the application and advise the applicant when it is complete. The planning staff shall then prepare a staff report and forward a draft copy to the applicant for review. The application will be heard as a regular item at the next planning commission meeting scheduled at least 14 days after completion of the staff report.
- (f) Notification. The planning department staff shall provide notice of the planning commission meeting at which the application is scheduled to be discussed and voted on as specified in section 54-40.
- (g) Planning commission action. The planning commission shall hear the case and vote to recommend that the village council authorize the vacation and sale with conditions, vote to recommend that village council reject the vacation application or vote to forward the application to village council with no recommendation.
- (h) Village council action. The planning department shall forward the recommendation of the planning commission to the village clerk along with a request to schedule the application for review and action by village council. The village clerk, in consultation with the mayor and village manager, shall schedule the application for review and action by the village council. The application shall be heard as a regular item after at least 30 days public notice in newspapers of general circulation in the state. The planning staff shall provide the village clerk with all pertinent information, including minutes of the planning commission meeting at which the item was discussed and voted on, in sufficient time prior to the meeting at which the item will be discussed by village council so that the information may be included in the councilmembers' briefing books.
- (i) Finalization of vacation and sale. If village council votes to approve the vacation and authorize sale of the land, the planning department staff shall coordinate the preparation, signing and recording of the appropriate documents. The applicant's surveyor or engineer shall provide all required legal descriptions and drawings. For those vacations that will require state board of finance review prior to completing the vacation, the applicant or other eligible adjoining property owner shall obtain an appraisal and pay the appropriate acquisition fee as determined by the appraisal. Should the

appraised value of the right-of-way be more than ten percent less than the value set forth in Appendix A, the village may obtain another appraisal and the value of the right-of-way shall be the average of the two appraisals. If the village decides not to seek a second appraisal, the value of the right-of-way shall be the average of the applicant's appraisal and the value set forth in Appendix A.

## **SEC. 54-103 – SEC. 54-113 RESERVED**

# **DIVISION 7: DEVELOPMENT STANDARDS**

## **SEC. 54-114. PURPOSE OF DIVISION.**

The purpose of this division is to establish general development performance standards. These standards are intended and designed to ensure compatibility of uses, to prevent blight, to enhance the health, safety and general welfare of the residents of the community, and to preserve the natural environmental character of the village.

(Code 1985, § 10-5-1; Ord. No. 98-02, § 1, 2-10-98)

## **SEC. 54-115. RESIDENTIAL TERRAIN MANAGEMENT.**

(a) *Purpose; intent.* The purpose of this division is to protect the natural environment of the village for social, economic and environmental purposes. To this end, it is the intent of the terrain management stands in this section to:

- (1) Preserve hillside features within the village in their natural state.
- (2) Encourage the planning, design and development of building sites in such a fashion as to provide the maximum safety and enjoyment, while adapting to, and taking advantage of, the best use of the natural terrain.
- (3) Encourage the maximum protection and retention of natural features such as drainage swales, streams, slopes, ridge lines, rock outcrops, scenic views and trees.
- (4) Minimize the need to pad or terrace building sites on hillsides.
- (5) Minimize the scarring of hillside areas.
- (6) Encourage restoration of disturbed areas to their natural state.

It shall not be the intent or purpose of this section to preclude development, but to ensure that development enhances rather than detracts from, or ignores, the natural topography, resources and amenities of the hillsides.

(b) *Applicability.* Development proposed or located on any residential site with average slopes in excess of 20 percent within the village shall be subject to the regulations and requirements of subsections (c) and ( d) of this section. The following formula may be used to determine the average slope:

$$S = 0.0023 \text{ IcLc} / A$$

Where:

- S = Average percent of slope of the site.
- Ic = Contour interval.
- Lc = Total length of the contour lines within the site.
- A = Area in acres of the site.

For subdivided lots of less than one half acre, average slope may be expressed as the ratio of rise or fall to a distance in percent (i.e., a one percent slope rises (or falls) one foot in 100 feet).

(c) *Information required.* For proposed developments meeting the conditions of subsection (b) of this section, the following information shall be submitted. This information shall be in addition to any information required elsewhere in this Code.

(1) A proposed grading plan including the following:

- a. The proposed drainage plan shall address roof and driveway surfaces, final ground cover and erosion control.
- b. Detailed plans of all drainage devices, walls, cribbing, dams or other protective devices to be constructed in connection with, or as part of, the proposed work.
- c. The location of easements for drainage.

(2) A map showing:

- a. Accurate contours at five-foot intervals showing existing and proposed topography of the site and of the land within 100 feet of the site.
- b. The location of observed drainage courses, springs, swampy areas and areas subject to flooding, landslides and mud flows.

(3) Additional information, as determined by the planning commission, which is deemed necessary to guarantee compliance with the purpose of this section.

(d) *Development approval.* Approval for any development in areas meeting the guidelines established in subsection (a) of this section shall be granted in accordance with the development approval procedure set forth in subsection (b) of this section upon a finding that the grading and development plan is designed to meet such guidelines and the following standards:



- (1) Fill and excavation areas shall meet the following standards:
  - a. No organic material may be used.
  - b. Compaction shall be a minimum of 90 percent of maximum.
  - c. Steepness of finished slope shall not be greater than two feet horizontal to one foot vertical, unless a slope and retention plan certified by a qualified engineer is approved.
- (2) The maximum percent of the site to be disturbed (area under building footprint, parking and driveway areas) shall be as follows:

Percent Average Slope	Disturbed Area Allowed
0—20	75
21—35	65
36+	55

Lots nonconforming as to lot size as defined under subsection 54-143(j)(1) may be allowed up to an additional ten percent of disturbed area. Applications for disturbed area increase will be considered under minor amendment procedures set forth under subsection 54-67(g). Disturbed area increase shall be the minimum necessary to allow reasonable development of the property. Disturbed area increase above ten percent shall require variance consideration by the planning commission.

(Code 1985, § 10-5-2; Ord. No. 98-02, § 1, 2-10-98; Ord. No. 2000-01, 3-14-00; Ord. No. 2019-02 , 3-12-19)

**SEC. 54-116. COMMERCIAL TERRAIN MANAGEMENT.**

- (a) The provisions of this section shall apply to all commercial development.
- (b) Fill and excavation areas shall meet the following standards:
  - (1) No organic material may be used.
  - (2) Compaction shall be a minimum of 90 percent of maximum.
  - (3) Steepness of finished slope shall not be greater than two feet horizontal to one foot vertical, unless a slope and retention plan certified by a qualified engineer is approved. Provided, any slope with a steepness of 2 to 1 or greater shall have erosion control satisfactory to the commission.

- (c) Retention ponds or other suitable methods satisfactory to the planning commission shall be utilized to control drainage and erosion during construction.

(Ord. No. 2000-01, 3-14-00)

## **SEC. 54-117. FOREST MANAGEMENT.**

- (a) *Purpose; intent.* The purpose of this section is to protect the natural environment of the village for social, economic and environmental purposes. To this end, it is the intent of the forest protection standards to:
  - (1) Provide for the sound management, protection and maintenance of trees and woodland located in the village in order to prevent unhealthy overgrowth, prevent excessive removal of vegetation, minimize damage from erosion and siltation, maintain or enhance appropriate wildlife habitat, reduce fire danger and ultimately preserve the economic viability of the village, which is dependent upon the proper management of the natural resources in the area and is in the interest of the health, safety and general welfare of the residents of the village.
  - (2) Manage and protect the forest areas of the village to restore their health, preserve and protect old and large trees, and facilitate an added value concept to enhance aesthetics and property values.
    - a. Old or large trees shall be defined as any specie of live tree 20 inches or greater in diameter measured 4.5 feet from the ground (DBH).
    - b. The planned removal of old or large trees must be reviewed and a permit issued by the director of forestry prior to removal.
    - c. Old or large trees shall be subject to the provisions of subsection (c)(4) herein, relating to protected root zone.
- (b) *Administration.* The director of forestry or his duly authorized representative shall have responsibility for administration of this section.
- (c) *Fuels management approval.*
  - (1) Residential fuels management. Inspection by the forestry department and certification is required on all properties. Fuels management shall be in accordance with the provisions of Section 42-80. Properties are required to maintain a forested appearance with a minimum density of 40 trees per acre prorated to the size of the lot excluding area covered by structures, driveways, and parking areas.
  - (2) Multi-family residential and non-residential fuels management: All fuels management on all properties zoned other than R-1, R-2 or M-1 shall be submitted to the director of forestry for approval prior to implementation. The director may require site plan approval and shall utilize the provisions of section 42-80 as minimum standards. Unless otherwise approved by the

director of forestry, clear cutting of any undeveloped portion of a property is not allowed, and the basal area within landscaped portions of a developed property shall not be reduced below 40 square feet per acre.

(3) Reserved.

(4) *Protected root zone.* Trees to remain for consideration according to the approved site plan shall be protected above and below ground from damage caused by construction and site development activities as provided herein:

a. The protected root zone shall be defined as a horizontal radius distance from the trunk of the tree. The distance varies by tree size, subject to the following minimums:

Tree height in feet	Horizontal radius in feet
Less than 10	4
10—20	6
21—30	8
31—40	12
41—50	16
51—60	20
Greater than 60	24

b. No trenching, cut or fill activities, compaction or other ground disturbing activities may intrude closer than 50 percent of the horizontal radius.

c. Paving and other non-pervious surfacing may not reduce the protected root zone more than 30 percent of the horizontal radius.

d. Temporary fencing or equivalent protective measures shall be installed around all trees to be considered for minimum basal area requirements within 30 feet of ground disturbance. The temporary fencing shall be installed at the outer limit of the protected root zone. This protection shall remain in place until all construction and site development activities are complete or removal is approved by the director of forestry.

(5) *Standards for tree removal activities:*

a. All chainsaws weed eaters and like equipment with two-cycle motors used in the removal of trees, slash and debris shall be equipped with spark arresters.

- b. It is the responsibility of the property owner to provide for the disposal of all of the slash in a legal and appropriate manner. Failure to provide for disposal will subject the owner to the nuisance provisions of this Code.
- c. Activity slash from all species to remain on site for firewood must comply with Section 42-80 in terms of size and spacing. In addition, each stack of green wood shall be covered with six ml (minimum thickness) clear/translucent plastic or the like for a minimum of ten months to minimize bark beetle habitat and infestation.
- d. Individuals or contractors removing trees will be fully responsible for any damage to public and private property or utilities.

(6) *Utility easements.*

- a. *Rights and duties of utility franchisees.* To provide for the general safety of the public, the utility franchisees of the village shall have the right and responsibility to maintain unobstructed utility easements or to cut, trim, thin, and control the growth of trees and shrubbery, within, near, or above the public right-of-way and private utility easements in the village that may interfere with, threaten or endanger the operation of the franchisee's overhead lines. Trees will not be topped but shall be completely removed.
- b. *Rights and duties of property owners.*
  - 1. The property owner is primarily responsible for maintaining the low vegetation and other flammable matter in the private easements and rights-of-way in such a manner that the low vegetation and other flammable matter will not be a potential fire hazard.

A property owner who refuses access to the utility easement by a utility franchisee shall be solely responsible for the cost to provide for an unobstructed utility easement.

- (7) *Property owner responsibilities.* Every property owner within the village limits shall maintain their property in accordance with section 42-80 of this Code. If a property owner places green waste on the public right-of-way for grapple pick-up, the property owner shall separate the green waste into two categories: 1) six inches or greater in diameter; or 2) less than six inches in diameter. Any green waste that the property owner places on the public right-of-way for grapple pick-up shall be no greater than six feet in length. Any green wood on the property shall be kept in accordance with section 42-80 of this Code and shall be covered with six ml (minimum thickness) clear/translucent plastic for a minimum of ten months to minimize bark beetle habitat and infestation.

(Code 1985, § 10-5-3; Ord. No. 96-10, § II, 7-30-96; Ord. No. 99-19, § 1, 10-26-99; Ord. No. 2002-07, 6-25-02; Ord. No. 2004-05, 5-11-04; Ord. No. 2013-06, 7-9-13)

## **SEC. 54-118. SCREENING.**

- (a) *Multi-density and medium-density mobile home developments.* All R-3, R-4 and M-2 district principal and accessory uses, except signs, which are situated on a parcel which abuts a residential

district other than R-3, R-4 or M-2, respectively, shall be screened from such district by an approved wall, fence or landscaping not less than six feet in height above the level of the adjacent property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the planning commission if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed. Vegetative screening shall meet the requirements of [Section 42-80](#) Fuels Management Standards. This subsection shall not apply when the apartment development is abutting an already-existing nonresidential use (i.e., a school or church) in a residential district. Such exception to the screening requirement shall only be allowed along that property line between the apartment development and the nonresidential land use.

- (b) *Business and industrial developments.* All principal and accessory uses, except signs, which are situated on a parcel which abuts a residential district shall be screened from such district by an approved wall, fence or landscaping not less than six feet in height above the level of the residential property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the village if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that screening of the type required by this article would interfere with the provision of adequate amounts of light and air to such properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed. Vegetative screening shall meet the requirements of Section 42-80.

(Code 1985, § 10-5-4)

## **SEC. 54-119. LANDSCAPING.**

- (a) *Purpose.* Landscaping requirements as set forth in this article have been established to encourage quality development within the village; to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and buildings located on abutting properties; to provide open space and recreational areas to serve the needs of the residents of the village; to soften the effect of development; to improve erosion and stormwater runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the village and its residents on the part of the developers; and to provide for the health, safety and general welfare of the residents of the village.

(b) *Definition.* Landscaping, for purposes of this article, shall be defined as including any or all of the following:

- (1) Naturally existing vegetation;
- (2) Lawn or grass areas;
- (3) Trees, shrubs, ground cover and other plantings;
- (4) Sprinkler or irrigation systems;
- (5) Decorative rock, natural or manmade;
- (6) Decorative lighting;
- (7) Benches, tables, fountains, planters or other similar outdoor furniture;
- (8) Decorative fences, and detention and retention ponds;
- (9) Waterfalls and manmade streams; and
- (10) Berms or mounds.

(c) *Landscaping plan.*

- (1) A landscaping plan shall be submitted in conjunction with any required site plan, and shall be reviewed and approved, denied or modified in conjunction with the site plan. All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, which are not devoted to drives, parking lots, sidewalks, patios or other such uses shall be landscaped.
- (2) When possible, areas of any particular site allocated to landscaping shall be located on that site in such a way as to provide substantial benefit to the general public as well as to the site itself.
- (3) Landscaping shall also be provided within parking lots in a manner which will serve to visually reduce the expanse of paved areas consistent with the parking lot design standards of [Section 54-115](#).

(d) *Minimum landscaping.*

- (1) *Single family residential*
  - a. All areas not used for buildings, parking, drives or other impervious materials, or for storage of materials, or left in a natural and undisturbed state, shall be landscaped according to an approved landscape plan.

- b. For townhouses, landscaping shall be required only in the front yards, side yards and unpaved rights-of-way.
- (2) *Multifamily, commercial and industrial developments.* All areas in front and corner side yards not used for parking, drives or other impervious materials or storage shall be landscaped according to an approved landscape plan based on the standards of subsections (3) and (4) below.
- (3) *Planting of trees.*
- a. Perimeter landscaping: Each commercial or industrial application shall provide for one tree and ten shrubs for every 1,500 square feet of lot area or a portion thereof not utilized for structures or vehicular use areas to be located within the perimeter of the site and around structures. This requirement shall be in addition to landscaping required by subsection b. below. Trees being retained on site to meet the standards of sections [54-107](#) and [42-80](#) of the Village municipal code, may be credited towards meeting minimum tree numbers of this section.
  - b. Replacement trees required to be installed to meet the basal area standards of sections [54-107](#) and Section [42-80](#) of the Village municipal code shall be of the species listed in the "Village Approved Replacement Tree List".
  - c. Parking lot landscaping: Trees shall be provided for all parking lot areas. A minimum of one tree shall be provided for each ten parking spaces. Trees shall be distributed throughout the lot to maximize shading and eliminate large expanses of unbroken paved parking areas. Not less than six percent of the interior of a parking lot shall be landscaped with trees, shrubs or other durable landscaping materials consistent with the requirements of [section 54-115](#) addressing terminal and landscape islands.
  - d. Trees wells to be constructed to protect existing trees on site shall be built so that the outer edge of the well is no closer to the trunk than the drip line of the tree as determined by the village forester. A minimum size tree well of four feet in radius shall be required for all new tree plantings. The tree well shall constructed according to standards set by the village forestry department, and will also incorporate appropriately amended soils to encourage proper growth. Paving shall not be maintained closer than four feet to existing established or newly installed trees.
  - e. Trees to be installed pursuant to this chapter shall be a minimum size of two inches in diameter as measured at 4½ feet above ground.
  - f. The primary means of irrigating all required landscaping for shall be thru the use of a drip irrigation system.
  - g. The use of cisterns to collect rain water shall be incorporated into all new site development applications, but excluding single-family residential units. While cisterns are not required for single family residential units, the use of these features will be encouraged.

- h. Landscape plans shall be based on a modified xeriscape concept consistent with the village's "xeriscape standards". This shall mean that landscape plans shall incorporate drought- tolerant plant species and the use of drip-irrigation systems.
- (4) *Peripheral landscaping for parking lots.* Peripheral landscaping shall be required along any side of all parking lots. A landscaping strip consistent with the provisions of the property's zoning district shall be provided between the parking area and adjoining property. Where a commercial parking area adjoins a residential district, a wall, or other permanent landscaping barrier shall be installed. The height of such landscaping barrier shall be not less than six feet.
- (e) *Installation or financial guarantee required prior to issuance of occupancy permit; maintenance guarantee.*
- (1) All landscaping materials and equipment as provided for on the approved landscape plan for any residential, business or industrial development, or in the case of phased development, for the particular phase, shall be installed prior to the issuance of any occupancy permit, unless a financial guarantee in the amount of 150 percent of the cost of the materials and labor is submitted to the village. Financial guarantees shall be of the types and forms provided in [section 54-286](#).
- (2) Upon completion of the landscaping requirements as provided on the approved landscape plan, the financial guarantee shall be released except for a portion in the amount of 20 percent of the cost of materials and installation, which shall be retained for a warranty period of one year as a guarantee for proper installation and maintenance. Following the warranty period, the remaining 20 percent guarantee shall be released upon a finding that installation and maintenance has occurred as per the approved landscape plan.
- (f) *Maintenance standards; prohibited uses.* All landscaped areas shall be kept neat, clean, uncluttered, and consistent with the approved landscape plan in terms of landscape materials for the life of the approved development order. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- (g) *Protection of existing trees during construction.* During the installation and site work, all activities shall remain consistent with the provisions of [section 54-107](#).
- (h) *Inspection fee.* A landscaping inspection fee as set forth in Appendix A to this Code shall be assessed and paid with the building permit fee. The landscaping inspection fee shall cover the cost of inspection after completion of installation of the landscaping and a follow-up inspection at the end of the warranty period. An additional fee shall be charged if more than one re-inspection is required either during initial installation or at the end of the warranty period.
- (i) *Maintenance of detention/retention facilities.* On-site private detention/retention facilities, including ponds, cisterns, rain barrels and related pumps and piping, that were installed as mandated by a condition of approval, final plat requirement, approved site plan, approved construction plans, development order or development agreement shall be maintained by the property owner to insure that they function as designed. The property owner shall, at least



annually, remove any accumulated dirt and debris from detention/retention facilities, clean piping of obstructions and service mechanical equipment per manufacturer's instructions.

- (j) *Inspection of detention/retention facilities.* Once every two years or after any officially recognized flood event the Public Works Department may inspect the private detention/retention facilities to insure that they are in working order and provide the capacity for detention/retention as originally designed. The village shall charge a fee for the inspection as set forth in appendix A to this Code.
- (k) *Failure to maintain detention/retention facilities.* If, at any time, there is evidence of failure to maintain the private detention/retention facilities, the code enforcement officer or planning administrator shall notify the property owner in writing. The notification shall set a time limit not to exceed 90 days for bringing the facilities into compliance. Should the property owner fail to comply with the ordered repairs, the village may make the needed repairs and lien the property.
- (l) *Detention/retention facility security.* The planning commission shall require that any detention/retention facility located on private property be secured with appropriate barriers or alternate safety measures.



(Code 1985, § 10-5-5; Ord. No. 2006-09, 10-31-06; Ord. No. 2007-04, 4-24-07; Ord. No. 2007-09, 9-11-07; Ord. No. 2009-02, 1-13-09)

## **SEC. 54-120. USE OF CERTAIN AREAS AND STRUCTURES AS DWELLING UNIT PROHIBITED.**

No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating and sleeping purposes, provided it is properly permitted, approved and meets the requirements of [Section 22-31](#) and any other applicable requirements of this article or this Code.

(Code 1985, § 10-5-6; Ord. No. 2019-02, 3-12-19)

## **SEC. 54-121. ACCESSORY STRUCTURES, USES AND EQUIPMENT.**

- (a) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered walkway or other similar structure.
- (b) Accessory structures and garages in residential districts shall not be located within a utility easement.
- (c) Construction of more than one accessory detached private garage structure for each dwelling shall not be permitted.

- (d) No accessory building shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by conditional use permit.
- (e) Accessory structures in commercial or industrial districts shall be as required:
  - (1) Shall not exceed the height of the principal building except by conditional use permit.
  - (2) Must be located any place to the rear of the principal building.
- (f) Accessory structures that exceed 120 square feet shall meet the requirements of section 22-31 and other applicable sections of this article or this Code.
- (g) Carport(s) shall have foundations and be constructed per section 22-31 of this Code and shall be characteristic of building types within the area.
- (h) Accessory structures shall not require construction permits when all the following are met:
  - (1) Does not exceed 120 square feet, and maximum ten-foot eave height and is a minimum of ten feet from other structures.
  - (2) Does not encroach less than five feet of side or back property lines.
    - a. Exceptions: Schools and civic, cultural and religious institutions accessory structures shall have setbacks of 50 feet minimum on all sides.
  - (3) Does not encroach less than 20 feet of front property line.
    - a. Exceptions:
      - 1. Schools and civic. Cultural and religious institutions accessory structures shall have setbacks of 50 feet minimum on all sides
      - 2. C-1, C-2, C-3 and I-1 district requirements apply as required.
  - (4) Only one exempted accessory structure on property meeting the requirements of this article shall be permitted. Additional similar structures shall meet the requirements of [section 22-31](#) and other applicable sections of this article or this Code.
  - (5) Is limited to storage structures, tool houses, play houses, green houses, sheds, agricultural structures and other similar uses.

(Code 1985, § 10-5-7; Ord. No. 2019-02 , 3-12-19)

**SEC. 54-122. FENCES.**

- (a) *Building permit; site development approval.* No person, except on a farm and as related to farming, shall hereafter construct or cause to be constructed or erected within the village, in any residential district, any fence without first making an application for and securing a building permit. Site development approval and building permits shall be obtained for all fences in C-1, C-2, C-3, C-4 and I-1 districts.
- (b) *Location.* All fences shall be located entirely upon the private property of the person constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties.
- (c) *Construction and maintenance; restricted materials; nonconformities; height.*
  - (1) *Construction and maintenance.* All fences shall be constructed in a substantial, workmanlike manner of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Roofing materials are not allowed. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage or unsightliness, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect, is a public nuisance, and the planning administrator shall commence proper proceedings for the abatement thereof.
  - (2) *Restricted materials.* Site development approval is required by the planning commission for all installations of barbed wire and/or razor wire. Use shall be restricted to properties where necessity has been shown that security is required to protect hazardous processing, products, equipment, storage or attractive nuisances or in situations of exceptional need. Barbed wire and razor wire are prohibited fencing materials except under one of the following conditions:
    - a. Public and private utilities may install barbed wire or razor wire at the top of fencing.
    - b. Commercial and industrial development may install barbed or razor wire at the top of fencing.
    - c. Buildings and properties which involve attractive nuisances may install barbed wire at the top of fencing.
  - (3) *Effective date; nonconforming fences.* Any fencing existing on the effective date of the ordinance from which this section is derived, September 24, 1994, which does not comply with the regulations of the district in which it is located, shall be deemed a lawful nonconforming fencing installation. All new or replacement fencing shall fully conform to regulations established in this section.
  - (4) *Measurement of height.* The height of any fence shall be calculated to the uppermost points as follows:
    - a. In required yards abutting a street, the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.



- b. In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.
  - c. On property lines, the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.
- (d) *Residential districts.* In all parts of the village zoned residential, no fence shall be erected or maintained more than eight feet in height, and also:
- (1) Solid fences, walls or hedges which are parallel or approximately parallel to the front property line shall be set back from the front line a minimum of five feet.
  - (2) On corner lots in all districts, no fence or planting in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: measured 30 feet along the front and side street lines of a corner lot from the intersection of the property lines of such lot and a line connecting points 30 feet distant from the intersection of the property lines of such lot.
  - (3) In those instances where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be installed, shall remain unobstructed and shall measure a minimum of three feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.
- (e) *Business and industrial fences.* Fences in all commercial and industrial districts shall not exceed 12 feet in height, except that boundary line fences abutting residential districts shall not be greater than eight feet in height.
- (f) *Finished side to face adjoining property.* In all districts, any fence so constructed as to have only one elevation "finished," which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property.

(Code 1985, § 10-5-8)

## **SEC. 54-123. RETAINING WALLS.**

- (a) *Site development approval.* No person shall construct or cause to be constructed or erected along any property lines within the setback areas within the village, any retaining wall above four feet in height without first obtaining site development approval from the planning commission, except that all retaining walls within the floodplain area shall be approved in accordance with article IV of this chapter. Site development plans for individual retaining walls on previously developed lots may be approved by the planning administrator subject to concurrence by the chairman and vice-chairman of the planning commission. Following site development plan approval, a building permit shall be obtained from the building official.

- (b) *Location.* All retaining walls shall be located entirely upon the private property of the person constructing or causing the construction of such retaining wall, unless the owner of the adjoining property agrees, in writing, that such retaining wall may be erected on the division line of the respective properties. The planning administrator may require an applicant for a retaining wall permit to establish the boundary lines of his property by a survey thereof, to be made by a registered land surveyor.
- (c) *Construction and maintenance.* All retaining walls shall be constructed in conformance with applicable building codes in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the retaining wall is proposed to be used. All retaining walls shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such retaining wall which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the planning administrator shall commence proceedings for the abatement thereof.
- (d) *Maintenance easement.* In any instance where a retaining wall is constructed within four feet of a rear or interior side lot line, the property owner shall be required to obtain an easement from the adjoining landowner allowing access for construction and maintenance of the retaining wall. Such easement shall be presented to the planning administrator for inspection prior to issuance of the necessary building permit.

(Code 1985, § 10-5-9)

## **SEC. 54-124. SETBACK AND HEIGHT ENCROACHMENTS, LIMITATIONS AND EXCEPTIONS.**

The following shall be considered as permitted encroachments on setback and height requirements, except as otherwise provided in this article:

- (a) *Permitted encroachments in any yards.* The following are permitted in any yards: posts, off-street open parking spaces, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, flagpoles, ornamental features, open fire escapes, sidewalks and fences, except as otherwise provided in this article; also, yard lights and nameplate signs in residential districts, trees, shrubs, plants, floodlights or other sources of light illumination, and authorized lights or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
- (b) *Permitted encroachments in side and rear yards.* Balconies eight feet above grade may extend into the yards to within five feet of a lot line, provided the balconies do not extend over nonresidential driveways. Detached outdoor picnic shelters, open arbors and trellises may extend to within five feet of a side or rear lot line, except that no such structures shall exceed 500 square feet. Recreational equipment, picnic tables and apparatus needed for the operation of active and passive solar energy systems are permitted encroachments.

- (c) *Permitted encroachments in rear yards.* The following are permitted in rear yards: laundry drying equipment; patios; covered porches; breezeways and detached outdoor living rooms may extend 20 feet into the rear yard but not closer than ten feet to the rear lot line.
- (d) *Exemptions from height limitations.* Height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flagpoles, public and private utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennas, parapet walls extending no more than four feet above the limiting height of the building (except as otherwise provided in this article), and solar energy collectors and equipment used for the mounting or operation of such collectors.
- (e) *Exemption from building setback requirements for buildings with party walls.* Subject to regulations in section 22-31 and as required by other applicable sections of this article or this Code, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an integral unit.
- (f) *Covered decks, porches and breezeways in front yards.* Covered decks, porches and breezeways in R-1, R-2, M-1 and M-2 districts may extend into the front yard, but not closer than 15 feet to the front property line, provided that they are not enclosed.

(Code 1985, § 10-5-10; Ord. No. 2017-07 , § 3, 6-13-17; Ord. No. 2019-02 , 3-12-19)

## **SEC. 54-125. OFF-STREET PARKING FACILITIES.**

- (a) *General provisions.*
  - (1) *Calculation of floor area.* The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior area dimensions of the building, structure or use times the number of floors, minus ten percent, except as may be otherwise provided or modified in this article.
  - (2) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building, including additions thereto requiring more parking, shall not be permitted until such additional parking spaces as required by this article are furnished. This provision does not apply to buildings with principal permitted uses in C-1, C-2, or C-3 districts that existed prior to August 1, 1999.
  - (3) *Use of parking facilities accessory to residential use.* Off-street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable passenger automobiles and trucks, with no trucks exceeding 5,500 pounds, and recreational vehicles and recreational equipment. Under no circumstances shall required parking facilities accessory to a residential structure be used for storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.

(b) *Design standards.*

(1) *Stall and aisle dimensions; traffic flow.*

- a. Parking stalls and aisles shall be provided according to the following minimum requirements in all districts:

Parking Angle	Stall Width (feet)	Stall Base (feet)	Width of Aisle		
			Stall Depth (feet)	One-Way Traffic (feet)	Two-Way Traffic (feet)
30°	9	18	18.2	15*	25
45°	9	6.5	19	15*	25
60°	9	10.5	22	20	25
75°	9	9.5	21.5	20	25
90°	9	9	20	20	25
Parallel parking	9	9	22	15*	25

\*Except where needed as a fire lane, in which case a 20-foot minimum is required.

- b. All angle parking, except 90-degree and parallel parking, shall have aisles designed for one-way traffic flow only, except that two-way traffic is permitted in designs approved by the planning administrator and Public Works Department. All parking designs shall have ingress and egress to a public street. There shall be no through traffic access to adjoining properties or private easements, except within designated shopping centers.

- (2) *Parking within structures.* The off-street parking requirements may be furnished by providing spaces so designed within the principal building or a structure attached thereto; however, no building permit shall be used to convert the parking structures into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this article.

- (3) *Circulation; backing onto public street.* Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking areas shall be designed so that there is circulation between parking bays and not upon a public street or alley. Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking area design which requires backing into the public street is prohibited.

- (4) *Preservation of off-site parking.* When required accessory off-street parking facilities are provided elsewhere than on the lot with the same ownership or control, either by deed or longterm lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with the village and county clerk requiring the owner and his heirs and assigns to maintain the required number of off-street spaces during the existence of the principal use.
- (5) *Driveways required.* All off-street parking spaces shall have access from driveways and not directly from the public street.
- (6) *Distance of access points from street intersections.* No access point (measured to the middle of the driveway) shall be located less than 40 feet in residential districts, 150 feet in commercial districts, or 150 feet in industrial districts, from the intersection of two public street rights-of-way.
- (7) *Length of parallel parking spaces.* Parallel parking spaces shall be a minimum of 22 feet in length.
- (8) *Approval of driveways; sight line triangle.* All drive accesses shall be approved by the planning commission for width and location. A minimum sight line triangle measured 20 feet along the public right-of-way line and ten feet along the edge of the access drive shall be provided on both sides of a driveway access.
- (9) *Distance between driveways.* Driveway access openings on a public street, except for single-family, two-family and townhouse dwellings, shall not be located less than 40 feet from one another as measured from inside of drive to inside of drive.
- (10) *Number of driveways.* Each property shall be allowed one drive access for each 100 feet of street frontage. Single-family uses shall be limited to one drive access per property. These conditions shall apply unless otherwise granted approval by the planning commission.
- (11) Requirements for specific types of development.
  - a. *Commercial and industrial development.* The grade of ingress and egress driveways and parking lot aisles shall not exceed 12 percent. All driveways shall provide and maintain a six-foot section from the edge of the traveled way with approximately a three-inch dip to the center (eight percent grade) from both directions. The dip section shall be paved with asphalt or concrete for the full driveway width. The base shall be a minimum of four inches with either 1½ inches of asphalt or four inches of concrete paving. The state highway and transportation department may require a lesser grade for driveways to N.M. Highway 48 and 70. Commercial and industrial development subject to state highway and transportation department approval shall provide evidence of approval by the department prior to issuance of a village permit. Drainage pipe under driveways, where required, shall be a minimum of 18 inches in size. Parking area grades shall not exceed three percent.
  - b. *Multifamily residential development.* The grade of ingress and egress driveways and parking lot aisles shall not exceed 12 percent. All driveways shall provide and maintain a



six-foot section from the edge of the traveled way with approximately a three-inch dip to the center (eight percent grade) from both directions. The dip section shall be paved with asphalt or concrete for the full driveway width. The base shall be minimum of four inches with either 1½ inches of asphalt or four inches of concrete paving. Multifamily development subject to state highway and transportation department approval shall provide evidence of approval by the department prior to issuance of a village permit. Drainage pipe under driveways, where required, shall be a minimum of 18 inches in size. Parking area grades shall not exceed three percent.

- c. *Single-family and duplex development.* Ingress and egress drives shall be provided and maintained to give a clear sight line for street access. Drainage ditch, driveway profile or surfacing shall be so constructed so that surface water from the driveway or lot will not wash dirt, gravel and debris onto the traveled roadway. Driveways that wash dirt, gravel or debris onto the traveled roadway shall be considered a nuisance under subsection 38-62(a)(12). Driveways on the downhill side of the street shall be constructed to prevent erosion of the driveway or adjoining private property by runoff from the street. Driveways will be inspected by the street department inspector during final inspection of the residence for compliance and be required for a certificate of occupancy. The drainage pipe under the driveway, where required, shall be not less than 18 inches in size. Development subject to approval by the state highway and transportation department shall provide evidence of approval of such department prior to the issuance of a village permit.
- d. *Variances.* Variances from requirements of subsections (b)(11)a and b of this section shall be requested in connection with the application for site plan approval (see section 54-67). Variances from the requirements of subsection (b)(11)c of this section shall be considered under section 54-67(f) and approved only on favorable finding of the planning administrator with approval by the chairman and vice-chairman of the planning commission. Variance requests not approved under section 54-67(f) will automatically be appealed to the full planning commission.

- (12) *Surfacing.* All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Plans for paving and drainage of driveways and stalls for five or more vehicles shall be submitted to the planning commission for review, and the final drainage plan shall be subject to the written approval of the Public Works Department.
- (13) *Striping.* Except for townhouses and single-, two-, three- and four-family dwellings, all parking stalls shall be marked with painted lines not less than four inches wide. Where possible, hairpin striping shall be used.
- (14) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and shall be in compliance with this article.
- (15) *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to division 5 of this article.

- (16) *Perimeter curb and gutter.* Except for townhouses and single-, two-, three- and four-family dwellings, all open off-street parking areas and driveways shall have a perimeter curb and gutter around the entire parking lot built according to standards provided by the planning administrator.
- (17) *Vehicles not to protrude over property lines.* All of such parking stalls which abut property lines shall be designed and constructed so that parked vehicles will not protrude over property lines.
- (18) *Drainage.* Runoff from new multifamily and commercial development areas after the site is improved shall not exceed the prior runoff from the site when unimproved. On-site delay or interception of additional runoff by vegetation, temporary ponding, percolation pits or other approved methods shall be used to minimize any adverse effect on other properties.
- (c) *Maintenance.* It shall be the joint and separate responsibility of the lessee and owner of the principal use or building to maintain, in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fences.
- (d) *Use of parking areas.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, distribution of public relations material, or storage of inoperable vehicles.
- (e) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses:
- (1) Dwellings:
    - a. Single-family, two-family, townhouse, three-family, four-family and multiple-family dwellings: Two spaces per unit.
  - (2) Motels, motor hotels and hotels: One space per each rental unit, plus one space for each ten units, plus additional spaces as may be required in this section for related uses contained within the principal structure.
  - (3) Churches, theaters and auditoriums: At least one space for each four seats based on the designed capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this article.
  - (4) Sanitariums, convalescent homes, rest homes, nursing homes or day nurseries: Four spaces, plus one space for each three beds for which accommodations are offered, plus one space for each employee on the shift of greatest employment.
  - (5) Elderly (senior citizens) housing: One space per unit.
  - (6) Convenience food restaurants: At least one space for each three seats, or one space for each three occupants based on the design capacity, whichever is greater.
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- (7) Bowling alleys: At least five spaces for each alley, plus additional spaces as may be required in this section for related uses contained within the principal structure.
- (8) Motor fuel stations: At least four spaces, plus two spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable provisions of this article.
- (9) Retail store and service establishment: At least one off-street parking space for each 250 square feet of floor area for retail or service area, plus one space for each 500 square feet of area devoted to storage, warehousing or processing.
- (10) Furniture and carpet store: One space for each 500 square feet of floor area.
- (11) Manufacturing, fabricating or processing of products or materials: One space for each 350 square feet of floor area, plus one space for each company-owned truck (if not stored inside the principal building).
- (12) Warehousing, storage or handling of bulk goods: That space which is solely used as office shall comply with the office use requirements plus one space per each 1,000 square feet of floor area, plus one space for each employee on the maximum shift and one space for each company-owned truck (if not stored inside the principal building).
- (13) Automobile washing establishments (in addition to required stacking space):
  - a. Automatic drive-through, serviced: A minimum of three spaces, or one space for each employee on the maximum shift, whichever is greater.
  - b. Self-service: A minimum of two spaces per stall.
  - c. Service station carwash: None in addition to that required for the station.
- (14) Private racquetball, handball and tennis courts: Not less than three spaces per each court.
- (15) Offices (except medical and dental offices): One space for each 350 square feet of gross floor area; minimum of four spaces.
- (16) Medical and dental offices: Four spaces for each doctor or dentist, plus one per employee.
- (17) Restaurants and taverns: One space for each three seats, or one space for each three occupants based upon the design capacity, whichever is greater, plus one space for each two employees.
- (18) Schools, public and private:
  - a. Elementary and junior high schools: 1½ spaces for each classroom, library, lecture hall and cafeteria, plus one additional space for each three fixed seats in the auditorium,

gymnasium or other place of public assembly or one space for every 21 square feet of area available for public assembly where no fixed seats are provided.

- b. Senior high schools: 1½ spaces for each classroom or lecture hall, plus one additional space for each five students that the school is designed to accommodate, plus one additional space for each employee or staff member. For theaters, auditoriums, sports arenas, gymnasiums and similar places of public assembly, in addition, there shall be one space for each three fixed seats or one space for every 21 square feet of area available for public assembly where no fixed seats are provided. In no event shall less than ten spaces be provided for any use, regardless of the number of employees.

- (19) Day care facilities: One space for each eight enrollees, and one space for every employee.
- (20) Convention centers, civic/events centers and similar places of assembly: One space for every four fixed seats, or one space for every four persons based upon the design capacity of the building where fixed seats are not provided.
- (21) Drive-in banks: One space for every 300 square feet of building floor area, and storage space for four vehicles at each drive-in window.
- (22) Funeral homes: One space for each four seats in funeral service and state room areas, in addition to one space for each hearse or other commercial vehicle.
- (23) Hospitals: One space for every two beds.
- (24) Automobiles and garages for repair, tire recapping, muffler, battery, brakes and other similar services: Three spaces for each service bay.
- (25) Drive-in or walk-up food or drink services: One space for each three seats plus one space per employee and storage lanes a minimum of 15 feet wide and 100 feet in length for each drive-up service window. Drive-up only establishments shall provide a minimum of five parking spaces in addition to required employee parking.
- (26) Laundry and dry cleaning, self-service: One space for every three pieces of rentable equipment.
- (27) Recreation uses:
  - a. Golf courses, driving ranges, miniature golf or similar recreation:
    - 1. Four spaces per green for golf courses.
    - 2. One space per each two practice tees.
    - 3. Two spaces per green for miniature golf courses.
  - b. Health exercise facilities: One space per 50 square feet of floor area.

- c. Swimming pools: One space per 140 square feet of pool area.
  - d. Skating rinks (ice or roller rinks): One space per 200 square feet of building area.
  - e. Electronic games: One space per each three games.
  - f. Go-carts, tube boats and similar devices: One space for each three pieces of rental equipment.
- (28) Cafeterias, nightclubs, taverns, dancehalls and lounges: One space for every 50 square feet of floor area, or one space for every four persons based upon the design capacity, whichever is greater.
  - (29) Boardinghouses, bed and breakfast establishments, and fraternal organizations: Two spaces, plus one space for each sleeping unit or resident member.
  - (30) Art galleries, museums and similar uses: One space for each 250 square feet of floor area.
  - (31) Wholesale establishments: One space for each 500 square feet of floor area.
  - (32) Contractors' yards, material yards and lumberyards: One space for each 350 square feet of floor area, plus one space for each employee working on the premises, plus one space for each company owned truck, vehicle or equipment, plus a minimum of five spaces for visitor parking.
  - (33) Retail sales of vehicles, heavy equipment and other large products: One space for each company vehicle, in addition to one space for each 350 square feet of building floor area, plus one space for each employee.
- (f) *Handicapped parking spaces.*
- (1) For parking areas with five to ten spaces, at least one handicapped space shall be provided. For parking areas with more than ten spaces, one handicapped space per ten spaces shall be provided. Handicapped parking spaces in lots having 15 spaces or more shall be a minimum of 12 feet by 20 feet and shall be permanently marked with signs restricting use to handicapped persons. On-pavement marking or portable signs shall not be used as substitutes for permanent signage.
  - (2) Each parking space for the handicapped shall be designated by its own conspicuously posted upright sign, either freestanding or wall mounted, showing the international disabled symbol of a wheelchair; it may include such wording as "disabled parking" or "handicapped parking." Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four feet above grade. Signs shall be maintained in good condition. In parking lots serving nonresidential uses, barriers shall protect freestanding signs from being hit by motor vehicles. However, for any such spaces required for dwelling parking, where the premises are required to have ten or fewer off-street parking spaces, no sign need be displayed so long as no person with need of a designated disabled parking space is a resident on the premises.

(g) *Joint use of parking facilities by schools or churches and business establishments.*

- (1) Authorized. Up to 80 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities of the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, or manufacturing, wholesale and similar uses.
- (2) *Conditions.*
  - a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
  - b. The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
  - c. A properly drawn legal document, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to form and manner of execution by the village attorney, shall be filed with the village clerk and recorded with the county clerk.

(h) *Off-site parking.*

- (1) Any off-site parking which is used to meet the requirements of this article shall be a conditional use as regulated by this article and shall be subject to the conditions listed in this subsection.
- (2) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this article.
- (3) Reasonable access from off-site parking facilities to the use being served shall be provided.
- (4) The site used for meeting the off-site parking requirements of this article shall be under the same ownership as the principal use being served, or under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the village clerk and county clerk.
- (5) Off-site parking for multiple-family dwellings shall not be located more than 200 feet from any normally used entrance of the principal use served.
- (6) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being used.
- (7) Any use which depends upon off-site parking to meet the requirements of this article shall maintain ownership or parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(i) *Joint use of parking by businesses on adjacent property.* When it can be established by the owners that two businesses located on adjacent property operate at different hours, parking requirements may be shared jointly according to the maximum parking requirements of the two properties, provided there is a written agreement ensuring retention for such purposes and stating the hours of operation. The agreement shall be properly executed by the owners of both properties, and approved as to content and form by the village attorney and planning administrator and filed with the application for site development approval. The planning commission shall determine the extent of allowable joint use parking based on the owners' submission and staff recommendation.

(j) *Variances.*

(1) The planning commission shall be able to grant variances from the parking requirements of this article on all buildings existing prior to the adoption of the ordinance from which this article is derived. If a preexisting building is to be expanded, then the new portion of the building shall have to meet the parking requirements of this article.

(2) The planning commission may grant a variance of the parking requirements only where the granting of such variance is not contrary to the public interest and will avoid unnecessary hardship and serve substantial justice while meeting the spirit of this article.

(Code 1985, § 10-5-11; Ord. No. 97-05, 5-27-97; Ord. No. 97-09, § 2, 7-29-97; Ord. No. 98-01, 1-13-98; Ord. No. 99-18, 9-28-99)

Cross reference(s)—Traffic and vehicles generally, ch. 82Cross reference(s)—.

## **SEC. 54-126. OFF-STREET LOADING FACILITIES.**

(a) Location.

(1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.

(2) Except for loading berths required for apartments, no loading berths shall be located closer than 50 feet to a residential district unless within a structure.

(3) Loading berths shall not be located within the minimum front yard building setback.

(4) Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:

a. Loading berths shall not conflict with pedestrian movement.

b. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

- c. Loading berths shall comply with all other requirements of this section.
- (b) Screening. Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses.
- (c) Size. Unless otherwise specified in this article, the first loading berth shall be not less than 70 feet in length, and additional berths required shall be not less than 30 feet in length, and all loading berths shall be not less than ten feet in width and 14 feet in height, exclusive of aisle and maneuvering space.

(Code 1985, § 10-5-12)

Cross reference(s)—Traffic and vehicles generally, ch. 82Cross reference(s)—.

## **SEC. 54-127. NONCONFORMING USES AND STRUCTURES.**

- (a) Any structure or use lawfully existing upon the effective date of this article may be continued at the size and in the manner of operation existing upon such date, except as otherwise specified in this section.
- (b) Nothing in this article shall prevent the placing of a structure into safe condition when the structure is declared unsafe by the building official.
- (c) When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (d) Whenever a lawful nonconforming use of a building or structure shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be reconstructed.
- (e) Whenever a lawful nonconforming use of a building or structure or land is discontinued for a period of 90 days, any future use of the building or structure or land shall be in conformity with the provisions of this article. This does not apply to residential units existing in nonresidential zones.
- (f) Subject to the provisions of section [54-181](#) et seq., pertaining to signs, as amended from time to time, normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary structural repairs, provided such structural repairs do not enlarge or intensify the nonconforming use unless they meet the provisions of this section.
- (g) If no structural alterations are made, any nonconforming use of land or a building or structure may be changed to another nonconforming use provided that the planning commission makes a finding in the specific case that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The planning commission may require appropriate conditions and safeguards in accordance with the purpose of this article.



- (h) Alterations and additions may be made to a structure or building containing lawful nonconforming residential units when they will improve the liveability thereof, provided they will not increase the number of dwelling units. Nonconforming residential units shall be subject to the appropriate residential setbacks and restrictions.
- (i) A maximum expansion of 25 percent of the ground or floor area of a legally nonconforming use may be permitted one time by the planning commission. The expansion of a nonconforming use shall be approved if and only if, in the circumstances of the particular case and under the conditions imposed, the applicant shows that:
  - (1) The expanded use will not significantly interfere with the enjoyment of other land in the vicinity.
  - (2) The expanded use will not significantly damage surrounding structures or activities.
  - (3) The expanded use is consistent with the spirit of this article, substantial justice, and the general public interest.
  - (4) The owner will experience unnecessary hardship, and in addition will be denied a continued reasonable use of the property, if the expansion is not approved.
  - (5) The expansion does not exceed 25 percent of the floor or ground area in nonconforming uses on the site at the time it became nonconforming.

The planning commission shall hold a public hearing to consider applications for expansion of a nonconforming use in accord with the provisions of section 54-61(f).

- (j) Existing lots.
  - (1) At the time of the enactment of the ordinance from which this article is derived, if an owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements or does not have sufficient lot width to conform to the minimum lot width requirements, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the planning commission.
    - a. In the R-1, R-2 and M-1 zones, the reductions shall permit only a single-family residence. In M-2 zones, a mobile home shall be less than 18 feet in width.
    - b. In the R-3 zone, the reduction shall permit only a duplex.
    - c. In the R-4 zone, the reduction shall permit only a townhouse cluster or apartment containing no more than four units.
  - (2) No lot, even though it may be part of one or more adjacent lots in the same ownership at the time of passage of the ordinance from which this article is derived, shall be reduced in size so

that lot width or size of yards or lot per area per family or any other requirement of this article is not maintained. This subsection shall not apply when a portion of a lot is acquired for a public purpose.

(Code 1985, § 10-5-13)

## **SEC. 54-128. MISCELLANEOUS PERFORMANCE REQUIREMENTS.**

- (a) Glare and lighting.
  - (1) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent lightbulbs shall not be permitted in view of adjacent property or public rights-of-way. Any light or combination of lights which causes light on a public street, other than lights specifically intended for that purpose, shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights which casts light on residential property shall not exceed four footcandles (meter reading) as measured from the property.
  - (2) No light which is flashing, revolving or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.
- (b) Surface water ponding. Natural impoundment shall be retained as much as possible or, if necessary, enlarged or modified as directed by the Public Works Department to reduce the off-site runoff.
- (c) Trash and garbage incinerators; storage of trash or garbage. No exterior incineration of trash or garbage is permissible. No exterior storage of trash or garbage is permissible except in an accessory building enclosed by walls and roof or enclosed containers within a totally screened area, except for single-family and duplex residential uses.
- (d) Public street frontage. Except as otherwise allowed or required by this article, no lot shall contain any building unless such lot abuts, for at least 50 feet, on a public street.
- (e) Clear sight triangles.
  - (1) An area of unobstructed vision at street intersections, entrances and exits, permitting a vehicle driver to see approaching vehicles to the right or left, shall be maintained. Nothing over 30 inches in height, measured from the street centerline grade, shall be permitted to obstruct a sight line triangle area. The sight line triangle shall be bounded by lines measured 30 feet along the front and side street lines of a corner lot from the intersection of the property lines of such lot and a line connecting points 30 feet distant from the intersection of

the property lines of such lot. Any existing trees located within the clear sight triangle may be allowed to remain if all branches are trimmed to a height of eight feet.

- (2) No post or column within the designated triangle shall exceed 12 inches in thickness at its greatest cross-sectional dimension.

(Code 1985, § 10-5-14; Ord. No. 2011-11, 6-12-11)

## SEC. 54-129. NOISE ABATEMENT AND EMISSION CONTROL.

All uses shall be constructed and operated to ensure that there is no excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the parcel on which the use is located. For purposes of this section, excessive is defined as to a degree exceeding that caused in their customary manner of operation by uses permitted in the I-1 district, to a degree injurious to the public health, safety or welfare, or to a degree in which it is a nuisance by reason of excessiveness.

(Code 1985, § 10-5-15)

Cross reference(s)—Noise generally, § 38-31Cross reference(s)— et seq.

## SEC. 54-130. LOT NUMBERING.

- (a) *Short title.* This section shall be known as the Road Naming and Site Addressing System for the Village of Ruidoso, New Mexico.
- (b) *Applicability.* This section shall apply to parcels and tracts of land, within the incorporated areas of the village.
- (c) *Definitions.*

**Address management system (AMS).** Address management system (AMS) offices of the United States Postal Service (USPS) each serve several regional post offices. Their primary purpose is to maintain official records of valid mailing addresses for their region. In addition to maintaining current records of valid mailing addresses, AMS offices also review and approve address changes for adherence to USPS standards.

**Address number.** The numeric designation for an addressable structure or unit. e.g.: If 101 Main St is the site address, 101 is the address number.

**Address placard.** An individual address plate identifying the address number of a structure.

**Addressable structures or units.** Generally, the habitable or occupied structures(s) on a lot, parcel or tract.

**Addressing committee.** A committee composed of members from the community development department, the village fire department, the village police department, public works department, code enforcement and emergency management. This committee will be responsible for changes to new and existing addresses and road names.

**Building permit.** A permit issued by the village and/or the division of manufactured housing before any construction activity can commence.

**Directional.** A maximum of two letters within an address that consists of any combination of the cardinal directions of North, South, East, West.

**Driveway.** A means of vehicular access, beginning at the property line of a lot abutting a public road, private road, access easement, or private right of way, that provides access to a building or structure on that lot.

**Homonym.** Road names that have identical or phonetically similar names.

**Inconsistent site address or road name.** A site address or road name that causes confusion to or hinders the efficient operation of the post office or delivery service, fire response agency, emergency medical service or law enforcement agency serving the village (e.g. duplicate road names, road signage discrepancies, address numbers or ranges that are out of sequence).

**Lot.** A lot, parcel or tract of land created by legal conveyance of said lot, parcel or tract; a lot, parcel or tract shown on a subdivision plat which was approved and recorded, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by approval of the village in conformance with subdivision regulations in effect at the time of approval.

**Mailing address.** The address to which mail from the U.S. Postal Service is sent.

**Private road.** Any road not included in a right of way dedicated to the public.

**Public road.** Any road included in a right of way dedicated to the public.

**Road.** A general term denoting a public or private way used for access to four or more lots, parcels, or tracts of land, including the entire area within the right of way and/or access easement.

**Site address.** A property identification comprised of an address number, a directional, a road name, a road type, and a unit number if applicable.

**Subdivision.** All types of land divisions subject to the village subdivision and land use codes.

**Village addressor.** Person(s) designated by the village manager to administer the village road naming and site addressing system.

(d) *Road naming and site addressing system requirements.*

(1) *General.*

- a. Addressable structures or units.
  - 1. All new addressable structures or units shall be assigned a site address by the village addresser. A site address is allotted every 100 feet of parcel frontage.
  - 2. Existing addressable structures or units that do not have a site address shall be assigned a site address by the village addresser.
  - 3. The site address of existing addressable structures or units that have an inconsistent site address shall be changed when necessary by the village addresser.
  - 4. The state construction industries division and/or village community development department shall not issue a building permit to any lot, parcel, or tract of land subject to this section until after the village addresser has assigned a site address.
  - 5. No person or utility company shall install or cause to be installed any utility service, including, but not limited to, electric, gas, water, sewer, telephone or cable television to any building required by this section to be assigned an address without first receiving an address from the village addresser.
- b. Roads.
  - 1. New roads shall be assigned a road name approved by the village governing body.
  - 2. Existing roads without a name shall be assigned a road name approved by the village governing body.
  - 3. Existing roads with inconsistent road names shall be renamed when necessary by the village addresser and approved by the village governing body.
- c. Display of address numbers and road name signs.
  - 1. Address numbers shall be displayed, where the driveway meets the road, on every addressable structure. Commercial address placard placement shall be approved by the addressing committee staff prior to installation.
  - 2. The village standard road name signs shall be required at all road intersections on private and public roads.
- d. Assignment or modification of address numbers or road names.
  - 1. The village addressing committee shall be responsible to assign or modify address numbers or road names.
- e. *Ownership of road name signs.* All road name signs required by this section shall be the property of the village. No one shall willfully destroy or remove any such road name signs.

(2) *Road naming.*

a. new road names.

1. The final plat for all new lots, including new subdivisions, shall not be recorded until the addressing committee has reviewed and accepted the names of all roads.
2. All public or private roads, including private access easements, that serve more than four parcels shall be named, have road name signs, and have address ranges calculated.
3. Driveways shall not be assigned road names. The site address will include the name of the public or private access road with which the driveway intersects.
4. The village's assignment of a road name shall not constitute or imply acceptance of the road into the village road maintenance program.
5. The road name shall not be a proper name or family surname, unless historically significant.
6. Road names shall not use corporate trade names unless coincidental.
7. Upon adoption of this section, road names shall not be duplicated within the village or surrounding communities.
8. Road names should not be inconsistent, possibly hindering the operations of any of the following agencies: post office or delivery service, fire response agency, emergency medical service, or law enforcement agency serving the village.
9. Adjectives may be duplicated in a road name as long as they are not duplicated in the same subdivision (e.g. Red Stone Road and Red Fox Road).
10. Homonyms/phonetic duplications of road names are prohibited (e.g., Maple Trace Road and Maple Chase Lane).
11. Road names shall not include obscene, racial, and/or derogatory terms.
12. Because North, South, East and West are directional features of the addressing system and lead to confusing addresses if included as part of the name, cardinal directions shall not be part of any road name (e.g., Westover Road or Southwick Dr are not acceptable). VOR example North Loop Rd. Acceptable abbreviations for cardinal directions are N, S, E, and W or some combination thereof to represent direction.
13. Numbers shall not be used in road names except for those used in state or federal road systems.
14. Continuous roads must retain the same road name and cannot change at intersections.
15. The names of state and federal highways are assigned based on their state or federal highway number. If any given section of a road has multiple designations, e.g.: State and

a federal highway number or two federal highway numbers, the following hierarchy shall be used within the village addressing/road naming system:

- (i) Federal highway number (lowest federal highway number takes precedence if more than one.
- (ii) Forest service roads.
- (iii) State highway number (lowest state highway number takes precedence if more than one.

- 16. Abbreviations used for road name prefixes and suffixes must be compliant with the United States Postal Service (e.g. N, S, E, W, DR, BLVD, ST, AVE). This list of abbreviations is in the office of the village addresser. The following suffixes will not be used: Drive, boulevard, street or avenue.
- 17. The main title of a road name shall not be abbreviated (e.g., Mount Shasta Dr NOT Mt. Shasta Drive)

b. *Renaming existing road names.* The standards listed in subsection (d)(2)a., apply when existing roads are renamed except as follows:

- 1. Historically significant road names shall be retained where feasible. The desire to maintain these road names to commemorate local history will be balanced with the goal of making road names easy to use by citizens, visitors, and service providers.
- 2. Road names governed by this section shall not be duplicated with the village.
- 3. If two existing roads have duplicate names, one road name must be changed. If it cannot be determined or verified which road used the name first, the road with fewer addressable structures or units shall be renamed.
- 4. The village addresser may initiate a change to an existing road name if necessary pursuant to subsection (d).

(3) *Road name signs.*

a. Road name signs for roads that are maintained by the village.

- 1. Road name signs are required on all public roads that are maintained by the village. These signs shall be displayed at all road intersections in the village.
- 2. The composition, size and height of road name signs on village maintained roads must comply with the village road standards.
- 3. Letters on road name signs, on village maintained roads, shall be a standard size of four-inch high letters and have a green background with white letters, unless in an approved historic district, where brown background with white letters shall be used.

4. The signs shall be placed at a standard height of seven feet from the ground level when mounted and shall consist of a U-channel posts and breakaways.
  5. Road name signs shall be placed in the right-of-way. The location of road name signs must not obscure any potential traffic hazard. At any location where the typical placement of a sign interferes with a safe sight distance, an alternate location shall be found.
  6. Only those road name signs assigned and approved by the addressing committee are allowed at roadway intersections. The village may remove any road name sign displaying unapproved road names or road name signs that do not comply with the village road standards.
  7. Personal signs that are similar to village signs, or any other type of sign that may cause confusion, may not be placed within 200 feet of any road right-of-way.
  8. The funding, manufacture, and installation of village standard road name signs on village maintained roads shall be the responsibility of the village except as in subsection 10. below.
  9. The ongoing maintenance of village standard road name signs on village maintained roads shall be the responsibility of the village.
  10. Road name signs for new and existing public roads in all subdivisions, claims of exemption, or any other plat(s) approved by the village, including land plans, shall be installed, paid for by the developer (purchased through the village addresser, at village's costs), and maintained, including all road name signs that must be changed or added between the location of the subdivision and the village road or state/federal highway providing access to the subdivision.
- b. Road name signs for roads that are privately maintained.
1. Road name signs are required on all roads that are privately maintained. These signs shall be displayed at all road intersections in the village.
  2. The composition, size and height of road name signs on privately maintained roads must comply with the village road standards.
  3. Letters on road name signs on privately maintained roads shall be a standard of four-inch high letters and have a blue background with white letters, unless in an approved historic district, where brown background with white letters shall be used.
  4. The signs shall be placed at a standard height of seven feet from the ground level when mounted and shall consist of U-channel posts and breakaways.
  5. The location of road name signs must not obscure any potential traffic hazard. At any location where the typical placement of a sign interferes with a safe sight distance, an alternate location must be found.



6. Only those road name signs assigned or approved by the addressing committee are allowed at roadway intersections. The village may remove any road name signs displaying unapproved road names or road name signs that do not comply with the village road standards.
7. Personal signs that are similar to village signs, or any other type of sign that may cause confusion, may not be placed within 200 feet of any road right-of-way.
8. Village standard road name signs are required on roads not maintained by the village.
9. The funding, manufacture, and installation of all new village standard road name signs required as a result of this section on privately maintained roads will be the responsibility of the property owners using the road.
10. The costs associated with ongoing maintenance for the village standard road name signs on privately maintained roads will be the responsibility of the property owners using the private road.
11. Road name signs for new and existing private roads in all subdivisions, claims of exemption, or any other plat(s) approved by the village, including land plans, shall be installed, paid for by the developer (purchased through the village addresser, at village's costs), and maintained, including all road name signs that must be changed or added between the location of the subdivision and the village road or state/federal highway providing access to the subdivision.

(4) *Address numbers.*

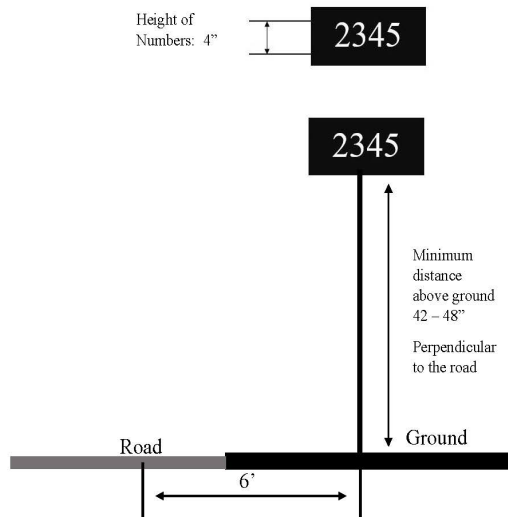
- a. Assignment of an address number to new addressable structures or units on existing lots.
  1. All new addressable structures or units on all exiting platted lots, unplatted tracts/parcels, and tracts/parcels developed by metes and bounds shall be assigned site addresses only after the property owner/developer has made a final determination of the driveway/access point and is ready to apply for a building permit.
  2. Before a building permit is issued, a driveway location and permit must be obtained from the village street department and a site address must be assigned by the village addresser.
  3. Only one address per parcel will be issued. If more than one residence is on a single parcel, the owner will be given a master number (i.e., 100 Main Road) and the owner/developer must assign numbers (i.e., 100 Main Road #2) to each residence and provide the numbers and a map showing the location of each residence to the village addresser.
  4. Addresses will be issued to improved parcels. Vacant parcels or lots will be assigned for village purposes but are subject to change when parcel or lots are developed, and driveway/access point is determined.

b. *Display of address numbers.* All owners of addressable structures or units shall establish and display their assigned address number in conformity with the following standards:

1. The address placard shall be double-sided, numbers placed in a horizontal position, a standard of three inches high reflective numbers, have a black background with white numbers, and be displayed facing the roadway where the driveway meets the road, no more than six feet from the road, perpendicular to the road on a post four feet to bottom of sign from road level.
2. Any address number associated with an incorrect site address shall be removed and replaced with the correct number by the property owner within 45 days of notification of the correct address by the village addresser. The village will provide the first address placard to the property owner and will install it free of charge. Damaged or placards needing replacement shall be the responsibility of the owner to purchase, install, and maintain. Failure to comply with this ordinance may result in a fine as defined in section 1-6 of the Village Code.
3. See diagram below for placement example:

### **HOW TO DISPLAY ADDRESS NUMBERS**

SO THEY CAN BE SEEN AT NIGHT – BY POLICE, FIRE, AND RESCUE PERSONNEL  
COMING FROM ANY DIRECTION



IF YOUR HOUSE IS NOT VISIBLE OR IS TOO FAR FROM THE ROAD FOR NUMBERS  
TO BE SEEN AT NIGHT, DISPLAY YOUR ADDRESS AT BOTH THE DRIVEWAY  
ENTRANCE AND ON YOUR HOUSE. ESPECIALLY IF SHARING A DRIVEWAY.

ADDRESS PLACARD MUST BE PERPENDICULAR TO THE ROAD  
AND VISIBLE FROM BOTH DIRECTIONS

(e) *Site address and/or road name assignment and modification.*

- (1) *Property owner-initiated.* Any property owner may initiate a change to an existing road name for public or private road that provides vehicular access to his/her property through the following procedures:
- a. Property owners (petitioners) must contact the village addresser to request procedures and application materials for a road name change.
  - b. Petitioners must complete the appropriate form and indicate the reason for the requested road name change. The petitioners shall list three or more desired names ranked in their order of preference on the form. At least 75 percent of property owners with land taking vehicular access from the road must agree to the road name change by signing the form and indicating their property parcel identifier(s).
  - c. Petitioners shall submit the completed form to the village addresser. The village addresser will verify the information supplied on the form. The addressing committee will approve one of the suggested road names, provided it is in accordance with the road naming requirements, the change will not impair the intent and purpose of this section, and the new site address has been approved by the address management system.
  - d. If the form is not completed properly, or if the proposed road name does not meet these requirements, the village addresser will notify the petitioners that their request has been denied, list reason(s) for denial, and provide information describing additional action required.
  - e. If the location of the subject road is not yet field verified and digitized, the village will map the road prior to acting on the petition.
  - f. The recorded original plat will not reflect changes to road names. The owner's deed need not be corrected at the time of the road name change. When the property is sold, the property owner should reflect the new road name on the deed. The change may be reflected on the deed as follows:

Street address: 2000 XYZ Road, formerly known as 2001 ABC Road
  - g. Owners of property taking vehicular access along the road with the changed name are responsible for the cost of as many road name sign(s) as are required by the village road standards and the cost of installation thereof. When the petition is submitted, full name and billing information (mailing address, physical address, and phone number) for one petitioner must be left with the village for the purpose of billing for the costs of signs and installation.
  - h. A bill covering the costs for the road name signs and installation will be sent to the individual listed within the billing information on the petition, along with the village addresser's preliminary approval of road name change.

- i. Final approval for the road name change is contingent on acceptance by the addressing committee and full payment of the bill covering the costs for the road name signs and installation.
- j. The village will commence installation of the road name signs once the bill for the signage costs has been paid in full and final approval of the road name change has been given by the village addresser.
- k. The village will be responsible for the manufacture, installation, and maintenance of road name sign(s) only on those signs where the roads are maintained by the village. On privately maintained roads, it is the responsibility of the property owners to call the village addresser for replacement signs. Costs for signs, posts and/or hardware will be the responsibility of the property owners.

(2) *Village-initiated.* The village shall balance the need to modify existing address numbers and/or road names for compliance with this section and postal standards with the desire to retain existing address numbers and/or road names where possible. The village may initiate one or more of the following: the naming of an unnamed road, the modification of an existing road name, the assignment of an address number to an unaddressed structure or unit, or the modification of an existing address number through the following procedures:

- a. Where the village addresser is proposing to name or rename a road. The village addresser shall complete the appropriate form describing the proposed road name assignment or change and listing three pre-approved road names on the form. The village addresser will mail the form to the affected property owners. Affected property owners include those persons whose land has vehicular access to the road proposed to be named or renamed.
  - 1. The form will encourage affected property owners to hold a neighborhood meeting to try to reach consensus on one of the pre-approved road names listed on the form or on a different road name that complies with this section.
  - 2. No later than 45 days from the date on the form, each property owner may state his/her preferred road name by completing, signing and returning the form to the village addresser.
  - 3. The addressing committee will approve the new road name based on the name selected by the majority of property owners on the forms completed and returned by the property owners. In the event of a tie vote or in the event no property owners return the form, the addressing committee shall select the road name at their sole discretion.
  - 4. Changes to site addresses, which include changes to road names where addressable structures or units exist, are subject to approval by the United States Postal Service Address Management System (AMS). If a site address is not approved, then the above steps will need to be repeated until the address management system approval is attained.

5. After site addresses have been approved by the address management system, the village addresser will send a site address notification letter to affected property owners. At this time, the village addresser will notify property owners of any site address changes or road name changes.
  6. The village will be responsible for the manufacture and installation of road name sign(s). The village will be responsible for maintenance only on village maintained roads. On private roads, the property owners using the road will be responsible for contacting the village addresser for replacement signs and for payment of the sign(s).
- b. Where the village addresser is proposing to assign or change an address number:
1. The assignment of the address number is not subject to the property owners' approval.
  2. After new site addresses have been approved by the address management system, the village addresser will send a site address notification letter to affected property owners.
- (f) *Appeals.* Affected property owners may appeal the decision of the village addressing committee within 15 days of the decision to the planning commission. The planning commission's decision may be appealed to the village council. Appeals must be received in writing in accordance with [Section 54-83](#), appeals to council.
- (g) *Compliance and enforcement.*
- (1) All provisions of this section may be enforced by any legal or equitable means recognized by the New Mexico Revised Statutes and New Mexico Court Rules, as amended. In addition to any other remedies that may be recognized in law or equity, for any unlawful use or development, the village may:
    - a. Deny and withhold all permits, certificates or other forms of authorization to use or develop any land, structure or improvements thereon. This provision applies whether or not the current owner is responsible for the violation.
    - b. Revoke any development permit or other authorization if it determined there is a departure from the approved plans, specifications or conditions of approval or the development permit was obtained by false representation or issued in error. Written notice of revocation must be served upon the owner, the owner's agent or the owner's contractor to whom the permit was issued or the notice may be posted in a prominent location at the place of the violation.
    - c. Initiate injunction or abatement proceedings or other appropriate legal action in district court or other court having jurisdiction against any person, firm, corporation or entity who fails to comply with any provision of this section or any requirements or conditions imposed under this section.
    - d. Seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation.

- e. Withhold all public road improvements and public maintenance from all rights-of-way that have not been accepted for those purposed by the planning and zoning commission.

(2) All remedies provided for violations of this section are cumulative.

(Code 1985, § 10-5-16; Ord. No. 2020-05 , §§ 1—7, 8-11-20)

## **SEC. 54-131. LOTS NOT SERVED BY PUBLIC WATER OR SEWER SYSTEMS.**

- (a) Lots not served by public water or sewer systems may not be developed unless approved by the environmental improvement division of the state health and environment department and the planning commission.
- (b) Lots not serviced by public water and sewer systems shall conform to required minimum lot sizes, required minimum setback distances and such other standards as are required by the environmental improvement division of the state health and environment department and the planning commission.

(Code 1985, § 10-5-17)

Cross reference(s)—Utilities, ch. 86Cross reference(s)—.

## **SEC. 54-132. RECREATIONAL VEHICLE PARKS.**

- (a) *Conditional use permit required; occupancy of recreational vehicles.* A conditional use permit is required for all recreational vehicle park developments and is intended to provide for the development of recreational vehicle parks at standards consistent with the health, safety and welfare of the village. Recreational vehicle parks are permitted by conditional use permit only in C-2 districts. Recreational vehicles, as defined in section 54-31, when used for living purposes, shall be located solely in recreational vehicle parks.
- (b) *General requirements.*
  - (1) *Access; minimum area.* Recreational vehicle parks shall abut and have access from major arterial streets and shall be a minimum of two acres.
  - (2) *Utilities.* Water, sewer, electricity, telephone and other necessary utilities shall be available at the recreational vehicle park, and placement shall be approved by the planning commission.
  - (3) *Driveways.* Access and interior driveways shall be designed to increase ease of access, increase privacy and provide safety. Placement shall be approved by the planning commission.
  - (4) *Density of spaces.* The density of spaces in any recreational vehicle park shall not exceed 20 spaces per acre.

- (5) *Setbacks.* Setbacks shall be the same as for other permitted uses in a C-2 district.
- (c) *Development standards.*
- (1) *Size of spaces.* Spaces for recreational vehicles shall be a minimum of 1,500 square feet, with minimum dimensions of 30 feet by 50 feet.
  - (2) *Pads.* Recreational vehicle pads shall be a minimum of 14 feet by 35 feet, and shall be paved with asphalt or other all-weather surface.
  - (3) *Setbacks within spaces.* Setbacks within the recreational vehicle space shall be a minimum of eight feet in the front, and five feet in the side and rear.
  - (4) *Landscaping.* A landscaping concept plan shall be approved by the planning commission for all areas not covered by structures or paved.
  - (5) *Screening.* Screening of the perimeter of a recreational vehicle park by a wall and/or other approved landscaping shall be required.
  - (6) *Arrangement of spaces and accessways.* Private accessways and individual space arrangements shall be designed to accommodate frequent movement of recreational vehicles.
    - a. Interior streets shall be a minimum of 20 feet for one-way traffic and 27 feet for two-way traffic, and shall be paved with asphalt, concrete or crushed rock.
    - b. The street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible.
  - (7) *Recreational area.* There shall be active recreational area for tenants, comprising not less than seven percent of the gross site area, which shall not include required setback areas.
  - (8) *Community building.* There shall be a community building which shall provide for recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers and a laundry. No dry cleaning shall be permitted in the recreational vehicle park. The community building may not be included as part of the required recreational area.
  - (9) *Refuse collection facilities.* Adequate refuse collection facilities shall be provided, constructed and maintained in accordance with all village health regulations, and shall be screened and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.
  - (10) *Lighting.* Lighting shall be provided to illuminate accessways and walkways for the safe movement of vehicles and pedestrians at night.
  - (11) *Sewage disposal.* An approved means for emptying sewage holding tanks shall be provided.
  - (12) *Expansion of existing parks.* Expansion of existing recreational vehicle parks shall be in accordance with provisions of this section.
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- (13) *Caretaker's residence.* One mobile home may be placed in the recreational vehicle park for use by a caretaker.

(Code 1985, § 10-5-18)

## **SEC. 54-133. ARCHITECTURAL DESIGN STANDARDS.**

- (a) *Purpose; objectives.* The architectural design standards set forth in this section are intended to encourage innovative design with a reasonable degree of freedom of choice while showing a concern for visual amenities and preserving the special qualities inherent in the village that attract tourists and residents alike and that are the basis of the village's economic stability and growth. Objectives of architectural design standards are to:
- (1) Protect property;
  - (2) Maintain the high character of community development; and
  - (3) Protect real estate from impairment or destruction of value.
- (b) *Definitions.* As used in this section, the following terms shall have the meanings designated in this subsection:
- (1) *Accessory building* is as defined in section 54-31.
  - (2) *Enamel* means a glassy, opaque substance fused to metal as a protective coating.
  - (3) *Exposed* means open to view.
- (c) *Metal siding; cinderblock and cement.* Metal siding, cinderblock and cement on buildings are permitted in all districts with the following limitations:
- (1) Cinderblock and cement walls on structures or portions of structures are permitted in all districts.
  - (2) The planning administrator may approve metal siding on structures in all districts upon finding that:
    - a. Such siding is characteristic of building types within the area; and
    - b. Metal siding is permitted in residential districts as follows:
      - I. On mobile homes permitted by this Code;
      - II. On residences and accessory structures, except that raised rib metal, v-rib metal, R-panel siding types are prohibited;



- III. On prefabricated storage structures meeting the requirements of subsection 54-92(d)(3) and provided that the storage structure does not exceed 120 square feet.

(Code 1985, § 10-5-19; Ord. No. 96-15, 9-10-96; Ord. No. 99-02, 3-30-99; Ord. No. 2019-02, 3-12-19)

## **SEC. 54-134. APPROVED STRUCTURES.**

- (a) Use of property permitted by this article shall be conducted from or within a permanent structure conforming to the requirements in section 22-31(a) of the Ruidoso Code for the use or uses to be conducted in the respective zone district, unless approved as a mobile vending stand pursuant to subsection (b) of this section or unless approved under subsection 54-100(c)(24) allowing use of fiber or membrane tent in a C-2 zone district.
- (b) Mobile vending stands are expressly prohibited except when licensed and approved in C-2 and C-3 zone districts as a conditional use or where use is temporary and operated in connection with special community and civic events which have been licensed and approved by the village under section 26-69 and the operation is limited to the approved location and jurisdiction for such event.

(Code 1985, § 10-5-20; Ord. No. 97-12, § 3, 7-29-97; Ord. No. 2017-07, § 3, 6-13-17)

## **SEC. 54-135. URBAN-WILDLAND INTERFACE CODE ADOPTED; AMENDMENTS.**

- (a) *Adoption of Urban-Wildland Interface Code.* There is hereby adopted by the Village of Ruidoso for the purpose of prescribing regulations mitigating the hazard to life and property from intrusion of fire from wildland fire exposures, fire exposures from adjacent structures and prevention of structure fires from spreading to wildland fuels, that certain code known as the Urban-Wildland Interface Code (U/WIC) published by the International Fire Code Institute, being particularly the 2000 edition thereof and the whole thereof, including all amendments thereto and all future editions thereof, save and except such portions as are hereinafter deleted, modified or amended by this ordinance. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the jurisdiction of the Village of Ruidoso, as provided by law.
- (b) *Establishment and duties of code official.* The U/WIC as adopted and amended herein shall be enforced by the planning director or his designee. In areas of overlapping jurisdictions, appropriate sections shall be enforced by either the planning director, director of forestry, or the fire chief, as applicable.
- (c) *Amendments to the U/WIC.* The U/WIC adopted herein is amended as follows: Section 504.3 is amended to read: Combustible eaves, fascias and soffits shall be enclosed. Any exposed material must be a minimum of one-hour-rated fire-resistive material. Appendix I-C is replaced with a new Fire Hazards Rating Form which shall reflect the standards in subsection (g) below. Appendix I-B is repealed and in its place shall be adopted the Fuels Management Standards of the Village of Ruidoso found in section 42-80 of this Code.

- (d) *Appeals.* Whenever the code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the code official to the planning and zoning commission and thereafter to the governing body and district court, all as provided in this chapter.
- (e) *New materials, processes or occupancies which may require permits.* The planning administrator, the building inspector, director of forestry, and the fire chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The planning administrator shall post such list in a conspicuous place at the planning department and distribute copies thereof to interested persons. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule of this code.
- (f) *Enforcement.* The provisions of the U/WIC shall be enforceable according to the provisions of this chapter.
- (g) Fuels Management Requirements (section 42-80 of this Code) and the site related portion of the Fire Hazard Rating Form (section 42-81 of this Code) must be assessed BEFORE issuance of a building permit.
  - (1) Volume of forest debris to be removed from the building site (footprint) shall be assessed by the director of forestry. applicant shall either pay the fees set forth in Appendix A to this Code or make other disposal arrangements as approved by the director of forestry.
  - (2) For sites located within village limits, forest material, including tree stumps, that will be picked up by the village solid waste department; must be placed at curbside or alternate approved locations. Stumps must be piled separately from branch and trunk material.
    - a. Complete removal and disposal of tree stumps is the responsibility of the permittee.
    - b. If outside the village, see [Section 54-107](#).
  - (3) Fuels Management Standards (section 42-80) shall be completed and inspected prior to issuance of a certificate of occupancy or re-certification of the site plan.

(Ord. No. 2002-04, 6-25-02; Ord. No. 2004-02, 5-11-04; Ord. No. 2007-09, 9-11-07)

**SEC. 54-136-SEC. 54-180. RESERVED.**

**DIVISION 8: SIGNS**

**SEC. 54-181. PURPOSE OF DIVISION.**

- (a) The purpose of this division is to protect and promote the general welfare, health, safety and order within the village through standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights-of-way or properties. The regulations set forth in this division are intended to preserve the special qualities inherent in the village that attract tourists and residents alike, and that are the basis of the village's economic stability and growth.
- (b) The provisions of this division are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this division, while at the same time ensuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

(Code 1985, § 10-6-1; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-182. DEFINITIONS.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Sign** means any display to the public view of letters, numerals, emblems, logos or any parts or combination thereof, designed to inform, advertise or promote merchandise, services or activities. Sign content shall pertain only to the business, industry or pursuit conducted.

**Signage** means the eligible area allowed.

(Code 1985, § 10-6-2; Ord. No. 97-07, § 1, 7-29-97)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

## **SEC. 54-183. PERMIT REQUIRED.**

All signs erected within the village must be reviewed and approved by the appropriate officer of the village prior to being placed on any building, pole or other structure, except as otherwise provided in this division. Permits shall be issued for all approved signs and shall be maintained on the premises where the sign is displayed, except that permits for off-premises signs shall be maintained on the premises of the permittee. Failure to obtain a sign permit is a violation of this division.

(Code 1985, § 10-6-3; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-184. ENFORCEMENT OFFICERS.**

This division shall be enforced by any employee designated by the village manager.

(Code 1985, § 10-6-4; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-185. APPLICATION FOR PERMIT.**

The application form for a sign permit shall be obtained from the enforcement officer and shall require the following information:

- (1) The name and address of the owner of the sign.
- (2) The name of the business and the location of the sign (address).
- (3) A drawing of the sign, indicating size, materials, texture and finish and illumination to be used.
- (4) A site plan showing where the sign will be located on the premises, as well as all other signs existing on the premises.
- (5) Indication on the site plan of the location of buildings on the site and the dimension and area of building frontages.
- (6) Written consent of the owner of the building, structure or land on which the sign is to be erected.
- (7) Any electrical permit required and issued for such sign.
- (8) The contractor's name, address and license number, where applicable.

(Code 1985, § 10-6-5; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-186. RESPONSIBILITIES OF THE PERMITTEE.**

- (a) It is the responsibility of the permittee to comply with all provisions of this division and sections 54-37 and 54-38, as may be applicable.
- (b) It is the responsibility of the permittee to be aware of and obtain any license, permit and/or inspection required under the Construction Industries Licensing Act, NMSA 1978, §§ 60-13-1 to 60-13-59, or the construction industries division rules and regulations of the state. Enforcement of any such rules or regulations shall be by the appropriate state inspectors.

(Ord. No. 97-07, § 1(10-6-6), 7-29-97)

## **SEC. 54-187. INSPECTIONS GENERALLY.**

The building inspector shall inspect, as he deems necessary, and subject to section 54-186, each sign regulated by this division for the purpose of ascertaining whether such sign is secure or insecure, or in need or repair and for compliance with the requirements of this division. The applicant must call for final inspection on all signs permitted pursuant to this division.

(Code 1985, § 10-6-7; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-188. APPEALS.**

- (a) Any sign permit application which is rejected, for any reason, by the enforcement officer may be appealed to the planning commission. The applicant shall submit, in writing, a request to be placed on the planning commission agenda within five working days of the rejection. The appeal will be scheduled for the next planning commission meeting, provided the planning commission agenda deadline has not passed, in which event the matter will be scheduled for the next regularly scheduled planning commission meeting.
- (b) Any denial by the planning commission may be appealed to the council by submitting a written request to the village clerk within 15 days of the rejection.

(Code 1985, § 10-6-8; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-189. PERMIT FEE; INVALID PERMITS; INSPECTION UPON COMPLETION OF CONSTRUCTION.**

- (a) The fee for a sign permit for permanent signage shall be set from time to time and is listed in the fee schedule in appendix A to this Code.
- (b) The fee is due at the time the application is approved.
- (c) A sign permit shall be issued at the time the fee is paid.
- (d) The fee shall be waived where only change of copy is being made for an existing business.
- (e) A sign permit shall become null and void:
  - (1) If the sign for which the permit was issued has not been completed and erected within a period of six months after the date of the permit.
  - (2) Thirty days after a business closes or ceases to operate if no new business is established at that location. It shall be the responsibility of the owner of the building to see that any sign is removed which pertains to a business which has closed.

If the owner does not remove signs as provided under section 54-193, the enforcement officer will follow the procedures outlined in section 54-195 to effect removal.

(f) Subject to the provisions of section 54-187, final inspection is required on completion and installation of all signs to determine that the sign conforms to the permit issued pursuant to the provisions of this division. The sign permit applicant is responsible for obtaining final inspection, and failure to do so will constitute a violation with penalties as prescribed under section 54-38(d).

(Code 1985, § 10-6-9; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-190. GENERAL REGULATIONS.**

- (a) *Moving of signs; changing copy.* Moving an approved sign to a new location or changing copy on an existing sign shall require a new permit, except for signs with movable letters as described in section 54-191(a)(7). The appropriate enforcement officer shall be notified prior to the move or change in order to:
- (1) Ascertain that the sign meets the conditions of this division.
  - (2) Update records.
- (b) *Permit not required for painting, cleaning or repair.* Maintenance consisting of painting, cleaning or repair of an existing sign does not require a new permit unless a structural or copy change is made.
- (c) *Maintenance required.* Maintenance of signs consisting of painting, cleaning or repair is required to maintain signs in the same condition and appearance as when originally installed.
- (d) *Erection of signs on or over public property.* No sign shall be erected or maintained on or over public property, unless licensed by the council, subject to approved criteria. However, wall signs may project over a front property line when the building wall is less than one foot from the property line, provided that such sign shall not impede or endanger pedestrians or vehicular traffic and shall project no more than one foot from the wall.
- (e) *Special encroachments.* Special encroachments on Highways 48 and 70 may be allowed by the state highway and transportation department, such as decorations and banners advertising special events when erected by governmental authorities. Encroachments may be allowed for a limited time provided they provide minimum 18-foot clearance and do not interfere with traffic control devices and signs.

(Code 1985, § 10-6-10; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-12, 5-26-98)

## **SEC. 54-191. REGULATIONS FOR SPECIFIC SIGNS AND USES; SIZE LIMITATIONS.**

(a) *Sign types.*

(1) *Freestanding signs.*

- a. A freestanding sign shall not exceed 35 feet in height, and must have at least eight feet between the base of the sign and the ground, and may not restrict view of traffic. Freestanding signs shall not exceed 150 square feet in area except for shopping center signs as provided under subsection (b)(5) of this section, or as approved by the planning commission.
  - b. An area directly under the freestanding sign shall be landscaped at the base of the sign.
  - c. The premises around the freestanding sign shall be maintained by the sign owner in a clean, sanitary and inoffensive condition and shall be free and clear of obnoxious substances, rubbish and weeds.
  - d. A minimum sight line triangle measured 20 feet along the right-of-way line from the base of the sign and ten feet in depth at a right angle to the right-of-way line 20 feet in distance from the base of the sign shall be maintained.
- (2) *Projecting signs.* The bottom of projecting signs shall be at least eight feet above the ground or sidewalk and shall not project more than four feet from the supporting wall. No projecting sign may rise above the roofline or parapet, and signs may not project into the public right-of-way.
  - (3) *Hanging signs.* The minimum height to the bottom of a hanging sign shall not be less than eight feet above the ground or sidewalk, and signs shall be not more than six inches thick. Hanging signs shall be secured, fastened to support beams and supported by heavy chain or material of like strength.
  - (4) *Wall signs.* Maximum projection of a wall-mounted sign shall be six inches, unless the bottom of the sign is at least eight feet above the ground or sidewalk, in which case the maximum projection shall be 12 inches.
  - (5) *Window signs.* Permanent signs painted in a window shall be measured by the area enclosed within a sign border, or if no border exists, the area of the minimum imaginary rectangle enclosing the words and symbols and spaces between them. Neon or similar sign devices mounted in a window area shall be measured on the same basis.
  - (6) *Marquees.* Maximum projection of marquees shall be eight feet from the supporting wall, and there must be not less than ten feet from the bottom of the marquee to the ground or sidewalk. The marquee may not be erected or maintained on or above the public right-of-way.
  - (7) *Signs with movable letters.* The movable letter portion of any one sign shall not exceed 70 percent of the total area of that particular sign, except for electronic signs which are allowed full movement of the sign message.
  - (8) *Ground signs.* Ground or low-profile signs shall only be permitted when set back a minimum distance of ten feet from the property line. Signs may be installed at or above grade level. Ground signs shall not be installed within the sight line triangle of streets or driveways and

shall not restrict view of traffic. Ground level signs shall not exceed 100 square feet in area, except for shopping center signs as provided under subsection (b)(5) of this section or as approved by the planning commission. Ground sign installation shall conform to the provisions of subsections (a)(1)b and c of this section.

- (9) *Canopy and awning signs.* Signs on canopies and awnings shall be measured by the area enclosed by a border or imaginary triangle enclosing the words, symbols or spaces between them. Awnings may be constructed of canvas, plastic or similar materials.
- (10) *Banner signs.* A banner sign is a sign printed on lightweight, flexible material such as cloth, canvas or plastic. Each business shall be allowed a banner four times per calendar year in increments up to 14 consecutive days, not to exceed a total of 56 days per year. A permit fee set from time to time and listed in the fee schedule in appendix A to this Code will be required per each 14-day period. Banners shall not exceed a total of 32 square feet. Banners shall be attached flat against a wall or structure of the business which is permitted for such banner, or between the supports of a permitted freestanding sign. Banner area does not count against allowable sign area.
- (11) *Neon signs.* Neon signs or similar tube signs are permitted sign types. Sign area shall be measured by the area enclosed within a sign border, or if no border exists, the area of a minimum imaginary rectangle enclosing the words, symbols and spaces between them.

(b) *Sign sizes; regulations for specific uses.* Seventy percent of the total allowable signage must be permanent signs. The remaining 30 percent may be devoted to signs of a temporary nature if not otherwise prohibited by this division. Sign permits shall be obtained for both permanent and temporary signs.

- (1) *Commercial businesses, all categories.* The amount of signage shall be computed using the formula 0.076 times the square footage of the front of the building as designated by the owner or leaseholder. This amount of sign footage may be used as wall mounted, freestanding or a combination of both. The amount of signage for a business conducted on a property which has no permanent business structure or structures of less than 250 square feet shall be allowed one freestanding sign based on the linear feet of lot frontage, as follows:

Lot frontage (linear feet)	Sign area (square feet)
0—150	32
150—300	64
301—600	100

Lots in excess of 600 linear feet shall be allowed two freestanding signs, provided that signs are separated by a minimum distance of 300 linear feet.



- (2) *Corner lots.* In addition to signs allowed on the front of buildings, wall-mounted signs only shall be allowed on the side of a building which fronts on a side street. Square footage shall be determined by using the formula of 0.076 times the square footage of the designated side of the building. This sign area may not be transferred to any other area of the premises.
- (3) *Churches.* Churches shall apply for approval of their signs, and shall be allowed square footage as determined by using the formula of 0.076 times the square footage of the designated front of the building.
- (4) *Buildings with multiple tenants.* In cases of more than one business located within one building (but less than four businesses), the owner of the building shall determine the percentage of the total allowable sign size which each business within the building is allowed. The total amount of square footage of signs erected, for all businesses within the building, shall not exceed the total amount allowed as determined by the formula.
- (5) *Shopping centers.*
  - a. To be designated a center, four or more shops or businesses must be on the premises. Shopping centers may be comprised of one or more tracts or ownerships maintaining a center identity under written agreement.
  - b. A center is allowed one freestanding sign for the purpose of identification of the center and of the businesses therein.
    1. The size of the freestanding sign shall be computed from the formula of one square foot of sign space per each linear foot of the designated front of the property, with a maximum of 200 square feet allowed.
    2. At least 50 percent of the center sign shall designate the shopping center, and the remaining 50 percent shall or may be used for riders to advertise the individual businesses within the center.
  - c. A center is also allowed wall-mounted signs using the formula of 0.076 times the square footage of the designated front of each building, as in provided in subsection (b)(1) of this section.
  - d. Individual businesses within shopping centers in the C-3 business district may have one projecting sign pursuant to subsection (a)(2) of this section, provided that such sign shall not exceed ten square feet and shall not project into the traveled roadway.
  - e. A temporary freestanding on-site sign may be allowed for a business within a center prior to erection of a center sign. Such temporary sign shall be removed within 30 days following construction of a center sign. Temporary signs must be joint signs with other businesses within the center wherever possible.
- (6) *Across-street banners.*

- a. The maximum size allowed shall be three feet by 30 feet on street banners advertising a community or civic event as defined in subsections 54-194(11)b and (11)c and at a location approved by the council and the state highway and transportation department district office in the village.
- b. There shall be one approved location on Mecham and one approved on Sudderth for across-street banners. The council shall approve the poles used to support such banners.
- c. A banner may be displayed up to 14 days prior to an event and must be removed within three days after the event.
- d. Applications shall be submitted to the village manager at least 90 days prior to the event. The village manager shall develop policies, and the manager (or designee) shall resolve conflicting requests in a fair and equitable manner.

(7) *Civic and quasipublic off-premises signs.*

- a. Off-premises name, directional and information signs of service clubs, places of worship, civic organizations and quasipublic uses shall not be more than four square feet in area. Sign height shall not exceed 16 feet.
- b. If a need exists for more than one such sign at one location, all such signs must be consolidated and confined within a single frame.

(8) *Commercial, off premises directional signs.*

- a. No off-premises sign shall be nearer than 200 feet to any other off-premises sign. There shall be no more than one off-premises sign per location. Commercial off-premises signs shall not be placed on any residential zoned property.
- b. No directional advertising sign of the same commercial enterprise shall be nearer than one mile to any other off-premises sign advertising the same commercial enterprise. The one-mile distance shall be determined from point to point on any single highway, street or other public thoroughfare. This provision shall not be construed as prohibiting off-premises signs within one mile of each other advertising the same commercial enterprise, where off-premises signs are located on different highways, streets or public thoroughfares.
- c. Off-premises sign areas shall not exceed 32 square feet.
- d. Off-premises directional advertisement signs shall pertain only to a business conducted on a site within the village limits or within two miles extraterritorial of the village if approved by the planning commission. The area of any off-site sign, when added to the area of any existing business sign, shall not exceed the allowable sign area for the business being directionally advertised. Off-premises signs are allowed only for businesses without frontage on Highway 48, Mechem Drive, Sudderth Drive or Highway 70. Signage shall not count against allowable sign area of the property where the off-premises sign is located.

- e. Off-premises signs may be placed on vacant property but shall be limited as to size based on allowable signage for property with no permanent structure as set forth in subsection (b)(1) of this section but in no event to exceed 32 square feet.
- f. Businesses with allowable square footage for off-premises signage shall be limited to two signs per business.

(9) Residential signs:

- a. Multifamily premises or mobile home parks with up to 24 dwelling units may have wall signs identifying the development or apartments, provided the signs are mounted flush to the perimeter wall or fence and the total sign area does not exceed 32 square feet. There shall be no more than five words which contain any character equal to or exceeding six inches in height. However, words with characters of less than six inches in height may be used without limit as to number.
- b. Multifamily premises or mobile home parks with more than 24 dwelling units may have signs identifying the premises as follows: Multifamily premises may have wall- or fence-mounted signs, provided the signs do not exceed 40 square feet. Mobile home parks may have wall- or fence-mounted signs, provided the signs do not exceed 100 square feet. Multifamily premises or mobile home park wall-mounted signs may have no more than five words which contain characters equal to or exceeding six inches in height. However, there shall be no limit to words containing characters of less than six inches in height, except as limited under subsection (b)(1) of this section.

(10) *Service station canopy signs.* The area of signs allowable for freestanding canopies over service station service islands or like installations shall be calculated based on 1.5 times the horizontal plane of the canopy structure times 0.076. Not less than 25 percent of the allowable sign area shall be on the canopy facade. The allowable area for canopy signs shall be in addition to allowable sign area for other structures on the premises.

(11) *Resort signs.* Resorts shall be permitted, as *conditional uses*, signs in addition to those otherwise identified herein according to the following provisions:

a. Definition.

- 1. *Resort.* A resort is a hotel, under one roof or consisting of detached buildings, containing at least 200 guest rooms, together with at least seven of the following additional amenities:

Dining facilities: at least two restaurants which, together or separately, provide full meal service;

Lounge;

Golf course—18-hole championship;

Casino licensed by the State of New Mexico or qualifying as an Indian casino recognized by the State of New Mexico;

Horse or dog race track;

Tennis courts(s);

Swimming pool;

Day spa;

Retail shopping-minimum two separate shops;

Theater: performing arts or film;

Horseback riding;

Outfitting for hunting, fishing, camping, eco-tours and the like.

2. *Location.* A resort is a facility located within the municipal limits of the Village of Ruidoso or the City of Ruidoso Downs, or in the unincorporated areas of Lincoln County within two (2) miles of the village limits of the Village of Ruidoso, or within the Mescalero Apache Reservation within two miles of the Lincoln County line.
  3. *Ownership.* All aspects of a resort shall be under unified ownership, except to the extent that condominium units may be separately owned.
- b. *Sign size.* Sign size shall be constrained by the structure upon which it is mounted. The structure on which the sign is mounted shall not exceed 20 feet in height nor 20 feet in width, except upon approval by the planning commission as a conditional use.
  - c. *Sign location.* Resort signs may be located both on-premises and off-premises, according to other provisions of this code, provided that the square footage of the off-premise location(s) shall not count against the on-premise size limitations, and provided further that no resort sign shall be located in the C-3 (midtown commercial) district.
  - d. *Sign features.* Resort signs may incorporate all features otherwise included in this code, together with industry additions such as LED signs, and the like, provided, that plastic back-lit signs and marquee signs with manually changeable letters are prohibited.
  - e. *Sign structure.* All signs shall be ground-mounted or building-mounted. Pole signs are prohibited.
  - f. *Landscaping.* The area immediately adjacent to the sign shall be professionally landscaped in a minimum area not less than the total size of one face of the sign structure.

(Code 1985, § 10-6-11; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-12, 5-26-98; Ord. No. 99-22, 10-26-99; Ord. No. 2004-14, 7-27-04)

## **SEC. 54-192. ILLUMINATION.**

- (a) Light from any source intended to illuminate a sign shall be shaded, shielded or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrians or vehicle operators on public and private streets, driveways or parking areas and shall not adversely affect any surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.
- (b) Signs involving the use of revolving lights, beacons, strobe lights or spotlights are specifically prohibited.

(Code 1985, § 10-6-12; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-193. PROHIBITED SIGNS.**

The following signs are prohibited:

- (1) Signs contributing to confusion of traffic control lighting, unauthorized signs, signals, markings or devices which purport to be or are imitations of official traffic control devices or railroad signs or signals, or signs which hide or interfere with the effectiveness of any official traffic control devices.
- (2) Unauthorized signs which attempt to control traffic on the public right-of-way.
- (3) Signs with audible devices.
- (4) Freestanding signs with overhead wiring to supply electricity. However, off-premises signs are excluded unless underground power lines supply the site.
- (5) Banners, except as otherwise allowed by this division, and portable signs of any type, including signs placed in or carried on vehicles.
- (6) Canopy signs, if the bottom of the sign is less than eight feet above grade.
- (7) Building-mounted signs which extend above the roofline of the building, except on approval by the planning commission. Angle irons or similar supports shall not be visible from public rights-of-way; guy wires or cables may be visible.
- (8) Signs with missing letters (including approved signs with movable letters) or signs which are in a state of disrepair.
- (9) No sign, except an approved banner, may hang over, or in, any public right-of-way, unless licensed by the council, subject to approved criteria.
- (10) Billboards or other off-premises signs relating to a business not located within the village limits or within two miles extraterritorial.

- (11) Signs of temporary construction shall not be used as permanent exterior signs.
- (12) Flag signs with the name of a business, name of products, words or numbers, except as provided in subsections 54-194(10) and (17).
- (13) Inflatable signs and tethered balloons.

(Code 1985, § 10-6-13; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-194. SIGNS NOT REQUIRING PERMIT.**

Provided they conform to all other portions of this division as provided, the following types of signs do not require a permit:

- (1) Nonilluminated names of buildings, dates of erection, monuments, citations, commemorative tablets and the like are allowed when carved into stone, concrete, metal or any other permanent type construction and made an integral part of an approved structure, or made flush to the ground (but not obstructing view of traffic).
- (2) Signs required by law or signs of a duly constituted governmental body, traffic signs or directional signs which are approved by the village council, are allowed.
- (3) Signs placed by a public utility for the safety, welfare or convenience of the public are allowed, such as signs identifying high voltage, public telephones or underground cable.
- (4) Signs upon a vehicle are allowed, provided that any such vehicle with a sign face of more than two square feet is not conspicuously parked so as to constitute a sign. Nothing in this subsection prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.
- (5) Holiday decorations.
- (6) Special political signs on private property shall be allowed up to a total area of six square feet in area for each premises in a residential zone and up to 32 square feet for each sign in a nonresidential zone. Special political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Signs shall be maintained as specified under subsection 54-190(c).
- (7) One construction sign shall be allowed for all building contractors, one for all professional firms, and one for all lending institutions on premises under construction. Each sign's area shall not exceed 32 square feet, and not more than a total of three such signs are allowed on the premises. Such sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within 14 days of the beginning of the intended use of the project.
- (8) Real estate signs are allowed as follows when located on property for sale, rent or lease (not to be confused with the business sign on the real estate office):

- a. One temporary real estate sign located on the property it refers to shall be allowed for each street frontage of developed premises or undeveloped lot of less than two acres. Signs shall be removed within 14 days after sale or complete leasing.
    - 1. In residential zones, the signs shall not exceed six square feet in area, including name identification riders. An additional add-on sign area of one-half square foot indicating that the property has been sold or leased is allowed.
    - 2. In nonresidential zones, the signs shall not exceed eight square feet in area on improved lots and 16 square feet in area on unimproved lots.
  - b. One temporary real estate sign not exceeding 16 square feet in area and located on the property it refers to shall be allowed for each lot of two acres or more. If the lot has multiple frontage, one additional sign not exceeding 16 square feet in area shall be allowed on the property, to be placed facing the additional frontage. Under no circumstances shall more than two sign units be allowed on the lot. Signs shall be removed within 14 days of sale or complete leasing.
  - c. Temporary real estate directional signs not exceeding four square feet in area, three feet in height, and four in number, showing a directional arrow and placed on private property, may be allowed on approach routes to an open house.
  - d. Up to two temporary subdivision identification signs located on the vacant residential property shall be allowed for each subdivision or builder's development of ten lots or more. Such signs shall not exceed 32 square feet in area, and sign height shall not exceed 35 feet. Signs shall not be displayed prior to the date of the recording of the plat and shall be removed upon completion of the project.
  - e. The height of real estate signs shall not exceed five feet when located in a residential zone.
- (9) Signs located inside a building or structure for temporary sale notices or play bills, and so located as to be conspicuously visible and readable from outside the building or structure, are allowed.
- (10) Signs designating "open" or "closed" are allowed, provided that they are limited to one per business and 15 square feet or less in area.
- (11) Banners advertising community or civic events maintained for a temporary period of not in excess of one month prior to the event and not more than seven days after the close of the event are allowed. Banner shall not exceed 32 square feet and shall be limited to the following locations:
- a. School House Park, tennis court area.
  - b. Two Rivers Park, Chamber office.
  - c. Free parking lot, Midtown area.

Community or civic events advertised at the above locations shall be those which are either sponsored by non-profit organizations, approved for expenditures of lodger's tax funds, or approved by the village council according to the lodgers' tax criteria of chapter 2,

article IV, division 3. The village council may authorize additional locations for banner display within the areas approved for community or civic events to facilitate crowd control. Banners provided to sponsor of community or civic events may contain a logo or other donor identification of not more than ten percent of the banner area.

- (12) Official national, state or village flags are allowed for any period of time.
- (13) Residential name and street address signs are allowed. A resident's name sign not exceeding three square feet in area per face shall be allowed for each house or townhome. Street address signs shall not exceed three square feet. Premises may have one freestanding sign at any location on the site; provided, however, premises with more than 750 linear feet of public street frontage may have one additional freestanding sign for each 500 feet of additional frontage or fraction thereof. However, no sign shall exceed 16 feet in height or 32 square feet per sign face.
- (14) Parking or directional signs in a private parking lot are allowed, not to exceed four square feet.
- (15) Business identification on vehicles used for company or business use is allowed where the sign is permanently painted on a vehicle or where the sign is magnetically attached to the side of the vehicle. Advertisement place cards may also be placed on vehicles classified as common carriers.
- (16) Incidental signs. A sign, generally informational, that has a purpose secondary to the business on the lot on which it is located, such as entrance, exit, parking, loading, telephone, no smoking, user directions or instructions and other similar directions. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- (17) Flags containing logos or emblems.
- (18) Signs located within an enclosed sports complex for view by sports event participants and spectators only and under the following conditions:
  - a. Signs may be banners or signs of permanent materials attached to or placed within 18 inches of fenced, enclosed play areas and directed for viewing from the field of play. Sign shall not be directed toward public right-of-way or adjoining properties. Banner or sign placement is regulated by the facility manager.
  - b. Area of banner or sign shall not exceed 32 square feet. Banners shall have wind slits to reduce wind resistance.
  - c. Signs shall be displayed only during sports events and shall be removed immediately thereafter. Permanent signage is not allowed.
  - d. Type of sign, placement and manner of attachment or installation must be approved by the village park and recreation director when displayed on village property or property under village control.
  - e. Signage shall not count against allowable sign area for business or pursuit being advertised nor property where signage is located.



f. For purposes of this section the following are designated as sports complexes; and are exempt from the provisions of subsection 54-191(b)(8):

1. White Mountain Recreational Complex.
2. Eagle Creek Ball Fields.
3. School House Park Tennis Courts.
4. North Park Complex.
5. Ruidoso High School Playing Fields.
6. Middle School Football Field.

g. Other properties may be designated as a sports complex by the planning and zoning commission subject to conditions a. through f. above.

(Code 1985, § 10-6-14; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-19, § 1, 12-8-98; Ord. No. 99-03, 3-9-99; Ord. No. 2000-18, 12-12-00)

## **SEC. 54-195. VIOLATIONS; REMOVAL OF UNLAWFUL SIGNS.**

- (a) A sign permit shall be issued for all signs regulated by this division and shall be maintained on the premises where the sign is located, except that all off-premises sign permits shall be maintained on the premises of the permittee.
- (b) Any sign existing prior to the effective date of this article for which the necessary approval and sign permit was not obtained pursuant to the provisions of any previous code shall continue to be illegal and shall be removed or brought into conformance with this division, and, further, the owner thereof shall continue to be liable for the penalties described in this section.
- (c) The code enforcement officer shall give seven days' notice, in writing, by certified mail, to the owner of any sign erected without approval or otherwise in violation of this division, informing the owner that the sign must be brought into conformance with this division or must be removed.
- (d) Upon failure to remove the sign or to comply with this notice, the code enforcement officer shall have the sign removed. Any cost of removal incurred by the village shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien upon the property and may be filed with the county clerk in the manner that municipal liens are filed.
- (e) In addition, any person who violates any provision of this division shall be punished by a fine as provided in section 54-38, except that notice and penalty for violation of subsection 54-191(a)(10) pertaining to banners shall be as provided below:

- (1) First violation—warning and order for immediate removal.
  - (2) Second violation—citation issued, each day constitutes a separate violation with penalty of a minimum of \$25.00 per day.
  - (3) Third and successive violations—citation issued, each day constitutes a separate violation with penalty of a minimum of \$50.00 per day plus the loss of allowable days in the current and the successive year.
- (f) Nonconforming or illegal signs required to be removed shall be deemed to be amortized after the expiration of the time period specified under section 54-193(b). The amortization period shall equal just compensation for constitutional and statutory purposes.
- (g) Signs placed in the public right-of-way in violation of this division may be removed by the code enforcement officer. Such signs shall be disposed of or destroyed if not claimed within 15 days of removal.

(Code 1985, § 10-6-15; Ord. No. 97-07, § 1, 7-29-97)

## **SEC. 54-196. ADVERTISEMENT ON PUBLIC PROPERTY.**

- (a) It shall be unlawful to tack or place any sign, bill, banner, poster or advertisement of any nature in the public right-of-way except as provided under this division.
- (b) Political signs pertaining to candidate or ballot initiatives of an upcoming election may be located in the public right-of-way for periods specified under subsection 54-194(6). Applications for such sign permits shall be submitted to the community development department and shall be applied for by the candidate or recognized political party officer. The size of the sign is limited as to size under section [54-194\(6\)](#). Signs shall be maintained as specified under subsection [54-190\(c\)](#). Signs for the same candidate shall be spaced a minimum of 300 feet apart and shall be no closer than ten feet from signs for another candidate. No political sign shall be placed on or adjacent to public parks, buildings or facilities. Signs placed in any sight line clear sight triangle shall not exceed 30 inches in height nor be closer than ten feet from edge of pavement. Signs shall not distract or interfere with traffic control signs. Special political signs on private property shall be allowed up to a total area of six square feet in area for each premises in a residential zone and up to 32 square feet for each sign in a non-residential zone. Special political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Signs shall be maintained as specified under subsection [54-190\(c\)](#).
- (c) No such permit shall be issued unless a permit fee is paid and there is deposited with the village clerk the sum as set from time to time and listed in the fee schedule in appendix A to this Code. The deposit sum shall be returned to the applicant if the applicant causes all such signs, posters or advertisements to be removed within the time prescribed by this division. If such applicant does not

cause the removal of such signs, posters or advertisements within such time, then the deposit shall be forfeited to the village. The permit fee is not refundable.

- (d) The provisions of this division shall not apply to notices posted by order of court or notices to the public required by law to be posted in a public place.

(Code 1985, § 6-2-14; Ord. No. 97-07, § 1(10-6-15), 7-29-97; Ord. No. 98-19, § 2, 12-8-98 ; Ord. No. 2022-06, 9-13-22)

**SEC. 54-197 - 54-220. RESERVED.**

**DIVISION 9: HOME OCCUPATIONS<sup>11</sup>**

**SEC. 54-221. GENERALLY.**

A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no persons are employed other than resident and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind. Any indoor storage, construction, alterations, or electrical or mechanical equipment used shall not change the fire rating of the structure or the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. It shall not cause an increase in the use of one or more utilities (water, sewer or garbage) so that the combined total use for dwelling and home occupation purposes of one or more utilities exceeds the average for residences in the neighborhood. When a use is a home occupation, it means that the owner, lessee or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions set forth in this article, such as zoning certification and off-street parking requirements, and shall be subject to all other permits required by the village, such as building permits and business licenses, and are required to check with village officials and obtain necessary approvals before establishing such home occupations.

(Code 1985, § 10-7-1)

**SEC. 54-222. INTENT OF DIVISION.**

It is the intent of this division to eliminate as home occupations all uses except those that conform to the standards set forth in this division. In general, a home occupation is an accessory use so located

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<sup>11</sup>Cross reference(s)—Businesses, ch. 26 Cross reference(s)—.

and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this division are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, and a clearly secondary or incidental status in relation to the residential use of the main building, as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

(Code 1985, § 10-7-2)

## **SEC. 54-223. CONDITIONS FOR CONDUCT OF HOME OCCUPATION.**

Home occupations are permitted accessory uses in residential zones only so long as all the following conditions are observed:

- (1) Such occupation shall be conducted solely by resident occupants in their residence.
- (2) No more than one room or 25 percent of the gross area of one floor of the residence, whichever is less, shall be used for such purposes. Use of accessory buildings or garages for these purposes is prohibited.
- (3) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- (4) No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (5) There shall be no outside storage of any kind related to the home occupation.
- (6) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time.
- (7) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

(Code 1985, § 10-7-3)

## **SEC. 54-224. EXAMPLES OF PERMITTED HOME OCCUPATIONS.**

The following are typical examples of uses which can be conducted within the limits of the restrictions established in this division and thereby qualify as home occupations; provided that uses which may qualify as home occupations are not limited to those named in this section, nor does the listing of a use in this section automatically qualify the use as a home occupation: accountant, architect,

artist, attorney at law, author, consultant, dressmaking, individual stringed instrument instruction, individual tutoring, insurance, millinery, preserving and home cooking, realtor.

(Code 1985, § 10-7-4)

## **SEC. 54-225. PROHIBITED USES.**

The following uses, by the nature of the investment in operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the following uses shall not be permitted as home occupations: auto repair, minor or major; barbershop; construction trades; dance instruction; dental offices; medical offices; painting of vehicles, trailers or boats; photo developing; photo studios; private schools with organized classes; radio repair; television repair; upholstering.

(Code 1985, § 10-7-5)

## **SEC. 54-226—54-280. RESERVED.**

# **ARTICLE III. SUBDIVISIONS**

## **SEC. 54-281. GENERAL PROVISIONS.**

(a) *Policy.*

- (1) It is hereby declared to be the policy of the village to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the village pursuant to the village comprehensive master plan and zoning code for the orderly, planned, efficient and economical development of the village.
- (2) Land to be subdivided shall be of such character that it can be used safely for building without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, protection of trees and hillsides, and capital improvements such as schools, parks, recreation facilities, transportation facilities and other public improvements.

(b) *Purpose.* The purpose of this article is that of ensuring sites suitable for building purposes and human habitation, of providing for the harmonious development of the village, of providing adequate open spaces for traffic, recreation, light and air, of providing proper distribution of population, and of creating conditions favorable to the health, safety, morals and general welfare of the citizens.

(c) *Statutory authority; territorial jurisdiction.*

- (1) Authorization for the village to adopt subdivision regulations is given in NMSA 1978, § 3-19-6.
- (2) Platting jurisdiction for the village encompasses all the territory within the village and all territory within three miles of the village limits as provided in NMSA 1978, § 3-19-5.

(d) *Interpretation; conflicting provisions.*

- (1) *Minimum requirements.* In their interpretation and application, the provisions of this article shall be held to be the minimum requirements necessary for the promotion of the public health and general welfare.
- (2) *Conflicting provisions.*
  - a. *Public provisions.* This article is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as noted in this article. Where any provisions of this article impose restrictions different from those imposed by any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - b. *Private provisions.* This article is not intended to abrogate any easement, covenant, or other private agreement or restriction, provided that, where the provisions of this article are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this article shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than this article, and such private provisions are not inconsistent with this article or determinations thereunder, then such private provisions shall be operative and supplemental to this article and determinations made thereunder.
- (e) *Prior penalties, actions, liabilities or rights.* This article shall not be construed as abating any action now pending under or by virtue of prior existing subdivision regulations, or discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the village under any section or provision existing at the time of adoption of the ordinance from which this article is derived, or as vacating and annulling any rights obtained by any person by lawful action of the village, except as shall be expressly provided for in this article.
- (f) *Amendments.* For the purpose of providing for the public health, safety and general welfare, the council may from time to time amend the provisions imposed by this article.

(Code 1985, § 10-10-1)

## **SEC. 54-282. DEFINITIONS.**

For purposes of this article, unless the context clearly indicates to the contrary, words used in the present tense include the future tense. Words used in the plural number include the singular. The word "herein" means "in." The word "person" includes a corporation, a partnership and an incorporated association of persons such as a club. The term "shall" is always mandatory. The term "building" includes "structure." The term "building" or "structure" includes any part thereof. The term "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

*Applicant* means the owner of land proposed to be subdivided, or his representative.

*Block* means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or boundary lines of municipalities.

*Bond* means any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the council.

*Building* means any structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

*Capital improvements program* means a proposed schedule of all future municipal improvement projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

*Commission* means the planning commission.

*Comprehensive plan* means the document (the Ruidoso Comprehensive Master Plan), or part thereof, officially adopted by the council, which provides for the development of the village and which indicates the general locations recommended for major roadways, parks, public utilities and buildings, and land uses.

*Construction plan* means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the council as a condition of the approval of the plat.

*Cul-de-sac* means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Developer* means the owner of land proposed to be subdivided, or his representative.

*Easement* means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

*Engineer, village* means the professional engineer engaged by the council.

*Escrow* means a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

*Final plat* means the map, plan or record of a subdivision and any accompanying material, as described in this article.

*Frontage* means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

*Grade* means the slope of a road, street or other public way, specified in percentage terms.

*Lot improvement* means any building, structure, place, work of art or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property.

*Major subdivision* means all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of village facilities or the creation of any public improvements.

*Minor subdivision* means any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, the zoning code (article II of this chapter), the official zoning map or this article.

*Model home* means a dwelling unit used initially for display purposes which typifies the units that will be constructed in the subdivision.

*Municipality* means the village, as incorporated by state law.

*Neighborhood park and recreation improvement fund* means a special fund established by the village to retain monies contributed by developers in accordance with the "fee in lieu of land" provisions of this article, within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

*Nonresidential subdivision* means a subdivision whose intended use is other than residential, such as commercial or industrial subdivisions.

*Off-site* means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

*Ordinance* means any legislative action of a local government which has the force of law, including any amendment or repeal of any ordinance.

*Owner* means any person, group of persons, firm, corporation or other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this article.

*Performance bond* means a bond filed with the Village Clerk and executed by a surety company holding a license to do business in the State of New Mexico, and acceptable to the Village of Ruidoso on a form



approved by the village, in an amount of 125 percent of the cost of the improvements as certified by the council or designee. The performance bond shall be approved as to form by the village attorney.

*Perimeter street* means any existing street to which the parcel of land to be subdivided abuts on only one side.

*Planning authority.* The planning authority for the village shall be the planning commission.

*Planning department* means the department authorized by the council to administer this article.

*Plat* means a map, chart, survey, plan or replat, certified by a licensed registered land surveyor, containing a description of the subdivided land with ties to permanent monuments.

*Preliminary plat* means the preliminary drawings, described in this article, indicating the proposed manner of layout of the subdivision.

*Public improvement* means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the village may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which the village responsibility is established.

*Registered architect* means an architect licensed and registered in the state.

*Registered engineer* means an engineer licensed and registered in the state.

*Resubdivision* means a change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or trees, or for another special use.

*Roadway* means that portion of a street right-of-way intended for driving or parking.

*Sale and lease* mean any immediate or future transfer of ownership or any possessory interest in land, including a contract for sale, lease, intestate succession, or other written instrument.

*Sketch plat* means a sketch preparatory to the preparation of the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the planning commission as to the form of the plat and the objectives of this article.

*Street* is a general term used to describe a paved right-of-way, municipally or privately owned, serving as a means of vehicular travel. Streets are classified by function as follows:

(1) *Local street* means a street intended to serve and provide access exclusively to the properties abutting thereon, and not connecting with other streets in such a manner as to encourage through traffic.

(2) *Collector street* means a street connecting local residential streets to each other, to community facilities and to principal or minor arterial streets.

(3) *Principal and minor arterial streets* means streets designed to carry large amounts of traffic across or through the village and designated as such by the comprehensive plan.

(4) *Service street* means a street running parallel to a freeway, expressway or other roadway, and serving abutting properties, also called a frontage road.

*Street, dead-end* means a street or a portion of a street with only one vehicular traffic outlet.

*Subdivide or subdivision*, for the purpose of approval by the planning commission, means:

For the area of land within the corporate boundaries of the village, the division of land into two or more parts by platting or by metes and bounds descriptions into tracts for the purposes set forth in this definition; and

For the area of land within the village extraterritorial subdivision and platting jurisdiction, the division of land into two or more parts by platting or by metes and bounds description into tracts of less than five acres in any one calendar year for the purposes set forth in this definition.

The division of land pursuant to this definition shall be for the purpose of:

- (1) Sale for building purposes;
- (2) Laying out a municipality or any part thereof;
- (3) Adding to a municipality;
- (4) Laying out suburban lots; or
- (5) Resubdivision.

State law reference(s)—Similar provisions, NMSA 1978, § 3-20-1.

*Subdivider* means any person who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who, directly or indirectly, sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plat in a subdivision; or who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site or plat in a subdivision; and who is directly or indirectly controlled by or under direct or indirect common control with any of the persons mentioned in this definition.

*Subdivision agent* means any person who represents or acts for or on behalf of a subdivider.

*Subdivision plat* means the final map or drawings, described in this article, on which the subdivider's plan of subdivision is presented to the planning commission and the council for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing.

*Temporary improvement* means improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

(Code 1985, § 10-10-2)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

## **SEC. 54-283. PLATTING PROCEDURES AND REQUIREMENTS.**

(a) *Pre-application contact and sketch plat.*

- (1) Prior to the submission of a sketch plat as required by this article, the subdivider shall contact the planning administrator and any other administrative personnel or private agencies to determine:
  - a. Procedures and requirements for filing the sketch plat and preliminary and final plat.
  - b. Availability of public water and sewer, or requirements when public systems are not readily available.
  - c. Zoning requirements on the property.
  - d. Requirements of the duly adopted comprehensive plan for major streets, land use, schools, parks and other public open space.
  - e. The location and extent of any floodplains.
  - f. The location of forested areas and steep slopes as defined in article II of this chapter.
- (2) As a part of this contact, the subdivider may discuss with the planning department, or any other appropriate agency, its tentative proposals for the development of the property.
- (3) The subdivider shall submit, and the planning commission shall review and comment on, a sketch plat prior to the preparation of a preliminary plat. The planning commission shall make such a review and make its comments known to the subdivider in writing within five days from the date of the review. The sketch plat shall contain or show five-foot contours and the requirements of subsections (a)(1)a through f of this section.
- (4) The purpose of this pre-application procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a preliminary plat. No official action is required of the planning commission or other agencies, other than offering

appropriate comments on the proposal and indicating suitability for proceeding through the platting process.

(b) *Preliminary plat.*

- (1) Preliminary plats shall be submitted in 15 copies and, if requested, a reproducible copy to the planning department. The preliminary plat shall consist of drawings and accompanying material and information as prescribed by this article.
- (2) The preliminary plat drawing shall be prepared at a scale of one inch equals 100 feet or larger for subdivisions where the majority of lots are less than five acres in size. The scale may be reduced to one inch equals 200 feet for subdivisions in which the minimum lot size is five acres or more. The face of the drawing shall contain the following information:
  - a. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the county.
  - b. Date of preparation, scale and north arrow. The top or left side of each sheet shall represent north wherever possible.
  - c. A vicinity map drawn at a scale of one inch equals 1,000 feet, or one inch equals 2,000 feet, showing the location of the proposed subdivision in the village and its relationship to surrounding development.
  - d. The name, address and telephone number of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary plat.
  - e. A legal description of the subdivision boundary.
  - f. The boundary lines of the subdivision in a heavy solid line, referenced to section or quarter section lines.
  - g. A description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey.
  - h. Existing contours at a maximum interval of five feet unless waived by the planning department.
  - i. General location and extent of any significant natural features such as streams, drainageways, forested areas or steep slopes.
  - j. Floodplains as delineated on maps available in the planning department.
  - k. Location, dimensions and names of existing roads, streets, alleys, railroad rights-of-way and structures within 100 feet immediately adjacent to the property showing how they relate to the proposed subdivision layout.

- l. Location, size and grades of existing sanitary and storm sewers and location and size of water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision and within 100 feet immediately adjacent thereto.
  - m. Location and dimension of all easements of record.
  - n. Existing zoning and land use of the proposed subdivision and immediately adjacent areas.
  - o. Location and width of proposed streets, alleys, pedestrian ways and easements.
  - p. Layout, numbers and approximate dimensions of proposed lots and blocks.
  - q. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multifamily residential, public or quasipublic use, with the use noted.
  - r. A summary of the total number of acres, number of lots, acreage of commercial or industrial areas, acreage of open space, and amount of land in rights-of-way, and other descriptive material useful in reviewing the proposed subdivision.
- (3) The following information and material shall be a part of any preliminary plat submittal and shall accompany the preliminary plat drawing:
- a. Payment of the total amount of the preliminary plat fee.
  - b. A statement explaining the proposed design and function of the water, sewage, paving, sidewalk and drainage systems, their compatibility with existing systems, and the timing and/or phasing of installation.
  - c. A statement describing the development and maintenance responsibility for any private streets, ways or open space.
  - d. The recommendations of a qualified professional engineer of the affected soil conservation district regarding soil suitability, erosion control, sedimentation and flooding problems.
  - e. A description of the phasing and scheduling of phases for the development, if the final plat is to be submitted in separate phases.
  - f. A petition for annexation to the village if the land to be subdivided is contiguous to and outside (either by itself or as part of a larger tract) the boundaries of the village.
  - g. An application for appropriate zoning for the subdivided area if the area is to be annexed or if the existing zoning district does not allow the types of uses proposed.
  - h. A completed preliminary plat checklist on the standard forms provided.
- (4) After receipt of the preliminary plat and all required supporting material, the planning department shall schedule the plat for consideration at the next regular meeting of the planning commission which occurs after 23 days from the date on which the plat was

submitted, and shall, within three days, transmit copies to appropriate agencies and officials for their review and comment.

- (5) Agencies receiving referral copies of the preliminary plat should return written comments on the plat to the planning department within ten days after receipt of the plat. Agencies may also present comments on the plat at the planning commission meeting at which the plat is considered.
- (6) Upon receipt of all agency comments, or at the end of the ten-day period, the planning department will summarize the agency comments, add written comments and recommendations from the department itself, and present the material and recommendations to the planning commission for its consideration.
- (7) Notice of any public meeting shall be accomplished as set forth in section 54-40.
- (8) The subdivider, or his duly authorized representative, shall attend the planning commission meeting at which the proposal is scheduled for consideration.
- (9) At the planning commission meeting, the subdivider and all other interested or affected parties shall be allowed to offer comments. Within 15 days of the meeting, the commission shall approve or disapprove the preliminary plat. Within ten days after the date of the meeting at which final action was taken, the commission shall notify the subdivider and the council of its decision. If conditions are attached to its approval, the subdivider and council shall be informed of such conditions.
- (10) Within 30 days of receipt of the planning commission's recommendation, the council shall, by motion, act on the preliminary plat and the commission's recommendation, and shall send notices of its action to the commission and the subdivider. Upon approval of the preliminary plat, a 24-inch by 36-inch mylar of the preliminary plat shall be submitted to the village.
- (11) Approval of the preliminary plat by the council shall be effective for six consecutive calendar months from the date of approval. The subdivider may apply in writing for, and the planning commission may, for cause shown, grant up to a six-month extension. If a final plat has not been submitted within this specified period on all or a portion of the land area included in the preliminary plat, a preliminary plat must again be submitted for approval. In a phased development, if there is any land area for which a preliminary plat has been approved and for which a final plat has not been submitted within 24 months from the date of the approval of the preliminary plat, the applicant shall not be allowed to proceed with final platting until a new preliminary plat is submitted and approved.

*(c) Approval and contents of final plat.*

- (1) After approval of the preliminary plat, a final plat may be prepared and submitted. The final plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the state. The final plat and required supporting material shall conform to the design and engineering standards set forth in this article and to any conditions of approval specified by the planning commission and council.

- (2) Final platting may be accomplished in stages covering reasonable portions of the area of an approved preliminary plat. When this is done, each sheet of the final plat shall contain a vicinity map showing the location of the portion being submitted in relationship to the area for which the preliminary plat was submitted. All final plats so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in this article so that, if development of the entire subdivision is interrupted or discontinued after one or more stages are completed, a viable development will result.
- (3) The final plat shall be clearly and legibly drawn in black waterproof India ink upon tracing linen, mylar of 0.004 inch in thickness (minimum), or some similar stable base material. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be 24 inches high by 36 inches wide. Information on the plat should be so positioned that a 1½-inch margin is on the lefthand side and a one-half-inch margin is shown on the remaining sides. The final plat shall be prepared at a scale of one inch equals 100 feet, or at a scale of one inch equals 200 feet for subdivisions in which the minimum lot size is five acres or more. Each sheet of the final plat shall be numbered, and the total number of sheets comprising the plat shall be stated on each sheet (for example, "Sheet 2 of 4"). The relationship of one sheet to the other shall be shown by key maps and by match lines.
- (4) The original linen or mylar, one reproducible copy (sepia not acceptable) and nine prints of the final plat and two copies of all required supporting material shall be submitted to the planning department at least 14 days prior to the planning commission meeting at which the final plat is to be considered.
- (5) The submitted final plat shall contain the notarized signatures of the owners of any and all equitable or legal interest in the land, of whatever nature, and the signature of the registered land surveyor who prepared the plat.
- (6) All final plats shall include the following information on the face of the plat:
  - a. The name of the subdivision, centered at the top of each sheet.
  - b. General location of the subdivision by section, township, range, county and state, entered under the name of the subdivision.
  - c. North arrow, date and scale.
  - d. Boundary lines of the subdivision in a heavy solid line.
  - e. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one part in 10,000.

- f. The location and description of the point of beginning and its proper reference to the monumented boundary survey.
- g. The location and description of all monuments.
- h. Bearings, distances and curve data of all perimeter boundary lines indicated outside of the boundary lines.
- i. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground.
- j. The location and layout of lots, blocks, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the plat, with accurate dimensions in feet and hundredths of feet, bearings, curve data, length of radii and/or arcs of all curves.
- k. Drainage easements, clearly labelled as such.
- l. The names of all streets.
- m. All lots logically and consecutively numbered in the center of the lot.
- n. All dimensions shown on irregularly shaped lots.
- o. Parcels completely or partially surrounded by the area being subdivided, clearly marked "Excepted," and the common boundary with the subdivision shown in a heavy solid line with bearings and distances.
- p. A notation of the total acreage of the subdivision and the total number of lots.
- q. A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds and easements.
- r. A notarized certificate of a registered land surveyor, registered under the laws of the state, stating that the plat is true, accurate and complete.
- s. Certificate of review of the Public Works Department, as follows:

Data on this plat reviewed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Public Works Department of Ruidoso, New Mexico.

Public Works Department	
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- t. Certificate of approval by the village planning commission, as follows:

This plat approved by the Village of Ruidoso Planning Commission this \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.



Chairman	
ATTEST:	
Secretary	

u. Certificate of acceptance and approval by the village council, as follows:

Approved by the Governing Body of the Village of Ruidoso, New Mexico, this \_\_\_ day of , A.D., \_\_\_\_\_.

Mayor	
ATTEST:	
Village Clerk	

v. Certificate for recording by the county clerk and recorder, as follows:

This plat was filed for record in the Office of the County Clerk and Recorder at \_\_\_ o'clock \_\_\_m., \_\_\_\_\_, \_\_\_\_\_, and is duly recorded in Book \_\_\_\_\_, Page No. \_\_\_\_\_.

County Clerk	
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- (7) The final plat shall be accompanied by the total amount of the final plat fee.
- (8) After receipt of the final plat, the planning department shall review the submittal for completeness and for conformance with the approved preliminary plat. The department may refer copies of the final plat to and seek comment from other officials and agencies. Any such comments should be made known to the department within ten days after the date of submittal of the final plat.
- (9) The final plat shall be scheduled for the consideration of the planning commission at its next regular meeting after the 14-day review period. After due deliberation, the planning

commission shall approve, conditionally approve, or disapprove the final plat. Approval of a final plat by the planning commission shall remain effective for 18 calendar months.

- (10) Within ten days after the date of the meeting at which final action was taken, the planning commission shall notify the subdivider and the council of its action. If the final plat is approved, the subdivider may proceed in accordance with subsection (d) of this section. If the final plat is disapproved by the commission or conditionally approved, and the subdivider wishes to appeal the conditions, the subdivider may request a hearing before the council appealing the action of the commission. The request shall be submitted in writing within 30 days of the action or decision appealed from and shall state the specific relief which the subdivider or landowner seeks. Within 30 days of the receipt of such a request, the council shall hold a hearing to determine the proper disposition of the matter. At the hearing, the council shall consider not only the subdivider's appeal, but also the written or verbal comments of the commission. The council shall either reaffirm or modify the decision of the commission, and shall note the decision in the record of its hearing. The subdivider or landowner may then proceed with the subdivision of his land based upon the decision of the council. This decision shall be binding upon all agencies and administrative personnel of the village.

(d) *Supporting materials for final plat; recording of final plat.*

- (1) *Required submittals.* A complete final plat submittal shall consist of the final plat as approved by the planning commission and all required supporting materials. Following approval of the final plat by the planning commission, the subdivider shall submit the following supporting material relating to the final plat to the planning department:
  - a. *Final plat checklist.* A final plat checklist shall be submitted on the standard forms provided.
  - b. *Drainage report.* A drainage report for the site in question and all pertinent off-site areas shall be prepared by a licensed engineer or hydrologist. The report shall examine 100-year storm flows (Q 100's), and the 100-year high-water mark of any river, creek, arroyo, gully, diversion ditch, spillway, reservoir, etc., that may in any way affect the project area, along with the depth of flow for 100-year runoff. The watershed in all off-site areas shall be considered fully developed. Intensities shall be for the area's one-hour 100-year storm based upon two inches per hour. Times of concentration (TC) used in the study shall provide for "C" to be 0.5 or greater, and the overlot flow time to gutters to be eight minutes, unless adequate evidence is provided to the contrary. A certificate shall be provided, signed and sealed by a registered professional engineer, that all drainage facilities utilizing gutters and streets are designed and sized to handle 100 percent of the Q 100 runoff.
  - c. *Soils report.* A soils report for the site in question and pertinent off-site areas shall be prepared by a licensed engineer or soil scientist. The report shall indicate the type and location of soils, using the unified soil classification system, shall contain drill logs and swell consolidation curves, and shall contain a discussion of any present or potential hazards associated with soils on the site along with measures which could be taken to

mitigate such hazards. In addition, the soils report shall contain recommendations on subsurface area drains and peripheral drains, foundation design, erosion control measures and surface drainage.

d. *Grading, drainage and development plan.*

1. A grading, drainage and development plan shall be prepared at a scale of one inch equals 100 feet or larger showing rights-of-way, easements, walkways, parks, common areas, roadways, water lines and reservoirs, sewer lines, manholes and treatment facilities, curbs and gutters, culverts, drains, stormwater detention and retention basins, swales, ditches and other drainage devices, spot top of curb elevations, high and low street points, drainage arrows, street plans, all drainage areas and acreage, all 100-year storm flows (Q 100's) adjacent to and/or flowing onto the development and on-site at each surface flow junction, stormwater pickup and take-off points designed to handle 100-year flow on the surface, and cross sections and high water elevations for all 100-year flows. Spot elevations shall be given for all inverts, low points and flowing entry and exit points.
2. For residential subdivisions, all minimum building setbacks shall be shown. No 100-year flow line shall encroach upon any minimum setback line.
3. The following standards shall be used in preparation of the grading, drainage and development plan: 100-year storm flows shall not exceed 200 cfs per half street when feasible; pipes into which surface water flows will have a minimum diameter of 15 inches; and a capability for handling all Q 100's on the surface within the roadway. Exceptions and variations to these standards must be recommended by a licensed engineer and approved by the Public Works Department.

e. *Construction plans and details.* Construction plans and details must be prepared by a registered professional engineer in the state and shall provide for all improvements indicated on the grading, drainage and development plan, including right-of-way and easement cross sections showing construction and placement of streets, walks, curbs, gutters, medians, swales, ditches, utilities, planting strips and property lines; details of hydrants, valves, manholes, pipe junctions, pumps, thrust-blocking, catchbasins, etc.; street profiles showing natural and finish grades, centerlines and both curbs, with a recommended minimum vertical scale of one inch equals 50 feet; sanitary sewer line and manhole profiles with natural and finished grades, showing area underdrains, if applicable, and the location of gravity outfall lines; storm drainage system profiles showing natural and finished grade; erosion control and revegetation details; and other details as necessary to adequately convey the design intent. Quantity take-offs shall also be provided.

f. *Deeds.* When required by the village, assurance of a warranty deed or other acceptable instrument conveying to the village any public lands other than streets, alleys or easements shown on the final plat, and title insurance on the subject parcel, shall be presented to the village upon approval of the final plat. The method of assurance will be approved by the village attorney.

- g. *Fees in lieu of land.* Payment of any fees in lieu of public land dedication, or any initial payment and a payment schedule keyed to subdivision development, if the subdivision is to be phased, shall be submitted.
  - h. *Title opinion.* Evidence satisfactory to the village must be submitted showing all taxes and assessments due on the property to be subdivided to be paid in full, showing title or control of the property to be subdivided, and showing the property to be subdivided as free and clear of any liens. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence.
  - i. *Floodplain statement.* If a subdivision lies within the 100-year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision: "This subdivision is (or the following lots are) located in the 100-year floodplain as defined by the Department of Housing and Urban Development."
  - j. *Performance bond.* A contractor's performance bond equal to 125 percent of the cost of required improvements to guarantee the complete and timely development of any facilities or improvements which are the subdivider's responsibility, subject to [section 54-286\(a\)\(1\)](#), shall be submitted.
- (2) *Agency review.* Upon submittal of all required supporting material to the final plat, the planning department shall review such material for completeness to determine whether a complete final plat submittal has been made and shall refer the material to appropriate agencies for review and comment. Upon being notified of the comments and any necessary approvals of reviewing agencies, the planning department shall forward the final plat, comments and approvals of reviewing agencies, pertinent supporting materials, and the recommendations of the planning commission to the council. Incomplete final plats, or final plats for which necessary approvals have not been secured, shall not be forwarded to the council for action.
  - (3) *Council action.* Following receipt of the recommendation of the planning commission, along with the final plat and accompanying materials, the council shall either approve the final plat or disapprove the final plat and notify the subdivider of the conditions to be met to gain approval. If a disapproved final plat is modified and resubmitted to the council at a later date for its consideration, the council may require the concurrent submittal of an updated ownership and encumbrance report or title opinion.
  - (4) *Filing with county clerk.* Upon approval of the final plat by the council, the subdivider shall be notified to submit payment for the recording fee to the planning department, and the department shall transmit the subdivider's recording fee and the duly approved and executed final plat to the county clerk and recorder for the filing of the final plat among the official records of the county.
  - (5) *Alternate approval procedure.* As an alternate procedure and at the request of the subdivider, the council may approve a final plat and instruct the planning department to withhold the approved final plat from recording for a period of time to allow the subdivider to install all of the required public improvements according to the plans and specifications approved by the

Public Works Department. This procedure, when approved by the council, shall be in lieu of the guarantees for installation of improvements as set forth in section 54-286(a)(1). An executed standard contract, as approved by the village, regarding installation of improvements shall be submitted with the final plat. The contract shall require that all improvements be completed no later than 12 months from the date the final plat was approved by the council and that no lot may be sold. When the completed improvements are inspected and approved by the Public Works Department, the plat shall be recorded by the planning department, and the sale of lots may proceed according to the approved and recorded plat, provided that a one-year warranty shall be submitted covering the completed improvements as per section 54-286(b)(2)c.2.

- (e) *Simultaneous submittal of preliminary and final plats.* For certain subdivisions, the subdivider may, after discussion with the planning department, simultaneously submit both the preliminary plat and the final plat. Depending on the size and complexity of the subdivision and the amount of street dedication, any or all of the information required in the preliminary and final plat processes may be submitted. The planning department shall determine which information must be submitted for adequate review of the subdivision. The preliminary and final plats may then be processed concurrently. It is possible for the preliminary and final plats to be one and the same instrument.
- (f) *Corrected plats and resubdivision.*
- (1) If, after the approval and recording of a final plat, errors are found in the language or numbers on the recorded plat, the subdivider shall file a properly signed, corrected or revised original mylar or linen with the department. The plat shall be noted "Corrected Plat" under the name of the subdivision. Notations shall be made on the face of the plat listing all corrections made and the book and page numbers where the original plat was recorded. The department shall review the plat for corrections, secure the signatures of the proper public officials on the corrected plat and present the plat to the council for the reaffirmation of its approval and to the county clerk for recording. The recording of the corrected plat shall void the incorrect original plat, and the county clerk shall note "Void" across the face of the incorrect plat.
  - (2) If, after the approval and recording of a final plat, a subdivider wishes to modify the location of lot lines on part or all of the recorded plat, and if there is no change in the location or size of dedicated streets, the subdivider shall submit a new final plat drawing with the lotting arrangement revised. The planning department shall determine which of the required supporting documents shall be resubmitted with the revised final plat. The plat shall be marked "Resubdivision of \_\_\_\_\_" under the name of the subdivision and shall be processed as a final plat.
  - (3) If, after the approval and recording of a final plat, a subdivider wishes to substantially change the street and lotting arrangement of a part or all of the platted area, the resulting subdivision shall be treated as a new submittal, with both a preliminary plat and a final plat required. Based on the current accuracy of the information submitted with the original plat and the magnitude of the change, the procedure described in subsection (e) of this section may be applied. The subdivision shall be identified as "Resubdivision of \_\_\_\_\_."

(g) *Alternate summary procedure for minor subdivisions.*

- (1) *Applicability.* In lieu of the requirements of NMSA 1978, § 3-20-7, the following procedure may be followed pursuant to NMSA 1978, § 3-20-8. Alternate summary procedures shall only apply to the following:
  - a. Subdivisions that create no more than two parcels of land or
  - b. Resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots.
- (2) *Survey.* The filing of a survey by a New Mexico licensed or registered surveyor which contains a description of the subdivided land with ties to permanent monuments shall satisfy the requirements of NMSA 1978, § 3-20-7.
- (3) *Review by planning administrator.* All minor subdivisions submitted to the village shall be reviewed by the planning administrator, who may consult with other public or private agencies. The planning administrator shall determine whether or not the plat, as proposed, adequately provides for access and utility services to each lot. If the plat proposes to abandon an existing easement, the planning administrator shall verify with all applicable utility service providers that the easement is not needed.
- (4) *Conformance with subdivision regulations.* Any subdivision approved as authorized in this subsection shall be in substantial conformity with this article.
- (5) *Review and decision by planning commission.* Minor subdivision under this alternate summary procedure may be approved by the planning administrator and signed by the planning administrator and mayor. Review by the planning commission shall not be required except for those subdivisions which have been recommended for denial by the planning administrator and upon written request by the applicant.
- (6) *Review and decision by council.* Review and decision on minor subdivisions shall not be required by the council except for those which have been recommended for denial by the planning commission and upon written request by the applicant.
- (7) *[Endorsement of approval.]* Approval by this summary procedure shall be endorsed on the plat, or on the instrument of conveyance in lieu of a plat, and such approval shall be conclusive evidence of the approval by the village.

(Code 1985, § 10-10-3; Ord. No. 2008-11, 10-14-08; Ord. No. 2009-03, 1-13-09)

## **SEC. 54-284 ADMINISTRATION AND ENFORCEMENT.**

(a) *Administration generally.*

- (1) This article shall be administered and enforced by the planning department or other agency as designated by the council.
  - (2) All subdivision plats submitted to the village shall first have been examined by the planning department and the planning commission in accordance with the procedures established by this article. As part of their examination, the planning department and the planning commission may consult with other public or private agencies to determine whether or not the plat, as proposed, will contribute to the orderly growth and development of the village. The actions of the planning department, the planning commission and the council shall be governed by the procedures and schedules set forth in this article.
  - (3) Pursuant to the provisions of NMSA 1978, §§ 3-20-5 and 3-20-7, when any part of a subdivision lies outside of but within three miles of the village, that subdivision shall be approved by the planning commission and the council before it is finally approved by the county board of commissioners.
- (b) *Reserved.*
- (c) *Variances.*
- (1) A request for variance may be submitted only after the planning commission has formally reviewed the preliminary plat and has either recommended disapproval because the plat does not conform to this article, or has conditionally approved the plat, specifying those amendments which must appear on the final plat in order for it to be approved. The subdivider may then seek relief from the specific provisions of this article with which he cannot comply.
  - (2) When it can be shown that, in the case of a particular subdivision, strict compliance with the provisions of this article would cause undue hardship, the council may authorize a variance to this article provided that the general intent of this article is preserved, that the public interest is protected, and that such variances do not have the effect of nullifying the intent and purpose of the comprehensive plan or the zoning code (article II of this chapter). The granting of a variance shall be based upon findings by the council that:
    - a. The subdivider is proceeding in good faith.
    - b. There are unusual topographical or other special circumstances associated with the property which are not the result of any action of the subdivider and which prohibit the use of the property in a manner similar to the use of adjacent or nearby properties.
    - c. The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship.
    - d. The variance will not nullify the intent or purpose of this article.
    - e. Granting the variance will not be detrimental to the general public health, safety and welfare.

- (3) Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.
- (4) All requests for variances shall be submitted in writing to the council and shall be referred to the planning commission for comments and recommendations prior to any action taken by the council. In granting a variance, compliance with the objectives and standards of this article must be ensured. The findings and action on each variance and any conditions imposed shall be recorded in the minutes of the council, and a copy thereof provided to the planning department.
- (5) If the subdivision variance is granted by the council, the subdivider may incorporate the provisions of the variance into the final plat to be submitted to the planning commission and to the council for approval. In its review of the final plat, the planning commission shall be bound by the decision of the council regarding the variance and shall review and approve the final plat with the variance if the plat in all other respects conforms to the preliminary plat and any other conditions imposed by the planning commission.

(d) *Plat vacations.*

- (1) Any plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the planning commission along with a written request for a vacation. In the case where lots have been sold, the written request shall be by all of the owners of lots within the plat. The planning commission shall make a recommendation on the vacation to the council, and the council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, and common and public grounds laid out or described in such a plat.
- (2) Streets and alleys platted and laid out under the provisions of this article or laid out under any prior law of the state may be altered or vacated in the manner provided by law for the alteration or discontinuance of streets and highways.
- (3) Any part of a plat may be vacated under the provisions and subject to the conditions of subsection (d)(1) of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in the plat, and provided further that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners of lots within that portion of the overall plat sought to be vacated.
- (4) When any part of a plat shall be vacated as provided in this section, streets, alleys and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- (5) The county clerk shall write in plain, legible letters, across that part of the plat so vacated, the word "vacated," and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.



(6) Land covered by a vacated plat may be replatted as described by this article. Any replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces.

(e) *Penalty.* Any person who violates any provision of this article, and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of this article, shall, upon conviction, be punished in accordance with section 1-6.

(f) *Exemption from liability.* The village shall hold harmless the planning department, other village agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this article, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties under this article. Any suit brought against the village or village administration because of any such act or omission in the carrying out of the provisions of this article shall be defended by the village attorney through final determination of such proceedings.

(Code 1985, § 10-10-4; Ord. No. 2009-03, 1-13-09)

Cross reference(s)—Administration, ch. 2Cross reference(s)—.

## **SEC. 54-285. DESIGN STANDARDS.**

(a) *Generally.*

(1) *Conformance to applicable rules and regulations.* Subdivision design shall conform to the following:

- a. The village zoning code (article II of this chapter);
- b. The comprehensive master plan of the village, including all streets, drainage systems and parks shown on the comprehensive master plan as adopted;
- c. The rules of the state highway department if a subdivision or any lot contained therein abuts a state highway or connecting street; and
- d. The design standards and regulations adopted by the council.

(2) *Restrictions imposed by owner.* If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning code (article II of this chapter) or this article, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the planning commission may require that restrictive covenants be recorded with the county recorder of deeds.

- (3) *Monuments.* The applicant shall place permanent reference monuments in the subdivision as approved by a registered land surveyor and the Public Works Department.
- (4) *Land unsuitable for development.* Land which the planning commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of the Public Works Department, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.
- (5) *Subdivision name.* The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by this article. The planning commission shall have final authority to designate the name of the subdivision, which shall be determined at the time of sketch plat approval.

(6) *Other considerations*

Subdivision design shall consider the standards contained in the following adopted Village of Ruidoso documents. These documents may be obtained from the Public Works Department.

- a. Resolution 2011-28 A Resolution Adopting the Village of Ruidoso Standard Drawings for Public Works Construction
- b. Ruidoso New Mexico Roadway Design Guide, November 2019

(b) *Lots and lot improvements.*

- (1) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning code (article II of this chapter) or in providing driveway access to buildings on such lots from an approved street.
- (2) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the zoning code (article II of this chapter). Where lots are more than double the minimum required area for the zoning district, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning code and this article. In general, side lot lines shall be at right angles to street lines, or radial to curving street lines, unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setback from both streets. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning code.

(3) *Double frontage and reserved lots; access from arterial streets.*

- a. *Double frontage and reserved lots.* Double frontage and reserved lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- b. *Access from arterial streets.* Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.

(4) *Grading and drainage.*

- a. *Final grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat.
- b. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

(5) *Removal of debris and waste.* No cut trees, debris, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy.

(6) *Fencing.* Each subdivider and/or developer shall be required to furnish and install fences wherever the council determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the zoning code (article II of this chapter) and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until the fence improvements have been duly installed.

(7) *Performance bond.*

- a. The performance bond shall include an amount of 125 percent of the cost of completion of all requirements contained in subsection (b) of this section or as certified by the council, including but not limited to soil preservation, final grading, lot drainage, removal of debris and waste, fencing and all other lot improvements required by the council.
- b. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the village may enforce the provisions of the bond where the provisions of this section or any other applicable law, ordinance or regulation have not been satisfied.

(c) *Roads.*

(1) *General requirements.*

a. Frontage on improved street required. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street indicated in the comprehensive plan or unless such street is:

1. An existing state, county or township highway; or
2. A street shown upon a plat approved by the council and recorded in the county clerk's office.

Such street or highway must be suitably improved as required by the highway rules, regulations, specifications or orders, or be secured by a performance bond as required under this article, with the width and right-of-way required by this article or the comprehensive plan. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided in this subsection.

b. *Grading and improvement plan.* Roads shall be graded and improved and conform to theillage construction standards and specifications and shall be approved as to design and specifications by the Public Works Department, in accordance with the construction plans required to be submitted prior to final plat approval.

c. *Topography and arrangement.*

1. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of this article.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the comprehensive plan.
3. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, to require the minimum number of streets necessary to provide convenient and safe access to property, and to maximize the preservation of trees and vegetation.
4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

d. *Blocks.*

1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major

streets, railroads, waterways, parks, or areas that will remain undeveloped such as steep slopes or forested areas.

2. The lengths, width and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 600 feet or 12 times the minimum lot width required in the zoning district.
  3. In long blocks the council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, emergency access or pedestrian traffic.
- e. *Limitation of access to arterial streets.* Where a subdivision borders on or contains an existing or proposed arterial street, the council may require that access to such street be limited by one of the following means:
1. The subdivision of lots so that the lots back onto the arterial street and front onto a parallel local street. No direct access shall be provided from the arterial street.
  2. A series of culs-de-sac, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
  3. A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.
- f. *Street names.* Street names shall be sufficiently different in sound and in spelling from other street names in the village so as not to cause confusion. A street which exists or is planned as a continuation of an existing street shall bear the same name.
- g. *Street signs.* The applicant shall deposit with the village, at the time of final subdivision approval, an amount equal to the cost of each street sign required by the Public Works Department at all road intersections. The village shall install all street signs before issuance of an occupancy permit for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision. The type and location of signs are to be approved by the Public Works Department.
- h. *Streetlights.* Installation of streetlights shall be required in accordance with design and specification standards approved by the Public Works Department.
- i. *Continuation of streets between adjacent properties; dead-end streets.*
1. *Continuation of streets; temporary dead-end streets.* The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection or efficient provision of utilities, and where such continuation is in accordance with the village comprehensive plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street

right-of-way shall revert to abutters whenever the street is continued. The council may limit the length of temporary dead-end streets in accordance with the design standards of this article.

2. *Permanent dead-end streets.* Where a street does not extend to the boundary of the subdivision and its continuation is not required by the council for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of this article.

(2) *Design standards.*

- a. *Dimensions.* In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, Table 1 sets forth design standards for streets.

TABLE 1. DESIGN STANDARDS FOR STREETS

Improvement		Dimensions
Minimum width of right-of-way:		
	Local	50
	Collector	60
	Minor arterial	80'
	Principal	100'
Minimum pavement width (defined as face of curb to face of curb):		
	Local	30'
	Collector	40'
	Minor arterial	68'
	Principal	68'
Minimum radius of curve:		
	Local	273'
	Collector	273'
	Minor arterial	508'
	Principal	833'
Minimum centerline degree of circular curve:		
	Local	21.0°
	Collector	21.0°

Improvement		Dimensions
	Minor arterial	11.3°
	Principal	6.9°
Minimum length of tangents between reverse curves:		
	Local	150'
	Collector	150'
	Minor arterial	250'
	Principal	350'
Minimum sight distance:		
	Local	200'
	Collector	240'
	Minor arterial	275'
	Principal	300'
Minimum turnaround (local streets only):		
	Right-of-way diameter	100'
	Pavement	80'
Maximum length of cul-de-sac:		
	Permanent	600'
	Temporary	100'

- b. *Street surfacing and improvements.* After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in this article. The surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Public Works Department. Adequate provision shall be made for culverts, drains and bridges.
- c. *Railroads and limited access highways.* (At this point in time there are no railroads in the village, but there have been numerous discussions on the possibility of a recreational railroad.) Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:
1. In residential districts, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat as follows: "This strip is reserved for screening. The placement of structures, except for street signs and lighting, hereon, is prohibited."
  2. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

3. Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

d. *Intersections.*

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the planning commission.
  2. A proposed new intersection along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.
  3. The minimum curb radius at the intersection of two local streets shall be 20 feet, and the minimum curb radius at an intersection involving a collector street shall be 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
  4. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
  5. The cross-slopes on all streets, including intersections, shall be three percent or less.
- e. *Bridges.* Bridges of primary benefit to the applicant, as determined by the council, shall be constructed at the full expense of the applicant without reimbursement from the village. The sharing of expenses for the construction of bridges not of primary benefit to the applicant as determined by the council will be fixed by special agreement between the council and the applicant. The cost shall be charged to the applicant pro rata as the percentage of his land develops and is so served.

(3) *Street dedications and reservations.*

- a. *New perimeter streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new



subdivision, the other half of the street shall be improved and dedicated by the subdivider. The council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

- b. *Widening and realignment of existing streets.* Where a subdivision borders an existing narrow street or when the comprehensive plan or zoning regulations indicate plans for realignment or widening a street that would require the use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such streets. Such streets shall be improved and dedicated by the applicant, at his own expense, to the full width as required by this article. Land reserved for any road purposes may not be counted in satisfying yard requirements of the zoning code (article II of this chapter), whether the land is to be dedicated to the village in fee simple or as an easement.

(4) Other considerations

- a. Road design shall consider the standards contained in the following adopted Village of Ruidoso documents. These documents may be obtained from the Public Works Department.
  - a. Resolution 2011-28 A Resolution Adopting the Village of Ruidoso Standard Drawings for Public Works Construction
  - b. Ruidoso New Mexico Roadway Design Guide, November 2019

(d) *Drainage and storm sewers.*

- (1) *General requirements.* The planning commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for stormwater or floodwater runoff channels or basins. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm drainage shall be accommodated in the streets and gutters unless otherwise indicated by the Public Works Department. Where storm sewers are required, the cost shall be borne by the developer for storm sewers to a size of eight inches. If over eight inches in size and determined to be for benefit outside of the subdivision, the costs may be shared, as determined by the council.
  - a. *Accommodation of upstream drainage areas.* A culvert, gutter or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Public Works Department shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the zoning code (article II of this chapter).
  - b. *Effect on downstream drainage areas.* The Public Works Department shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvement. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing

downstream drainage facility, the council may withhold approval of the subdivision until provision has been made for the improvement of the potential condition in such sum as the council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

- c. *Areas of poor drainage.* Whenever a plat is submitted for an area which is subject to flooding, the council may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 12 inches above the elevation of the maximum probable flood, as determined by the Public Works Department. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, of a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone, nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Public Works Department.
- d. *Floodplain areas.* The council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the 100-year floodplain of any stream. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the council.

(2) *Drainage easements.*

- a. *Required.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- b. Extent; dedication; preservation of drainageways.
  - 1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements of at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
  - 2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - 3. The applicant shall dedicate, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the council.
  - 4. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained

in their natural state as drainageways. Such land subject to periodic flooding shall not be computed in determining the numbers of lots to be utilized for average density procedures, or for computing the area requirement of any lot.

(e) *Water facilities.*

(1) *General requirements.*

- a. When necessary, action shall be taken by the applicant to extend or create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider shall install adequate water facilities, including fire hydrants, subject to the specifications of the Public Works Department. All water mains shall be at least six inches in diameter.
- c. Water main extensions shall be approved by the Public Works Department.
- d. To facilitate these requirements, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing such improvements shall be included in the performance bond to be furnished by the developer.

(2) *Fire hydrants.* Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 400 feet apart and shall be located at every intersection and shall be approved by the village fire chief. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

(3) *Community or individual water systems; water availability plan.* Where a public water system is not available, and the planning commission determines that the public system cannot be reasonably extended, a water availability plan shall be submitted for approval by the planning commission as provided in this subsection. Water quality and the water system location shall be approved by the environmental improvement division of the state.

- a. *Compliance with New Mexico Water Law.* Under NMSA 1978, § 72-12-1, it is the state engineer's policy to grant a domestic permit only to the person who, in good faith, intends to use the water for household or other domestic purpose. The permit is limited to a diversion of three acre-feet per annum, which may be used to irrigate not more than one acre of noncommercial trees, lawn or garden, and for household or other domestic use. If more than one household use per well is proposed, then no more than one acre of noncommercial trees, lawn or garden may be irrigated from the well and the total withdrawal from the well shall be metered and limited to three acre-feet per year for all uses. If two or more wells obtained under provisions of NMSA 1978, § 72-12-1 are tied into the same distribution system, the total withdrawals shall be limited to three acre-feet per annum. If the total withdrawal is to exceed three acre-feet per annum from any well or

group of wells that supply a common system, it will be necessary for the subdivider or users to obtain water rights.

- b. *Water availability plan; documentation of water availability.* Any person seeking approval of a subdivision plat must submit a water availability plan for either a community water system or individual wells.
  1. The subdivider shall provide information showing the fire flow the proposed water supply system can deliver throughout the subdivision in gallons per minute and the time duration such flow can be maintained.
  2. The subdivider shall provide the following documentation, where applicable:
    - i. If the subdivider proposes that a utility certified by the state public service commission provide water, the subdivider shall provide documentation that the subdivision is located within the service area of the utility or that the utility is ready, willing and able to provide water to the subdivision.
    - ii. If the subdivider proposes that a municipality, private utility company or any other private party provide water, the subdivider shall provide documentation that the municipality, company or party is ready, willing and able to provide water to the subdivision. The documentation shall contain a statement from the municipality, company or party indicating the quantity of water available to the subdivider and any conditions or limitations pertaining to the use of water.
- c. Standards for community water systems.
  1. The subdivider shall provide water from existing or proposed water supply systems for domestic use, fire protection and any other use that the subdivider proposes.
  2. The subdivider shall provide for the completion of the proposed water supply systems in accordance with applicable minimum design standards of the state environmental improvement division, and as approved by the village.
  3. The provisions for fire flow shall be in accordance with the guidelines of the insurance services office and good engineering practice.
  4. The subdivider shall ensure the availability of sufficient potable water for the fully developed subdivision.
- d. *Submittal requirements for community water systems.* The following shall be prepared by or under the supervision of a registered professional engineer and shall be adequate for the purpose of subsection (e)(3)c of this section:
  1. Plans and specifications for diversion, storage and distribution facilities, and a time schedule for their completion.

2. Information showing the volume and peak rate of production of water required in each month to supply each use at full development of the subdivision.
  3. A geohydrologic report, if part or all of the supply is to be obtained from groundwater sources, containing the following information:
    - i. Geologic maps, cross sections and descriptions of the aquifer systems proposed for production, including information concerning the hydrogeologic boundaries, intake areas and locations of discharge of those aquifers.
    - ii. Maps and cross sections showing the depth to water, water level contours, direction of groundwater movement and the estimated thickness of saturation in the aquifers.
    - iii. Probable yields of the proposed wells, in gallons per minute and acre-feet per year, and probable length of time that the aquifer system will produce water at rates sufficient to meet the demands under full development of the subdivision. This information shall be based on pump test analysis, hydrogeologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells and, when the planning commission deems necessary, test wells and aquifer performance tests. This information will give consideration to mutual interference of the proposed wells, and the interference of existing wells.
    - iv. A 40-year schedule of the effects of the projected water withdrawals for the subdivision on water levels and natural discharge.
    - v. A water quality analysis, which shall conform to state standards of the environmental improvement division.
  4. A hydrologic report, if part or all of the supply is to be obtained from surface water sources, containing the following information:
    - i. Source of water supply.
    - ii. Drainage area above the point of diversion.
    - iii. Analysis of relevant historical runoff records.
    - iv. Projected water supply available for the subdivision requirements.
- e. Individual water systems.
1. Domestic water supply may be provided by the subdivider or by the purchaser or lessee of each parcel at his own expense.
  2. If the water supply is to be provided by the subdivider, the regulations of subsections (e)(3)b and d of this section shall apply.

3. If the water supply is provided by the owner or lessee of each parcel, the regulations of subsections (e)(3)d.3 and 4 of this section shall apply.
- f. *Potable water supply required; approval by state.* Where a public water system is not available and the planning commission determines that the public water system cannot be reasonably extended to any lot, group of lots or subdivision, the subdivider or developer shall install a community or individual water supply system capable of providing safe potable water for domestic use. System design and water quality shall be approved by the environmental improvement division of the state.
- (f) *Sewage facilities.*
- (1) *Required.* The applicant shall install sanitary sewer facilities in a manner prescribed by the construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the Public Works Department.
  - (2) *General standards.* Sanitary sewage facilities shall connect with the public sanitary sewage system unless such connection is not available. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. Sanitary sewage facilities, including the installation of laterals in the right-of-way, shall be subject to the specifications, rules, regulations and guidelines of the Public Works Department.
  - (3) *Private sewage systems.*
    - a. Where public sanitary sewage systems are not reasonably accessible, but will become available within a reasonable time, not to exceed 20 years, the village may allow one of the following alternatives:
      1. A central sewage system, with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
      2. Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exists, and shall be ready for connection to such public sewer main.
    - b. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 20 years, the village may allow the installation of sewage systems as follows:
      1. Medium-density residential district: A central sewage system only shall be used. No individual disposal system will be permitted. Where plans exist for a public sewage

system to be built, for a period in excess of 15 years, the applicant shall install all sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.

2. Low-density residential district (less than one dwelling unit per acre): Individual disposal systems or central sewage systems shall be used.

(4) *Connection to public system.* If a public sanitary sewer is accessible within 200 feet and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

(5) *Use of individual sewage disposal systems.* If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the zoning code (article II of this chapter) and percolation tests and test holes shall be made as directed by the New Mexico Environment Department (NMED) and the results submitted to the NMED. The individual disposal system, including the size of septic tanks and size of the tile fields or other secondary treatment devices, shall also be approved by the NMED.

(6) *Design criteria for sanitary sewers.*

a. *Deviations from standards.* These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Public Works Department.

b. *Design factors.* Sanitary sewage systems should be designed for the ultimate tributary population. Consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented in this subsection should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

		cfs/acre*
One- and two-family dwellings		0.02
Apartments, townhouses and condominiums:		
	One- and two-story	0.02
	Three- through six-story	0.03
Commercial: Small stores, offices and miscellaneous businesses		0.02

Shopping centers	0.02
High-rise and industrial buildings	As directed by the Public Works Department

\*Cubic feet per second per acre.

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of 0.01 cfs/acre for an area of 1,000 acres, unless otherwise directed by the Public Works Department. Design factors for watersheds larger than 1,000 acres shall be 0.01 cfs/acre unless otherwise directed by the Public Works Department.

- c. *Maximum size.* The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Public Works Department.
- d. *Minimum size.* No public sewer line shall be less than six inches in diameter.
- e. *Minimum slope.* All sewers shall be designed to give mean velocities, when flowing full, of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an “N” value of 0.013. The design slopes shall be evenly divisible by four. The slopes shall be a minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving less than 30 houses. The sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten houses, the minimum slope shall be not less than one percent. The following table lists minimum slopes for various sewer sizes:

TABLE 2. MINIMUM SLOPES BY SEWER SIZE

Sewer Size (inches)	Minimum Slope (feet per 100 feet)
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16



- f. *Alignment.* All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Public Works Department.
  - g. *Manhole location.* The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches, except where required to match crowns. The use of drop manholes will require approval by the Public Works Department. The minimum inside diameter of the manholes shall conform to those specified by the Public Works Department. Inside drop manholes will require special consideration; however, in no case shall the minimum clear distance be less than that indicated in this subsection. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.
  - h. *Sewer locations.* Sanitary sewers shall be located within streets or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley rights-of-way where possible. Imposed loading shall be considered in all locations. Not less than six feet of cover shall be provided over the top of the pipe in street and alley rights-of-way, or three feet in all other areas.
  - i. *Cleanouts and lampholes.* Cleanouts and lampholes permitted by the Public Works Department shall be required by the Public Works Department on all service laterals.
  - j. *Water supply interconnections.* There shall be no physical connection between a public or private potable water supply system and sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
  - k. *Relationship of sewers to water mains.* A minimum horizontal distance of seven feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete or a metal sleeve for a distance of ten feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two feet above the sewer line.
- (7) *Liquid waste management plan;* community and individual liquid waste systems. Where a public sewer system is not available, and the planning commission determines that the public system cannot be reasonably extended, a liquid waste management plan approved by the environmental division of the state health and environment department shall be submitted for approval of the planning commission.
- a. *Plan required.* Any person seeking approval of a subdivision plot must submit a liquid waste management plan to the planning commission for either a community or individual liquid waste (sewer) system.
  - b. *Standards for community systems.* Requirements for community liquid waste systems are as follows:

1. Design and complete construction of the community system, by the time required in the approved plan, in compliance with all applicable water quality control regulations in effect at the time of final plat approval.
  2. Connection to the community system for the occupants within the subdivision in accordance with the requirements of the approved plan.
  3. Provisions for the operation, maintenance and expansion of the community system to meet the growth in population of the subdivision in a manner consistent with the approved plan and consistent with all applicable water quality control regulations in effect at the time of final plat approval.
- c. *Required submittals for community systems.* Information requirements for community liquid waste systems are as follows:
1. A legal description of the location of all construction, easements and rights-of-way necessary for the installation of the community liquid waste treatment system.
  2. Plans and specifications, prepared by a professional engineer registered in the state, for the construction of the system.
  3. The time when the community system is to be completed.
  4. If the proposal is to connect to an existing community liquid waste system, plans and specifications for the liquid waste collection system within the subdivision and the connecting system, and a description of the existing system.
  5. The projected population of the subdivision, based upon four persons per household.
  6. A subdivision improvements agreement which guarantees:
    - i. The construction and operation of any liquid waste treatment system required as shown in the final plat documents and plans.
    - ii. Collateral in the form of a performance bond or other means to adequately ensure the complete construction and operation of the system in accordance with design and time specifications.
    - iii. Certification of the operator of the system.
    - iv. Involvement, as prescribed in the final plat documents, of a homeowners' association or community association.
- d. Standards for individual systems. Individual liquid waste disposal systems and privies may not be approved by the planning commission for use within a subdivision unless the following standards are met:
1. Such systems shall be located so as not to potentially contaminate or pollute any drinking water supply, watercourse or body of water.

2. Such systems shall be located so as not to potentially degrade any recreational resources.
3. Such systems shall not create a nuisance.
4. Such systems shall not be located in areas where there is evidence that similar individual systems have caused significant groundwater contamination or high nutrient levels in any body of water.
5. Such systems shall not be located in areas where there is evidence that they will cause hazards to health or to the environment.
6. The distance between a well and a tank used as part of an individual liquid waste disposal system must be no less than 50 feet.
7. The distance between a well and an absorption field that is part of an individual liquid waste disposal system must be not less than 100 feet.
8. The distance between a well or body of water used as a public water supply and an absorption field or tank used as part of an individual liquid waste disposal system must be no less than 200 feet.
9. The distance between an absorption field or tank used as a part of an individual liquid waste disposal system and the nearest boundary of a floodway must be no less than 100 feet.

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- e. *Soil limitations for individual systems.* Individual liquid waste disposal systems may not be approved for use within a subdivision characterized by severe limitations under standards prescribed by the EID and CID of the state. In addition, individual liquid disposal systems shall not be approved for use within a subdivision where a percolation rate of less than six minutes per inch and a seasonal high water table of less than 20 feet exist together.
- f. *Minimum lot size for individual systems.* Individual liquid waste disposal systems may not be approved by the planning commission for use within a subdivision unless the parcels on which they will be used conform to the minimum lot sizes required by the EID and CID of the state.
- g. *Submittal requirements for individual systems.* Submittals for individual liquid waste disposal systems are as follows:
  1. A copy of the subdivider's disclosure statement relating to liquid waste disposal.
  2. The location of all proposed and existing wells, sewage absorption areas, community sewage systems and community water supply systems within the proposed subdivision and within 300 feet of the proposed subdivision boundary.

3. The location of all arroyos, drainage areas and bodies of water within the proposed subdivision and within 300 feet of the proposed subdivision boundary.
4. The soil depth throughout the area of the proposed subdivision.
5. Soil classification or percolation tests, or both.
6. The depth to the seasonal high water table.
7. The slope of the ground within the proposed subdivision.
8. The flood frequency of areas within the proposed subdivision.
9. A detailed description of the kind of individual liquid waste disposal system that is to be used by the occupants of the subdivision.
10. The projected population of the subdivision, based upon four persons per household.

(g) *Sidewalks and curbs.*

- (1) Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets as illustrated in table 3.
- (2) Concrete curbs and gutters are required for all streets where sidewalks are required by this article or where required at the discretion of the planning commission and council.
- (3) Sidewalks shall be improved as required in subsection (c)(2)b of this section. A median strip of grass or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs.

TABLE 3. SIDEWALK REQUIREMENTS

Type of Street	Sidewalk Requirement
Local	Optional (at council directive)*
Collector	Both sides, 4 feet wide
Arterial	Both sides, 5 feet wide

\*But, where provided, four feet wide.

(h) *Underground installation of utilities; utility easements.*

- (1) *Underground installation.* All utility facilities, including but not limited to gas, electric power, telephone and cable television facilities, shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility

facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(2) *Easements.*

- a. Easements centered on rear lot lines shall be provided, where necessary, for utilities (private and municipal). Such easements shall be at least ten feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
- b. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements of at least ten feet in width shall be provided along side lot lines, with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

(i) *Public land dedication, parks and open space.*

- (1) *Public uses shown on comprehensive plan.* Where a proposed park, playground, open space or other public use shown on the comprehensive plan is located in whole or in part in a subdivision, the planning commission and council shall require that such area be shown on plats in accordance with the requirements specified in this section. Such area shall be dedicated to the village by the subdivider if the council approves such dedication.
- (2) *Public uses not shown on comprehensive plan.* Where such other areas or sites of a character, extent and location suitable to the needs created by the type of development proposed for a subdivision are deemed essential by the planning commission for the orderly provision of areas or sites for public services or facilities and which development was not anticipated by the master plan, the planning commission shall require the subdivider to indicate such areas or sites on the subdivision plat, and, if deemed necessary by the planning commission and the council, such area shall be dedicated to the village by the subdivider.
- (3) *Dedication of recreation space required.* Before any subdivider shall receive final plat approval for a subdivision of land lying within the corporate limits of the village, or land which is to be annexed to the village prior to the approval of the final plat, the subdivider shall dedicate to the village an area of land to be used by the village for a neighborhood recreation space. The provisions of this subsection shall not apply to replats of land already subdivided.
- (4) *Calculation of required recreation space.* The amount of land to be dedicated shall be equal to the recreation space demand created by the subdivision and development of the land subdivided. The recreation space demand shall be computed on the projected requirement of 3.75 acres per 1,000 population generated. The number of persons the development of the subdivided land would generate as future residents of the area will be computed on the following formula:

- a. For subdivision of land lying within an R-1 or R-2 residential zoning district or single-family lots platted in an R-2 residential zoning district, the population shall be computed as the number of single-family lots contained in the subdivision multiplied by 3.11 persons.
  - b. If the subdivider of property within an R-3 residential zoning district has building plans ready to submit to the building official, showing the units to be built on the subdivided property or any portion thereof, the following formula shall be used to determine the population to be generated by this property: the number of family units contained multiplied by 2.60 persons.
  - c. If the subdivider of property within an R-4 multiple-family zoning district has building plans ready to submit to the building official, showing the units that will be built on the subdivided property or any portion thereof, the following formula shall be used to determine the population generated by this property:
    - 1. The number of studio units multiplied by 1.30 persons; plus
    - 2. The number of one-bedroom units multiplied by 1.73 persons; plus
    - 3. The number of two-bedroom units multiplied by 2.60 persons; plus
    - 4. The number of three- or more bedroom units multiplied by 3.46 persons; plus
    - 5. The number of townhouse units multiplied by 2.60 persons.
  - d. For subdivision of land lying within an M-1 low-density mobile home district, the population shall be computed as the number of lots in the mobile home subdivision multiplied by 3.11 persons.
  - e. For subdivision of land lying within an M-2 medium-density mobile home district, the population shall be computed as the number of lots in the mobile home subdivision multiplied by 2.60 persons.
  - f. If the subdivider of property within a multiple-family zoning district does not have plans ready to submit to the building official showing the units to be built on the subdivided property or any portion thereof, the following formula shall be used to determine the population to be generated by this property:
    - 1. If the property is in an R-2 residential district, the number of persons generated will be calculated by multiplying 3.11 persons times 6.20 units per acre, times the number of net acres in the subdivision for single-family development, and times 9.70 units per acre for duplexes. Net acreage shall include all acreage, including public easements not dedicated to the village, in fee simple.
    - 2. If the property is located in an R-3 residential district or R-4 multiple-family district, the number of persons generated by the development will be calculated by multiplying 2.60 persons times 16.0 units per acre, times the number of acres in the subdivision for R-3 development, and times 22.0 units per acre for R-4 development.
- (5) Payment of recreation space demand fee in lieu of dedication of land. In lieu of the land required to be dedicated by subsection (i)(3) of this section, the subdivider may choose to pay the village a recreation space demand fee. The amount of the fee shall equal the number of persons the future

development of the subdivision will generate as calculated under subsection (i)(4) of this section, multiplied by the per-person fee based on per-acre value of land being subdivided within the village.

- (6) *Appraisal of value of land for purpose of recreation space demand fee.* For the purpose of computing the recreation space demand fee, the fair market value of the raw land lying within the subdivision shall be an amount determined in an appraisal obtained by the village from a qualified appraiser who is a resident of the county. If the developer does not feel the amount so determined fairly reflects the market value of the raw land lying within the subdivision, the developer may obtain, at his own expense, an additional appraisal from a qualified professional appraiser approved by the village. The appraisal done by such approved appraiser shall be binding on the village.
- (7) *Payment of recreation space demand fee when proposed land is unsuitable.* If the council, prior to approving the final plat, finds that the land offered to be dedicated by the developer is inappropriate for use as recreation space because the land offered for dedication does not lie within the designated planned park sites for the area, or is not usable as a village park because of rough topography, susceptibility to flooding, inaccessibility or limited size, or does not meet other reasonable standards for land to be used as recreation space, the developer will be required to pay the fee in lieu of land as provided in subsection (i)(5) of this section.
- (8) *Deferral of dedication or fee payment.* Ordinarily, the recreation space demand fee shall be deposited with the village clerk prior to the approval of the final plat. However, if the council determines that immediate payment of the fee will work a hardship on the developer, or other circumstances so dictate, it may allow the developer to enter into an agreement with the village providing for future dedication of land or payment of the fee, provided that such agreement is accompanied by a good and sufficient surety bond in the amount of the required fee ensuring faithful performance of the agreement for future dedication or payment.
- (9) *Disposition and use of recreation space demand fees; refunds.* All fees collected pursuant to this subsection shall be deposited by the village in a fund known as the Village of Ruidoso Recreational Space Purchase and Improvement Fund. Monies deposited into the fund shall not be expended for any purpose other than to purchase and/or make improvements on land to be used as public recreational area located within one mile from an exterior boundary of the subdivision for which the fees were paid. If the village does not either purchase property or make improvements on property designated as public recreational area within one mile from the exterior boundary of the subdivision for which the fee was paid within a ten-year period from the date of such payment, the developer shall be refunded, at the expiration of the ten-year period, an amount equal to the fee, plus interest at the rate of six percent. Such refund, however, shall only be made after the developer, or his entire heirs or assigns, presents the village with a written request for such refund containing a statement as to the name of the subdivision for which the fee was paid, the date the fee was paid, and such other information as may be necessary to establish that a refund is due.
- (10) *Recovery of dedicated property by donor.* If land dedicated to the village for use as public recreation space is not improved or dedicated as natural open space and used as public recreation space within a period of ten years, the donor of the property or his successors in interest may institute an action to recover the property pursuant to NMSA 1978, § 70-1-45.

- (11) *Form of dedication.* The dedication of land required by this subsection shall be by warranty deed or dedication on a plat of the subdivision filed of record with the county clerk. All deeds and dedications purporting to dedicate land to the village pursuant to this subsection shall be approved by the village attorney.

This subsection shall not apply to subdivisions for which preliminary plat approval has been obtained prior to the effective date of the subdivision regulations in this article, adopted June 28, 1988, by Ordinance No. 88-6.

(Code 1985, § 10-10-5)

## **SEC. 54-286 COMPLETION OF IMPROVEMENTS.**

(a) *Generally; performance bond; acceptance of dedication offers.*

(1) *Performance bond.*

- a. The council shall require that the applicant post a bond at the time of application for final subdivision approval in to secure to the village the satisfactory construction, installation and dedication of the required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in this article. The amount of the bond shall be 125 percent of the cost of the installation and materials necessary to complete the subdivision.
  - b. Such performance bond shall comply with all statutory requirements and shall be executed by a surety company holding a license to do business in the State of New Mexico, and acceptable to the Village of Ruidoso on a form approved by the village, in an amount of 125 percent of the cost of the improvements as certified by the council. The performance bond shall be satisfactory to the village attorney as to form, sufficiency and manner of execution, as set forth in this article. The period within which required improvements must be completed shall be specified by the council in the resolution approving the final subdivision plat and shall be incorporated in the bond, and shall not in any event exceed two years from the date of final approval.
  - c. Such bond shall be approved by the council as to amount and surety and conditions satisfactory to the council. The planning commission may, upon proof of difficulty, recommend to the council extension of the completion date set forth in such bond for a maximum period of one additional year. The council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the planning commission.
- (2) *Alternative to performance bond.* As an alternative to requiring a contractor's performance bond, the council, at its discretion, may allow the procedures for completion of improvements described in section 54-283(d)(5).
- (3) *Temporary improvements.* The applicant shall build and pay for all costs of temporary improvements required by the council and shall maintain the temporary improvements for the period specified by the council. Prior to construction of any temporary facility or improvement,



the developer shall file with the Public Works Department a separate performance bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained and removed.

- (4) *Payment of costs of improvements.* All required improvements shall be made by the applicant, at his expense, without reimbursement by the village or any improvement district therefor.
- (5) *Guarantees by governmental units.* Governmental units to which the bond and contract provisions of this section apply may file, in lieu of the contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
- (6) *Failure to complete improvements.* For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the village may thereupon declare the bond to be in default, call on the bond, and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.
- (7) *Acceptance of dedication offers.* Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by resolution of the council. The approval by the council of a subdivision plat shall not be deemed to constitute or imply the acceptance or maintenance by the council of any street, easement or park shown on the plat. The council may require the plat to be endorsed with appropriate notes to this effect.

(b) *Inspection of improvements.*

- (1) *Required; fees; liability of applicant and bonding company.* The council shall provide for inspection of required improvements during construction and to ensure their satisfactory completion. The applicant shall pay to the village an inspection fee as set forth in Appendix A to this Code. The inspection fee shall be computed based on the amount of the performance bond or the estimated cost of required improvements, and the subdivision plat shall not be signed by the mayor unless such fee has been paid at the time of approval. If the Public Works Department finds upon inspection that any of the required improvements have not been constructed in accordance with the village's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to the specifications.
- (2) *Release or reduction of performance bond; maintenance of improvements.*
  - a. *Certificate of satisfactory completion.* The council will not accept dedication of required improvements, or release or reduce a performance bond, until the Public Works Department has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Public Works Department, through submission of a detailed as-built survey plat and construction plans of the subdivision,

prepared on Mylar, indicating location, dimensions, materials and other information required by the council or Public Works Department, that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the village attorney indicating that the improvements have been completed, are ready for dedication to the village and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the council shall thereafter accept the improvements for dedication in accordance with the established procedure.

b. *Reduction of performance bond.* A performance bond may be reduced upon actual dedication of public improvements, and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below 25 percent of the principal amount unless all improvements have been dedicated, in which case the bond may be reduced to zero, provided a maintenance bond is posted.

c. *Maintenance of improvements; maintenance bond.*

1. The applicant shall be required to maintain all improvements within the subdivision and/or on the individual subdivided lots for a period of one year following completion of the improvements or until final acceptance of the improvements by the village council. If there are any certificates of occupancy on a street where improvements have not been dedicated to the village, the village may, on 12 hours' notice, effect emergency repairs and charge the costs to the applicant.

2. The applicant shall be required to file a maintenance bond with the council prior to dedication in the amount of ten percent of the improvement costs, in a form satisfactory to the village attorney, in order to guarantee that all workmanship and materials, including all lot improvements on the individual subdivided lots, shall be free from defects for a period of one year after the date of their acceptance by the council and dedication of the improvements to the village.

(c) *Deferral or waiver of required improvements.*

(1) The council may defer or waive, at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the council to defer the construction of any improvement required in this article because of incompatible grades, future planning, or inadequacy or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the village prior to signing of the final subdivision plat, or the applicant may post a bond ensuring completion of the improvements upon demand by the council.

(d) *Issuance of building permits and certificates of occupancy.*

- (1) Where a performance bond has been required for a subdivision, no building permit for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of the improvements to the village, as required in the council's final approval of the subdivision plat.
- (2) No certificate of occupancy for any building in the subdivision shall be issued prior to completion, inspection and approval by the Public Works Department and dedication to the village of all utilities required to serve the building for which a certificate of occupancy is requested.
- (3) The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire protection equipment, prior to the issuance of an occupancy permit.
- (4) No building permit shall be issued for the final ten percent of lots in a subdivision (or, if ten percent is less than two, for the final two lots of a subdivision) until all public improvements required by the council for the plat have been fully completed and dedicated to the village.
- (5) For the purpose of allowing the early construction of model homes in a subdivision, the planning commission, at its discretion, may permit a portion of a major subdivision involving no more than four lots to be created in accordance with the procedures of section 54-283(e), provided such portion derives access from an existing village, township, county or state highway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the planning commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary plat approval, the model may be constructed, subject to such additional requirements that the planning commission may require.

(Code 1985, § 10-10-6; Ord. No. 2007-09, 9-11-07)

## **SEC. 54-288. FEES.**

Fees for permits, inspections and administrative functions associated with the community development department shall be set or revised from time to time by the planning official with the concurrence of the village manager. The fees are to be reviewed and recommended by the planning and zoning commission to the governing body for approval by resolution.

(Code 1985, § 10-10-7; Ord. No. 2019-02 , 3-12-19)

## **SEC. 54-287. CERTAIN DESIGN AND CONSTRUCTION STANDARDS SAVED FROM REPEAL.**

Design and construction standards for streets, storm drainage, water and sanitary sewers are not printed in this Code, but are saved from repeal and are on file and available in the offices of the planning administrator and the village clerk.

## **SEC. 54-288—54-320. RESERVED.**

# **ARTICLE IV. FLOOD HAZARD REGULATIONS**

## **SEC. 54-321. STATUTORY AUTHORITY.**

The legislature of the state has, in NMSA 1978, § 3-18-6, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

(Code 1985, § 10-9-1)

## **SEC. 54-322. FINDINGS OF FACT.**

- (a) The flood hazard areas of the village are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Code 1985, § 10-9-2)

## **SEC. 54-323. PURPOSE OF ARTICLE.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Code 1985, § 10-9-3)

## **SEC. 54-324. METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or which cause excessive increases in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, streams, channels and natural protective barriers which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development which may increase flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1985, § 10-9-4)

## **SEC. 54-325. DEFINITIONS (FOR PURPOSES OF THE NATIONAL FLOOD INSURANCE PROGRAM).**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

*Alluvial fan flooding* means flooding occurring in the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition, and unpredictable flow paths.

*Apex* means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appeal* means a request for a review of the enforcement officer's interpretation of any provisions of this article, or a request for a variance.

*Area of shallow flooding* means a designated AO, AH or VO zone on a community's flood insurance rate map with a one-percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1—30, AE, A99, AR, AR/A1—30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1—30, VE or V.

*Base flood* means the flood having a one-percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on flood insurance rate maps (FIRMs) and on the flood profiles.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

*Elevated building* means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Existing construction* means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as "existing structures."

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community.

*Existing mobile home park or mobile home subdivision* means a parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance from which this article is derived.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads.

*Expansion to an existing mobile home park or mobile home subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets.

*Flood and flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazard have been designated as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study (FIS)*. See "Flood elevation study."

*Floodplain and floodprone area* mean any land area susceptible to being inundated by water from any source (see the definition of "flooding").

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodway and regulatory floodway* mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include longterm storage or related manufacturing facilities.

*Habitable floor* means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:



- a. By an approved state program as determined by the Secretary of the Interior; or
- b. Directly by the Secretary of the Interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means, for purposes of the National Flood insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Mobile home.* See "Manufactured home."

*New construction* means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community, and includes any subsequent improvements to such structures.

*New mobile home park or mobile home subdivision.* See "New manufactured home park or subdivision."

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Special flood hazard area.* See "Area of special flood hazard."

*Start of construction*, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Cost shall be determined according to the standards of subsection 22-34(b). This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety codes or specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Variance* means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1985, § 10-9-5; Ord. No. 2011-15, 10-11-11; Ord. No. 2014-09 , 10-28-14)

Editor's note(s)—Ord. No. 2014-09 Editor's note(s)—, adopted Oct. 28, 2014, changed the title of § 54-325 Editor's note(s)— from "Definitions" to read as herein set out.

Cross reference(s)—Definitions generally, § 1-2 Cross reference(s)—.

## **SEC. 54-326. LANDS TO WHICH ARTICLE APPLIES.**

This article shall apply to all areas of special flood hazard within the jurisdiction of the village.

(Code 1985, § 10-9-6)

## **SEC. 54-327. BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Ruidoso," dated November 5, 2014, with accompanying flood insurance rate maps, dated November 5, 2014 (Panel Numbers: 35027C2059E and 35027C2080E) and November 16, 2011 (Panel Numbers: 35027C1890D, 35027C189SD, 35027C2052D, 35027C2056D, 35027C2057D, 35027C2055D, 35027C2058D, 35027C2066D, and 35027C20670) and flood hazard boundary-floodway maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this article.

These additional resources can be used by the floodplain manager for the purpose of issuing a floodplain permit or determining floodplain BFEs or other required floodplain determination elements.

(1) estBFE Viewer.

(2) inFRM tools (interagency flood risk management).

(Code 1985, § 10-9-7; Ord. No. 2011-15, 10-11-11; Ord. No. 2014-09 , 10-28-14; [Ord. No. 2022-01](#), 5-10-22, [Ord. No. 2024-05](#))

## **SEC. 54-328. DEVELOPMENT PERMIT REQUIRED.**

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Code 1985, § 10-9-8; Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-329. COMPLIANCE WITH ARTICLE AND OTHER REGULATIONS.**

No structure or land shall hereafter be located or altered or have its use changed without full compliance with the terms of this article and other applicable regulations. All appropriate State and Federal permits have been obtained before the issuance of an approved permit by the Village of Ruidoso.

(Code 1985, § 10-9-9, [Ord. No. 2024-05](#))

### **SEC. 54-330 ABROGATION OF EXISTING RESTRICTIONS; CONFLICTING REGULATIONS.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1985, § 10-9-10)

### **SEC. 54-331. INTERPRETATION OF ARTICLE.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally constructed in favor of the council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1985, § 10-9-11)

### **SEC. 54-332. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur, and flood heights may be increased by manmade or natural causes. This article does not

imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the village or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1985, § 10-9-12)

### **SEC. 54-333. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The planning administrator or his designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (the National Flood Insurance Program regulations) pertaining to floodplain management.

(Code 1985, § 10-9-13)

### **SEC. 54-334. DUTIES OF FLOODPLAIN ADMINISTRATOR.**

Duties and responsibilities of the floodplain administrator shall include but not be limited to the following:

- (1) The floodplain administrator shall maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) The floodplain administrator shall review permit applications to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) The floodplain administrator shall review, approve or deny all applications for development permits required by adoption of this article.
- (4) The floodplain administrator shall review applications for proposed development to ensure that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required (including those required by section 404 of the federal Water Pollution Control Act Amendments of 1972, 33 USC 1334).
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) The floodplain administrator shall notify, in riverine situations, adjacent communities and the state coordinating agency, which is the emergency management bureau, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM).

- (7) The floodplain administrator shall ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 54-327, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this article.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development, including fill, shall be permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1—30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(Code 1985, § 10-9-14; Ord. No. 2014-09 , 10-28-14)

## **SEC. 54-335. ISSUANCE OF DEVELOPMENT PERMIT.**

- (a) *Application.* Application for a development permit shall be presented to the enforcement officer on forms furnished by him, and may include but shall not be limited to plans in duplicate drawn to scale showing the locations, dimensions and elevation of proposed landscape alterations and existing and proposed structures, and their location in relation to areas of special flood hazard. Additionally, the following information is required:
  - (1) Elevation, in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures.
  - (2) Elevation, in relation to mean sea level, to which any nonresidential structure shall be floodproofed.
  - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 54-337.
  - (4) A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  - (5) Maintain a record of all such information in accordance with, subsection 54-334(1).
- (b) *Criteria for approval.* Approval or denial of a development permit by the enforcement officer shall be based on all of the provisions of this article and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage.
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (3) The danger that materials may be swept onto other lands to the injury of others.
- (4) The compatibility of the proposed use with existing and anticipated development.
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electric and water systems.
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (8) The necessity to the facility of a waterfront location, where applicable.
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (10) The relationship of the proposed use to the comprehensive plan for that area.

(Code 1985, § 10-9-15; Ord. No. 2014-09 , 10-28-14)

## **SEC. 54-336. VARIANCES.**

- (a) The enforcement officer shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The planning commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the enforcement officer in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the planning commission may appeal such decisions to the council as provided in section 54-62, and then to the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal, and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this article.

- (f) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 54-335(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted in this section and the intent of this article, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Prerequisites for granting variances are as follows:
  - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (j) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (1) The criteria outlined in this article are met.
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (k) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.



## SEC. 54-337. GENERAL STANDARDS.

In all areas of special flood hazard, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed, or modified, and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters; and
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(Code 1985, § 10-9-17; Ord. No. 2014-09 , 10-28-14)

## SEC. 54-338. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in [section 54-327](#), [54-334\(8\)](#) or [54-337](#), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the enforcement officer that the standard of this subsection, as proposed in [section 54-335](#), is satisfied.
- (2) *Nonresidential construction.* New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of two feet above the base flood level, or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that such design, specifications and plans are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) *Enclosures.* New construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) a. Manufactured homes that are placed or substantially improved within zones A1—30, AH and AE on the community's FIRM on sites:
1. Outside of a manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two feet above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- (5) *Recreational vehicles.* Recreational vehicles placed on sites within zones A1—30, AH and AE on the community's FIRM shall either:
- a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use; or
  - c. Meet the permit requirements of this article and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

- (6) *Evacuation plan.* A plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas shall be developed and filed with and approved by the enforcement officer.

(Code 1985, § 10-9-18; Ord. No. 2014-09 , 10-28-14, [Ord. No. 2024-05](#))

## **SEC. 54-339. STANDARDS FOR AREAS OF SHALLOW FLOODING.**

- (a) Located within the areas of special flood hazard established in section 54-327 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions shall apply:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM, or at least two feet if no depth number is specified.
  - (2) All new construction and substantial improvements of nonresidential structures shall:
    - a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM, or at least two feet if no depth number is specified; or
    - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
  - (3) A registered professional engineer or architect shall submit a certification to the enforcement officer that the standards of this section, as proposed in section 54-335(b), are satisfied.
  - (4) Within zones AH and AO, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

(Code 1985, § 10-9-19; Ord. No. 2014-09 , 10-28-14)

## **SEC. 54-340. STANDARDS FOR SUBDIVISION PROPOSALS.**

- (a) All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with sections 54-321 through 54-323.
- (b) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet the development permit requirements of sections [54-335](#) and [54-337](#), and other provisions of this article.

- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided.
- (d) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so as to minimize or eliminate flood damage.

(Code 1985, § 10-9-20)

## **SEC. 54-341. COMPUTER PROGRAMS FOR IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS.**

- (a) Any computer program used to perform hydrologic or hydraulic analyses in support of a flood insurance map revision must meet all of the following criteria:
  - (1) It must have been reviewed and accepted by a governmental agency responsible for the implementation of programs for flood control and/or the regulation of floodplain lands. For computer programs adopted by non-federal agencies, certification by a responsible agency official must be provided which states that the program has been reviewed, tested and accepted by that agency for purposes of design of flood control structures or floodplain land use regulation.
  - (2) It must be well documented, including source codes and user's manuals.
  - (3) It must be available to the Federal Emergency Management Agency and all present and future parties impacted by flood insurance mapping developed or amended through the use of the program. For programs not generally available from a federal agency, the source code and user's manuals must be sent to the Federal Emergency Management Agency free of charge, with fully documented permission from the owner that the Federal Emergency Management Agency may release the code and user's manuals to such impacted parties.

(Code 1985, § 10-9-21)

## **SEC. 54-342. FLOODWAYS.**

Located within areas of special flood hazard established in section 54-327 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development, unless certification by a professional registered engineer or architect is provided

demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) If the requirements of this article are satisfied, all new construction and substantial improvements shall comply within all applicable flood hazard reduction provisions of section 54-337

( Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-343. SEVERABILITY.**

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

( Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-344. PENALTIES FOR NONCOMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Village of Ruidoso from taking such other lawful action as is necessary to prevent or remedy any violation.

( Ord. No. 2014-09 , 10-28-14)

### **SEC. 54-345—54-370. RESERVED.**

# ARTICLE V. AIRPORT HAZARD REGULATIONS<sup>12</sup>

## SEC. 54-371. SCOPE OF ARTICLE; STATUTORY AUTHORITY.

This article is applicable to the area enclosed within a 10,000-foot radius from the center of each end of the primary surface of each runway of the airport and by connecting the adjacent arcs by lines tangent to those arcs, and all the area within the runway 6/24 approach zone for a distance of 50,000 feet from the center of each end of the primary surface for each end of runway 6/24, all as shown on the airport hazard zoning map attached to the ordinance from which this article is derived, at the Sierra Blanca Regional Airport. This article divides such area into zones and, within such zones, specifies the land uses permitted, regulates and restricts the height to which structures and trees may be erected or allowed to grow, and imposes other restrictions and requirements necessary to effectuate the approach plan for the airport, the airport approach plan having been heretofore formulated and adopted by the board of county commissioners. The authority for the airport approach plan and for this article is NMSA 1978, §§ 3-39-16—3-39-26, and Federal Aviation Administration Regulations, Part 77, Objects Affecting Navigable Airspace.

(Code 1985, § 11-8-1)

## SEC. 54-372. DEFINITIONS.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) **Airport** means the Sierra Blanca Regional Airport, Ruidoso, New Mexico.
  - (2) **Airport elevation** means the established elevation of the highest point on the usable landing area, which is 6,810.5 feet MSL.
  - (3) **Airport reference point** means the point established as the approximate geographic center of the airport landing area, and is established at a location described as follows: longitude 105°31'31" west, latitude 33°27'42" north.
  - (4) **Height.** For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
  - (5) **Landing area** means the area of the airport used for the landing or takeoff of the aircraft.
  - (6) **Nonconforming use** means any structure, tree or use of land which is lawfully in existence at the time this article becomes effective and does not then meet the requirements of this article.

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<sup>12</sup>Cross reference(s)—Aviation, ch. 18 Cross reference(s)—.

(7) **Primary surface** means a surface longitudinally centered on a runway and which extends 200 feet beyond each end of that runway, provided the surface is hard; otherwise, the primary surface ends at each end of that runway. The primary surface is established as 200 feet beyond each end of the runways and has a width of 1,000 feet for instrument runways and 250 feet for visual runways.

(8) **Runway** means a defined area on the airport prepared for landing and takeoff of aircraft along its length.

(b) Other definitions are as set out in NMSA 1978, § 3-29-17, and in Federal Aviation Administration Regulations, Part 77, Objects Affecting Navigable Airspace.

(Code 1985, § 11-8-2)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

## SEC. 54-373. ZONES.

(a) In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying within the approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Sierra Blanca Regional Airport Hazard Zoning Map, consisting of one sheet, and bearing the date of adoption of the ordinance from which this article is derived, a copy of which is attached to such ordinance and made a part of this article by reference. The various zones are hereby established and defined as follows:

(1) **Approach zones.** An approach zone is established at each end of all runways on the airport for landings and takeoffs. The approach zone shall be longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface and has a width of 1,000 feet for instrument runway 6/24 and 250 feet for visual runway 12/30 at a distance of 200 feet beyond each end of each runway, widening thereafter uniformly for each runway as follows:

a. For runway 6/24, to a width of 4,000 feet at a slope of 50 feet horizontally to one foot vertically for the first 10,000 feet, and to a width of 16,000 feet at a slope of 40 feet horizontally to one foot vertically for the next 40,000 feet.

b. For runway 12/30, to a width of 450 feet at a slope of 20 feet horizontally to one foot vertically at a distance of 1,000 feet from the end of the primary surface.

(2) **Transition zones.** Transition zones are hereby established adjacent to each runway and approach zone as indicated on the zoning map. Transition zones extend outward and upward at right angles to the runway centerline at a slope of seven feet horizontally to one foot vertically from the sides of the primary surface and from the sides of the approach surfaces to the point where they intersect the surface of the horizontal zones or the conical zone.

(3) **Horizontal zones.** A horizontal zone is hereby established as the area the perimeter of which is constructed by swinging arcs of a radius of 10,000 feet from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines

tangent to those arcs. The horizontal zone does not include the approach zones, conical zones and transition zones.

- (4) **Conical zones.** A conical zone is hereby established as the area that commences at the periphery of the horizontal zones and extends outward therefrom at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The conical zone does not include the approach zones and transition zones.

(Code 1985, § 11-8-3)

## SEC. 54-374. HEIGHT LIMITATIONS.

- (a) Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this article to a height in excess of the height limit established in this article for each zone. Such height limitations are hereby established for each of the zones in question as follows:

- (1) *Approach zones.*

- a. For runway 6/24: Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- b. For runway 12/30: Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

- (2) *Transitional zones.* Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 6,810.5 feet above mean sea level. In addition, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

- (3) *Horizontal zones.* One hundred fifty feet above the airport elevation or a height of 6,960.5 feet above mean sea level.

- (4) *Conical zone.* One foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal zones, extending to a height of 350 feet above the airport elevation.



- (5) *Overlapping zones.* Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail. Nothing in this article shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the surface of the land within a three-mile radius of the airport reference point.

(Code 1985, § 11-8-4)

## **SEC. 54-375. USE RESTRICTIONS.**

Notwithstanding any other provisions of this article, no use may be made of land within any zone established by this article in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(Code 1985, § 11-8-5)

## **SEC. 54-376. NONCONFORMING USES.**

- (a) *Regulations not retroactive.* This article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to this article as of the effective date of the ordinance from which this article is derived, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this article shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article is derived and is diligently prosecuted.
- (b) *Marking and lighting.* Notwithstanding subsection (a) of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the village council to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the village and shall conform to the current Federal Aviation Administration Advisory Circular 70/7460-1.
- (c) *Incompatible uses.* No use shall be allowed within any zone established by this article which is in conflict with Federal Aviation Administration Order 5200.5 relating to safe flight operations.

(Code 1985, § 11-8-6)

## **SEC. 54-377. PERMITS AND VARIANCES.**

- (a) *Permit for new uses and structures.* Except as specifically provided in subsections (1), (2) and (3) of this subsection, no material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this article unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to this article.
- (1) In the area lying within the limits of the horizontal zone or the conical zone but not within the limits of an approach zone or transition zone, no permit shall be required for any tree or structure less than 50 feet in vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
- (2) In the area lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 50 feet in vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the exceptions in subsections (1), (2) and (3) of this section shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this article, except as set forth in section 54-374.

- (b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the ordinance from which this article is derived or the effective date of any amendments to this article, or than it is when the application for a permit is made.
- (c) *Abandoned or destroyed nonconforming uses.* Whenever the village council determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this article.
- (d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with this article, may apply to the planning commission for a variance from this article. Such variances may be allowed where it is duly found that a literal application or enforcement of this article would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article.

(e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the village, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Code 1985, § 11-8-7)

## **SEC. 54-378. ADMINISTRATION.**

It shall be the duty of the planning commission to administer and enforce this article. Applications for permits and variances shall be made to the planning commission upon forms furnished by it. The airport manager shall review all applications for permits and variances and shall report his findings and recommendations to the planning commission regarding compliance with this article and the airport master plan. Applications required by this article to be submitted to the planning commission and reviewed by the airport manager shall be promptly considered and granted or denied by the planning commission.

(Code 1985, § 11-8-8)

## **SEC. 54-379. APPEALS.**

Appeals shall be to the village council according to the provisions of NMSA 1978, § 3-39-22.

(Code 1985, § 11-8-9)

## **SEC. 54-380. JUDICIAL REVIEW.**

Judicial review may be had as provided in NMSA 1978, § 3-39-23.

(Code 1985, § 11-8-10)

## **SEC. 54-381. ENFORCEMENT AND REMEDIES.**

Violations, penalties and additional relief are as provided in NMSA 1978, § 3-39-24.

(Code 1985, § 11-8-11)

## **SEC. 54-382. CONFLICTING REGULATIONS.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Code 1985, § 11-8-12)

## **SEC. 54-383—54-399. RESERVED.**

# **ARTICLE VI. WILDFIRE HAZARD OVERLAY DISTRICT**

## **SEC. 54-400. INTENT AND PURPOSE OF DISTRICT.**

- (a) This wildfire hazard overlay district (the "district") is intended to promote the public health, safety and general welfare of the citizens of the village, to minimize the risk of loss of life and property in the district, to encourage and regulate prudent land use in the district so as not to increase the danger to the public health, safety and property, to reduce the demands for public expenditures for relief and protection of structures and facilities permitted in the district, to regulate buildings and structures so as to minimize the hazard to public health, safety and welfare and to public and private property, and to facilitate an added value concept to enhance aesthetics and property values.
- (b) Specific purposes are:
- (1) To develop and maintain a map or otherwise to identify areas within the village's jurisdiction that allow for preliminary identification of wildfire hazard areas.
  - (2) To identify the process for assessing the wildfire hazard concurrent with the land planning process.
  - (3) To identify specific types of development to be subject to wildfire mitigation measures and the provisions of the Urban/Wildland Interface Code ("U/WIC"), as amended and adopted by the village.
  - (4) To reference the standards with which development proposed in wildfire hazard areas must comply.
  - (5) To set forth the procedures for addressing wildfire risk during the land development process.

(Ord. No. 2002-05, 6-25-02)

## **SEC. 54-401. APPLICABILITY.**

- (a) The regulations contained in this article shall apply to all land areas identified as being within the district.
- (b) Any area assigned a hazard rating of 60 for constructed sites or 45 for unimproved land or higher by the U/WIC, or such other rating as the U/WIC may provide from time to time, shall be subject to the provisions of this article.
- (c) Land use activities subject to this article are:
  - (1) All building permits;
  - (2) Site plans;
  - (3) Subdivisions;
  - (4) All special use permits, including conditional uses and variances.
- (d) The provisions of this article shall apply in addition to the applicable requirements of the underlying zoning district. Where any such provisions are inconsistent, the provisions of this article shall govern.

(Ord. No. 2002-05, 6-25-02)

## **SEC. 54-402. DUTIES OF DIRECTOR.**

- (a) The planning administrator and the director of forestry of the village shall have concurrent responsibility for administration of this article.
- (b) Use of the title "director" refers to the planning administrator or the director of forestry or their duly authorized representative.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-403. IDENTIFICATION OF DISTRICT.**

- (a) The district shall be deemed an overlay on property in any zoning district that comes within the provisions of this article.
- (b) The village may create a map to identify properties within the district, or it may identify said properties on the basis of the hazard rating system of the U/WIC, or by such other method as will serve the purposes listed above and sufficiently identify the property. Any property identified as being within the district shall lawfully be designated as such, regardless of whether or not it is identified on any map.

- (c) Land proposed for development shall be subject to on-site inspection by the director for the purpose of determining a wildfire hazard rating.
- (d) Any person contesting the location of property within the district or the severity of conditions at a specific location within the district may challenge the determination of the director by submission of forestry, topographic and other data to support such contest. The director shall not allow deviations from the district designation or from the mitigation requirements of this article unless the data submitted clearly and conclusively establishes that the designated location is incorrect or that the hazard conditions as determined by the director are in error. The director shall be required to enter findings that any deviations approved as a result of this subsection do not present a significant hazard to public health, safety or welfare, or to property at the specific contested location. Any adverse finding under this subsection shall be subject to appeal as otherwise provided in this Code.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-404. DEVELOPMENT STANDARDS.**

- (a) *General requirements.* Development determined to be subject to the provisions of the district shall be required to mitigate identified hazards through compliance with these regulations. Additional measures aimed at reducing the risk of wildfire may be imposed at the discretion of the director, subject to contest as specified in section 54-402 herein.
- (b) *Specific requirements.*
  - (1) *Fuel modification.*
    - a. Minimum fuel modification measures required are set forth in the Fuels Management Standards, section 42-80. Identification of fuel modification measures in addition to the minimum requirements set forth in section 42-80 may be required where slopes exceed 40 percent or [where] other extreme conditions promoting severe fire behavior exist. Additional fuel modification shall be determined and approved by the director of forestry and the fire chief. Identification of fuel type, volume and loading, in conjunction with an assessment of slope and aspect, to determine the ability for a wildfire to spread.
    - b. Reduction of fuel loading and modification of fuel types to reduce the risk to structures or adjacent vegetation, including the creation of fuel breaks.
    - c. Creation of defensible space to protect structures from approaching wildfire and reduce the potential for turning a structure fire into a wildfire.
  - (2) *Defensible space standards.*
    - a. The standards and criteria governing the design of defensible space and associated fuel break thinning shall be those specified in the U/WIC and section 42-80 as adopted by the village.

- b. Roadway standards shall be those specified in the U/WIC as adopted by the village.
- c. A site development plan or building permit meeting the criteria set forth in section 54-404(b)(3)b. shall be deemed to be in compliance with the defensible space requirement when a written certificate of compliance is issued by the director of forestry. The cost of inspection, reinspection and certification shall be borne by the applicant according to the fee schedule as set forth in appendix A to this Code.
- d. A denial of a certificate of compliance may be appealed to the planning commission, the governing body and district court as provided in this Code.

(3) *Building permits.*

- a. All buildings and structures allowed to be located in a wildfire hazard area shall be required to comply with the design standards specified in the U/WIC.
- b. No building permit shall be issued for new construction, the replacement of existing structures, or for additional habitable space of 400 square feet or more until a lot assessment has been completed.
- c. No certificate of occupancy for any construction meeting the criteria contained in subsection b. above shall be issued until a certificate of compliance has been issued.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04; Ord. No. 2007-04, 4-24-07; Ord. No. 2007-09, 9-11-07; Ord. No. 2012-07, 6-26-12)

## **SEC. 54-405. APPLICATION PROCEDURE.**

- (a) Prior to the processing of any application for a land use activity within the district, a wildfire hazard rating shall be obtained by completion of the Fire Hazard Ratings Form (section 42-81). Where required as per section 54-404(b)(1), additional fire hazard reduction measures will be determined by the director of forestry and/or the fire chief.
- (b) If the wildfire hazard rating is 60 for constructed sites or 45 for unimproved land or greater, or otherwise as specified by the U/WIC, a report may be requested to be prepared by a qualified person approved by the director. The report shall, at a minimum, include the following:
  - (1) A description of the existing site characteristics including geologic, vegetative, topographical, and environmental conditions.
  - (2) A determination as to whether the site characteristics constitute a hazard.
  - (3) An assessment of the severity of the hazard and its implications relative to future development.
  - (4) An analysis of the intensity and character of existing and proposed development and its effect on the hazard.

- (5) An analysis of the relationship between the development and the hazard, both inside and outside the impacted area.
- (6) Recommendations pertaining to the form, type and extent of the required mitigation measures as outlined in the U/WIC and in this article.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-406. REVIEW PROCEDURES.**

- (a) The review procedure for the provisions of this article shall coincide with the procedures specified in this Code for the type of development or use proposed and the requirements of the underlying zoning district. In the event of any conflict, the procedures of this article shall control.
- (b) All decisions made by either the director or the planning commission pursuant to the provisions of this article shall be appealable as provided in this Code. The appellate body may approve or disapprove the decision, and may apply such reasonable conditions to its approval as will further the purposes of this article including, but not limited to:
  - (1) Alteration of the physical characteristics of the land;
  - (2) Alteration to the vegetative features of the land; or
  - (3) Construction standards required of structures proposed.

(Ord. No. 2002-05, 6-25-02; Ord. No. 2004-03, 5-11-04)

## **SEC. 54-407—54-698. RESERVED.**

# **ARTICLE VII. WIRELESS TELECOMMUNICATIONS FACILITIES**

## **SEC. 54-699. SHORT TITLE.**

This article shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of the Village of Ruidoso, New Mexico, (hereinafter referred to as the "ordinance"). This article shall supersede all other aspects of this Code, including special use permits and variances, as they may pertain to the construction, erection and/or expansion of wireless telecommunications towers and facilities. This ordinance shall not include amateur radio operators' equipment as licensed by the FCC.



(Ord. No. 2012-05, 6-12-12)

## SEC. 54-700. AUTHORITY.

This article is adopted pursuant to the enabling provisions of the Constitution of the State of New Mexico and NMSA 1978.

(Ord. No. 2012-05, 6-12-12)

## SEC. 54-701. PURPOSE

The purpose of this article is to provide a process and a set of standards for the placement, modification, and construction of wireless telecommunications towers and facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the village.

(Ord. No. 2012-05, 6-12-12)

## SEC. 54-702. DEFINITIONS

The terms used in this article shall have the following meanings:

**Antenna** means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

**Antenna support structure** means any building or structure other than a tower which can be used for location of telecommunications facilities.

**Antenna height** means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Applicant** means any person that applies for a telecommunications facilities permit.

**Application** means the process by which the owner of a parcel of land and the owner of a tower within the village submits a request to develop, construct, build, modify, or erect a telecommunications facility upon such parcel of land; application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the village concerning such a request.

**Camouflage** means to disguise the function of a wireless communications site. Examples include building facilities to resemble clock towers, trees, steeples, flagpoles, etc. Sometimes known as "stealth" towers or facilities that are designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower, such as light poles, power poles, and trees.

**Co-location** means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Designated scenic resource** means that specific location, view, or corridor, as identified as a scenic resource in the village that consists of one or both of the following:

- (a) A three-dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
- (b) Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

**Engineer** means any engineer licensed as a professional engineer by the State of New Mexico.

**Expansion** means the addition of antennas, towers or other devices to an existing structure.

**Height** means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished point of the building or structure. The highest point shall include farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

**Historic or archaeological resources** means resources that are:

- (a) Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
- (b) Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
- (c) Individually listed on a local inventory of historic places in Ruidoso; or
- (d) Areas identified by the village as having significant value as a historic or archaeological resource and any areas identified in the village's comprehensive plan.

**Historic district** means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or

physical development or identified in the village's comprehensive plan. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

**Historic landmark** means any improvement, building or structure of particular historic or architectural significance to the village relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history.

**Line of sight** means the direct view of the object from the designated scenic resource.

**Owner** means any person with fee title or long-term (exceeding ten years) leasehold to any parcel of land or existing tower within the village who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

**Parabolic antenna (also known as satellite dish antenna)** means an antenna that is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

**Person** means any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

**Principal use** means the use other than one that is wholly incidental or accessory to another use on the same premises.

**Public recreational facility** means a regionally or locally significant facility, as defined and identified either by state statute or in the village's adopted comprehensive plan designed to serve the recreational needs of village property owners.

**Stealth** means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

**Targeted market coverage area** means the area which is targeted to be served by this proposed telecommunications facility.

**Telecommunications facilities** means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

- (a) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
- (b) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

**Tower** means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities, but shall not include amateur radio operators' equipment as licensed by the FCC.

**Unreasonable adverse impact** means that the proposed project would produce an end result which is:

- (a) Excessively out of character with the designated/described historic, architectural, or scenic resources affected, including existing buildings, structures and features within the designated scenic resource; and
- (b) Would significantly diminish the visual aesthetic value of the designated/described historic, architectural, or scenic resource.

**Viewpoint** means that location which is identified whether in the adopted comprehensive plan or by a federal or state agency, or which serves as the basis for the location and determination of a particular designated scenic resource.

**Wireless telecommunications facility** means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, common carrier wireless exchange access services, and personal communications service (PCS) or pager services; cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications. A telecommunications facility shall not include the following:

- (a) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
- (b) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- (c) The definition of wireless telecommunications facility as used herein shall not include amateur radio operators' equipment as licensed by the FCC.

(Ord. No. 2012-05, 6-12-12)

## **SEC. 54-703. APPLICATION PROCESS.**

Wireless telecommunications facilities are a conditional use in all zones. Any person seeking to construct, erect, build or replace a tower or telecommunications facility will be required to apply for approval from the village under this ordinance and shall submit an application along with the following documentation and information meeting the village's standards.

- (a) *Application.* The village will provide, upon request, application forms for approval pertaining to the construction, erection or increase in height of wireless telecommunications towers and facilities, see section 22-31b.(19) of this Code. All applications for tower approval must be in writing, must be on

the form provided by the village and must include the information required in section 54-67, except as modified or augmented by the following:

- (1) Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and of the applicant.
- (2) Identification of districts, sites, buildings, structures or objects, significant in history, architecture, archaeology, engineering or culture, as well as places, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); CFR 60 and 800).
- (3) A detailed camouflage plan for both the site and the structure.
- (4) A site plan drawn to a scale of one-inch equals 100 feet prepared and certified by a design professional registered in the State of New Mexico indicating:
  - a. Location, type, and height of the proposed facility.
  - b. Antenna capacity.
  - c. On-site and abutting off-site land uses.
  - d. Means of access.
  - e. Setbacks from property lines.
  - f. All applicable technical and structural codes.
- (5) A scenic assessment, consisting of the following:
  - a. Elevation drawings of the proposed facility and any other proposed structures, showing height above ground level.
  - b. A landscaping plan indicating the proposed placement of the facility on the site including:
    1. A detailed camouflage plan for both the site and the structure;
    2. Location of existing structures, trees, and other significant site features;
    3. The type and location of plants proposed to screen the facility;
    4. The method of fencing, the color of the structure and any proposed lighting method.
  - c. Photo simulations of the proposed facility must be taken. Each photo must be labeled with the line of sight, elevation, and the date the photograph was taken. The photos must show the color of the facility, the method of screening and the camouflage plan.

- (6) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
  - (7) An application for approval shall include payment of the application fee for conditional use permit. The application shall not be considered complete until this fee is paid. This fee is non-refundable.
- (b) *Standards.* No application shall be submitted for consideration or approved by the Ruidoso Planning Commission unless the following standards are met:
- (1) Reserved.
  - (2) *Siting on village property.* If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on village property, the applicant must show the following:
    - a. The proposed location complies with applicable village policies and ordinances.
    - b. The proposed facility will not interfere with the intended purpose of the property.
    - c. The applicant has adequate liability insurance and a lease agreement with the village that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interest in the property.
  - (3) *Design for co-location.* A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers. However, the village council may waive or modify this standard in the event co-location is not feasible. The applicant must show to the planning commission's satisfaction why co-location on an existing facility is not feasible.
  - (4) *Height.* Towers are exempt from the maximum height restrictions of the zoning districts where located. Towers shall be permitted to a height of 150 feet. Tower height shall be measured from grade.
  - (5) *Setbacks.* A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back 105 percent of its height from all adjacent residential properties. The setback may be satisfied by including areas within the residential property that are encumbered by an easement restricting placement of any habitable structure. The following exemptions apply:
    - a. This setback may be reduced by the village planning commission upon a showing by the applicant, stamped by an engineer, that the facility is designed to collapse in a manner that will not harm other property.
    - b. An antenna is exempt from the setback requirement if it extends no more than five feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

- (6) *Landscaping.* A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties. All telecommunications facilities shall have one or more rows of evergreen trees, shrubs, earth-tone stucco walls, or berms capable of screening the base of the tower and all accessory equipment from view from adjacent properties. A break of not more than 15 feet in the visual barrier may be allowed for maintenance access. Existing plants and natural landforms on the site shall be preserved to the maximum extent practicable.
- (7) *Fencing.* A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structures by trespassers.
- (8) *Lighting.* Lighting of the facility is not permitted except as required by state or federal laws and/or regulations and/or to the extent deemed necessary by the planning commission for safety purposes.
- (9) *Color and materials.* A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
- (10) *Visual impact.* The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the village, as identified either in the adopted comprehensive plan, or by a state or federal agency.
- a. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the planning commission shall consider the following factors:
1. The extent to which the proposed wireless telecommunications facility is visible above the tree line from the viewpoint(s) of the designated scenic resource;
  2. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
  3. The extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);
  4. The amount of vegetative screening;
  5. The distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and
  6. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.
- (11) *Historical and archaeological properties.* The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site, or structure, which is currently listed on, or eligible for listing on the National Register of Historic Places.

(12)*Camouflage*. All telecommunications facilities must be camouflaged to the greatest extent reasonably possible and in a manner approved by the planning commission.

(13)*Advertising*. No wireless communications facility shall display any sign or advertising.

(Ord. No. 2012-05, 6-12-12; Ord. No. 2019-02 , 3-12-19)

## **SEC. 704. APPROVAL OR DENIAL PROCESS.**

- (a) *Public hearing*. Upon receipt of a complete application(s), the planning administrator shall schedule a public hearing to be held before the planning commission. The procedures for review and approval of a conditional use as set forth in [Section 54-88](#) shall be followed.
- (b) *Hearing notices*. Notice of any public hearing shall follow the requirements of Section 54-40.
- (c) *Approval of application*. Approval of the application shall follow the requirements of [Section 54-88](#).
- (d) *Appeal of planning commission decision*. Any person may appeal the decision of the planning commission as provided in section 54-62.

(Ord. No. 2012-05, 6-12-12)

## **SEC. 705. RESERVED.**

Editor's note(s)—Ord. No. 2019-02 Editor's note(s)—, adopted March 12, 2019, repealed § 54-705 Editor's note(s)—, which pertained to building permits and derived from Ord. No. 2012-05, adopted June 12, 2012.

## **SEC. 706. ADMINISTRATION AND ENFORCEMENT.**

The planning administrator shall enforce this chapter. If the planning administrator finds that any provision of this ordinance has been violated, the planning administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The planning administrator shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance. Any violation of the terms of this ordinance or of the permit and application shall be subject to the maximum penalties and fines as provided in this Code. Each day of any such violation or failure to perform pursuant to this Code shall constitute a separate offense and the village may file multiple citations for each day that a violation continues.

(Ord. No. 2012-05, 6-12-12)





Passed, Approved and Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Lynn D. Crawford, Mayor

**ATTEST:**

\_\_\_\_\_  
Jini S. Turri, MMC  
Village Clerk

# AGENDA MEMORANDUM

## Village of Ruidoso

Regular Items - 1.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Ashlie Carabajal, Water Resource Manager  
Adam Sanchez, Public Works Director

**Meeting Date:** January 14, 2025

**Re:** Discussion and Possible Action on Adoption of Resolution 2025-03 a Resolution Adopting the 2023 Combined Utility Master Plan to Include Appendices A-E.

---

### **Item Summary:**

Discussion and Possible Action on Adoption of Resolution 2025-03 a Resolution Adopting the 2023 Combined Utility Master Plan to Include Appendices A-E.

### **Financial Impact:**

There would be no financial impact.

### **Item Discussion:**

This resolution would replace the 1998 Village of Ruidoso Water Master Plan, 2017 Wastewater Collection System Master Plan, establish a master plan for the Regional Wastewater Treatment Plant, establish a master plan for the Solid Waste department, and establish a 10-year financial plan for each enterprise department.

### **Recommendations:**

To Approve Adoption of Resolution 2025-03 a Resolution Adopting the 2023 Combined Utility Master Plan to Include Appendices A-E.

### **ATTACHMENTS:**

Description

Resolution 2025-03

Combined Utility Master Plan

**Village of Ruidoso  
Resolution 2025-03**

**A Resolution Adopting the 2023 Combined Utility Master Plan to  
Include Appendices A-E**

**WHEREAS**, The Village of Ruidoso needed to create a combined Utility Master Plan for the Enterprise Departments to create a plan for the replacement and improvements of infrastructure; and

**WHEREAS**, Appendix A: Water System Master Plan replaces the 1998 Village of Ruidoso Water Master Plan; and

**WHEREAS**, Appendix B: Wastewater Collection System Master Plan replaces the 2017 Wastewater Collection System Master Plan; and

**WHEREAS**, Appendix C: Wastewater Treatment Plant (WWTP) Master Plan establishes a master plan for the Regional Wastewater Treatment Plant; and

**WHEREAS**, Appendix D: Solid Waste System Master Plan establishes a master plan for Solid Waste; and

**WHEREAS**, Appendix E: Enterprise Utilities Financial Analysis and Rate Study develops a 10-year financial plan for each enterprise department;

**NOW, THEREFORE, BE IT RESOLVED** by the Village of Ruidoso that:

1. The 2023 Combined Utility Master Plan, including Appendices A-E, is hereby adopted.
2. The Village of Ruidoso directs the implementation of the Combined Utility Master Plan in accordance with its recommendations and timelines.
3. The Village of Ruidoso commits to periodic reviews and updates of the Combined Utility Master Plan to ensure its continued relevance and effectiveness.

**PASSED AND ADOPTED** by the Village of Ruidoso on this 14<sup>th</sup> day of January, 2025.

Village of Ruidoso

By: \_\_\_\_\_  
Lynn D. Crawford, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Jini S. Turri, Village Clerk

# 2023 Combined Enterprise Utility Master Plan and Rate Study Summary Report for the Village of Ruidoso, NM

*October 15, 2023*



*Summary Report prepared by:*

*Souder, Miller & Associates*

*Hobbs, NM 88240*

Note: For ease of use, key information in this document has been highlighted.

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## Abbreviations and Acronyms

AC:	Asbestos Cement
ADD:	Average Daily Demand
AHMU:	Average Highest Month Use
API:	Application Programming Interface
AM:	Asset Management
AMS:	Asset Management System
AWWA:	American Water Works Association
BRE:	Business Risk Exposure (Criticality)
C&D:	Construction and Demolition
CDL:	Commercial Driver's License
CIP:	Capital Improvement Plan
CIPT:	Capital Improvement Planning Tool
CCP:	Concrete Cylinder Pipe
CCR:	Consumer Confidence Report
CFR:	Code of Federal Regulations
CMMS:	Computerized Maintenance Management System
CoF:	Consequence of Failure
CPB:	Construction Programs Bureau
CPI:	Consumer Price Index
CPPDP:	Community Profile and Population and Demand Projections
CY or cu. Yd.:	Cubic Yard
EPA:	Environmental Protection Agency
FH:	Fire Hydrant
FTE:	Full-Time Employee
FY:	Fiscal Year
GCTS:	Gavilan Canyon Transfer Station
GIS:	Geographic Information System
GPCD:	Gallons per capita per day
GPD:	Gallons per day
GPS:	Global Positioning System
GRT:	Gross Receipts Tax
GSWA:	Greentree Solid Waste Authority
HDPE:	High-Density Polyethylene
HHW:	Household Hazardous Waste
ICIP:	Infrastructure Capital Improvement Plan



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JUB: Joint Utility Board  
LCCA: Life Cycle Cost Analysis  
LF: Linear foot  
LOS: Level of Service  
M&R: Maintenance and Repair  
MBR: Membrane Bioreactor Basins  
MDD: Maximum Day Demand  
MGD: Million Gallons per Day  
MP: Master Plan  
MSW: Municipal Solid Waste  
NMAC: New Mexico Administrative Code  
NMDOT: New Mexico Department of Transportation  
NMED: New Mexico Environment Department  
O&M: Operations and Maintenance  
OGRL: Otero Greentree Regional Landfill  
PB: Pay Band  
PET: polyethylene terephthalate  
PoF: Probability of Failure  
PM: Preventative Maintenance  
PRV: Pressure Relief Valve  
psi: pounds per square inch  
PVC: Polyvinyl Chloride  
RAID: Recycling and Illegal Dumping  
RAS: Return Activated Sludge  
RWWTP: Regional Wastewater Treatment Plant  
SCADA: Supervisory Control and Data Acquisition  
SMA: Souder, Miller & Associates  
SR: State Road  
SSO: Sanitary Sewer Overflow  
SW: Solid Waste  
SWB: Solid Waste Bureau  
VFD: Variable Frequency Drive  
VIN: Vehicle Identification Number  
VOR: Village of Ruidoso  
WWCS: Wastewater Collection System  
WWTP: Wastewater Treatment Plant

## 2023 Enterprise Utility Master Plan Summary Report

The purpose of this Village of Ruidoso Combined Enterprise Utility Master Plan and Rate Study Report is to provide an easily usable overview of the key information from all four Enterprise Utility Master Plans and the Financial Analysis and Rate Study performed in 2023. Each of these master planning documents are provided as appendices to this document for detailed review. The master planning and financial documents that were performed and are included in the appendices are listed as follows:

- A. Water System Master Plan – Souder, Miller & Associates (SMA)
- B. Wastewater Collection System Master Plan – Molzen Corbin (MC)
- C. Wastewater Treatment Plant (WWTP) Master Plan – Molzen Corbin
- D. Solid Waste System Master Plan – Souder, Miller & Associates
- E. Enterprise Utilities Financial Analysis and Rate Study – Raftelis

The format of this document will follow the same general format as was agreed for all the Enterprise Utility Master Plan documents. Please note the Tables and Figures in this Summary Report are taken directly from the Utility Master Plan documents and were not renamed. For this reason, the tables and figures used in this Summary Report will not be labeled in chronological order.

### Purpose and Scope for all Enterprise Master Plan Documents

The Master Plans were created to identify and recommend an optimized program for managing each Enterprise Utility System while addressing future development and growth in the Village of Ruidoso (Village). They also identify recommended capital improvements for each Utility system including their estimated costs and implementation. As part of this effort, each of the Utility Master Plans included in the appendices evaluate the following:

- The Village of Ruidoso’s existing plans and reports.
- The Village’s future Enterprise Utility demands for the next 30 years based on estimated population and growth trends.
- The Village’s current Utility System capacities to meet estimated future demands.
- Detailed Water and Wastewater System modeling and Solid Waste Characterization.
- Utility Systems vehicle and equipment maintenance and inspection programs.
- Analysis of emerging and alternative technologies for system operation.
- Existing Utility System operation analysis and alternative recommendations.
- Pending legislation for potential new regulations from state or federal agencies.
- Asset management including condition determination, remaining life, Critical Assets determination, Level of Service recommendations, CMMS gaps, and asset replacement program for the Village’s Enterprise Utilities vehicles, equipment and facility needs.
- Development of 5-year and 20-year Capital Improvement Plans and process recommendations for future Village staff CIP prioritization and CIP updates.
- Recommended revisions to the Ruidoso Municipal Code.
- Staffing requirements and certifications.

## Brief Community Description for Enterprise Utilities

The four Enterprise Utility Systems serve the Village of Ruidoso, New Mexico. The popularity of Ruidoso as a tourist destination creates challenges for Village infrastructure. Ruidoso has the infrastructure for 30,000 people but has a year-round population of approximately 7,679 residents in 2020 according to the Census. Over sixty percent of the Village housing stock is vacant, with most being seasonal housing. On peak weekends, lodging and vacation homes are close to fully occupied, so the utility systems and infrastructure must be designed to meet the needs of peak visitor weekends.

## Review of Ruidoso Planning Reports

Prior to the master planning firms beginning their work, each firm was required to review a comprehensive list of Ruidoso planning documents to familiarize them with past plans and proposed priorities. The resource documents that were reviewed by the applicable master planning firms are listed below:

### For all Master Plans:

1. 2019 Ruidoso Comprehensive Plan Update
2. Village of Ruidoso Annual Strategic Plan
3. 2021 Ruidoso Asset Management Plan

### For the Water System Master Plan:

1. 2021 Sourcewater Protection Plan (in progress)
2. 2021 Watershed Based Plan (in progress)
3. 2021 Risk and Resiliency Assessment and Emergency Response Plan (in progress)
4. Lincoln National Forest Plan (in progress)
5. 2016 Lower Pecos Valley Regional Water Plan
6. New Mexico Drought Plan: 2018
7. 2018 Village of Ruidoso Regional Potable Water System Improvements
8. Annual Village of Ruidoso Return Flow Credit and Import Credit Reports
9. Annual Village of Ruidoso Water Conservation Reports
10. 2018 New Mexico State Water Plan
11. 2016 Village of Ruidoso Water Conservation Plan
12. 2016 Village of Ruidoso Water Development Plan Update
13. 1998 Village of Ruidoso Water Master Plan
14. 2020 Reclaimed Wastewater Reuse Strategy

For the Wastewater Collection System and Wastewater Treatment Plant Master Plans:

1. 2017 Wastewater Collection System Master Plan
2. 2021 Sourcewater Protection Plan (in progress)
3. 2021 Watershed Based Plan (in progress)
4. Annual Village of Ruidoso Return Flow Credit and Import Credit Reports
5. 2018 New Mexico State Water Plan
6. 2020 Reclaimed Wastewater Reuse Strategy
7. Ruidoso Regional WWTP O&M Manual

For the Solid Waste Master Plan:

Current solid waste permits

## Service Area Description

The service area for each of the four Enterprise Utility Master Plans is primarily the Village of Ruidoso. However, the Water Utility also serves the Sierra Blanca Regional Airport with a separate water system. The Wastewater and WWTP Utility Systems also receive metered flows from the Mescalero Apache Tribal Travel Center and Inn of the Mountain Gods Resort/Casino Facility, along with metered flows from Ruidoso Downs to the WWTP.

## Existing System Descriptions

**Water** – The Ruidoso Water System consists of two points of surface water diversion directing water to the Alto Crest Surface Water Treatment Facility (WTP No.3) located at the most northern part of the system and the Grindstone Surface Water Treatment Facility (WTP No.4) located in the south-central edge of the system. The water system also includes 12 active groundwater supply wells, 12 active above-ground water storage tanks, two (2) below ground clearwells, 35 pressure reducing valves and 11 booster stations.

The water system serves three service Zones (Alto, Cherokee, and Grindstone) with approximately 211 miles of ¾-inch to 16-inch waterline in 45 pressure zones. Over the past three (3) years the system was supplied with an average of 2,815 acre-feet of water (917.2 MG) per year. Of the total supplied, 57 percent (1,575 acre-feet) was surface water, and 43 percent (1,240 acre-feet) was ground water.

**Wastewater Collection** – The Ruidoso wastewater collection system for the Village primarily consists of centralized underground gravity and force main piping networks, lift stations, and maintenance manholes. The Ruidoso wastewater collection system includes approximately 63 miles of 4” though 20” vitrified clay pipe (VCP) and polyvinyl chloride (PVC) interceptors, 16 lift stations, over 700 manholes, and numerous collector and service connections to serve the Village of Ruidoso in addition to the Inn of the Mountain Gods Resort Facility and the Casino Apache Travel Center on the Mescalero Apache Reservation.

**Wastewater Treatment Plant** – The Ruidoso Wastewater Treatment Plant is located near the southeast edge of the community and was constructed in two phases, with the last phase being completed in late 2011. The WWTP is designed for an annual average daily flow of 1.90 million gallons per day (mgd) and a peak month average daily flow of 2.70 mgd. Present flows vary between 1.04 mgd and 1.43 mgd, with the variation primarily resulting from monthly population fluctuations from the Village of Ruidoso with metered connections from Ruidoso Downs and the Mescalero Apache Tribal Travel Center/Inn of the Mountain Gods Resort Facility.

The WWTP facility was designed to be expanded at a future date, commensurate with population growth in the communities served. The facility uses an enhanced biological and chemical treatment process, which consists of biological nutrient removal, chemical addition to further remove phosphorus and nitrogen, and membrane liquid-solids separation to provide an effluent essentially free of particulate solids. This process utilizes a membrane bioreactor (MBR) for the final aeration and clarification processes. Treated effluent is discharged into the Rio Ruidoso which promotes perennial flow conditions downstream from the facility and creates a return flow credit for the Village.

The dewatered biosolids remaining from the treatment process are presently treated onsite to create a Class B compost, then surface applied or landfilled. The WWTP personnel desire to begin a Class A composting process that will make safe Class A Compost available to the public as fertilizer/mulch material so the Class B Compost will no longer be required to be surface applied or landfilled.

**Solid Waste** – The Village of Ruidoso Solid Waste Department provides municipal solid waste (MSW) collection, yard/vegetation waste collection, bear mess cleanup, and recycling support services for the village. The Solid Waste Department also operates the Gavilan Canyon Transfer Station where the MSW from Village collection trucks is delivered and then loaded into Village transfer trailers for transport to the Otero Greentree Regional Landfill (OGRL) by Village staff.

The Village exclusively provides the collection of municipal solid waste (MSW) from all residential and commercial accounts within the Village using Village personnel, trucks, and containers. In FY 2021, approximately 11,570 tons of MSW were transported to the landfill.

The Village also exclusively provides the collection of all yard/vegetation waste for all accounts within the Village using Village personnel and four grapple trucks.

The Village has an agreement with a green waste contractor for yard waste disposal services. Under this agreement, Village trucks deliver the yard/vegetation waste to the contractor for disposal. In FY 2021, 50,886 cubic yards of green waste were collected and transported to a green waste contractor.

As introduced in the WWTP section above, the Village is considering the use of a small portion of the green waste along with the WWTP Biosolids to create a safe Class A Compost that can be made available to the public as fertilizer/mulch material so the Class B composted material will no longer need to be surface applied or landfilled. This document and the Solid Waste Master Plan both discuss composting in detail and identify options for the Village to begin this Class A composting process.

Recycling services are provided by the Village throughout the community under an agreement with Greentree Solid Waste Authority (GSWA). Under this agreement, the Village provides and maintains approximately 154 containers being utilized for cardboard recycling. The containers for recycling #1 and #2 plastics, aluminum and newspaper are provided by GSWA. These containers are placed by the Village in locations throughout the Village for individuals and businesses to recycle materials. GSWA provides the driver, collection truck and processing facility to handle and recycle all these materials.

The Village also performs needed cleanup operations within the Village limits. The daily cleanups with three to four trucks are routinely called “bear mess runs.” These cleanup crews also respond to situations of illegal dumping throughout the community. This Village crew also picks up metal appliances and furniture set out by residents. Residents are allowed to put out two of these items each year. The metal appliances are placed in a GSWA roll off at the transfer station to be hauled away and recycled by GSWA.

The Village does not presently operate a Convenience Center where individuals can directly dispose of municipal solid waste or large items. The Solid Waste Master Plan includes a discussion of potential convenience center locations and operations where this service could be provided. The potential costs for this additional service are included in the recommended Capital Improvement Plan.

## Enterprise Utility Modeling and Findings

The Village Water System and Wastewater Collection System were both modeled to determine system flow deficiencies and other concerns. The system modeling overviews and findings are discussed below.

**Water System Modeling** – The Village provided SMA with a hydraulic model in WaterCAD format that was last updated in 2016. SMA updated the hydraulic model to match the current system using record drawings, GIS data, and existing pressure reducing valve (PRV) settings provided by the Village. The elevations of all elements in the model were updated and the valve information was also updated.

The Village provided record drawings for the Waterline Improvements III Hemlock Circle 2017, Country Club Tank Replacement 2019, Waterline Improvements I Malone Drive 2019, and Waterline Improvements II Dipaolo Drive 2022 projects. SMA included the 2022 Town and Country project in the existing system scenario of the water model. SMA also included the future Pinecliff project in the future scenarios of the model.

SMA analyzed the hydraulic model and compared the pressure results to pressure and hydrant data provided by the Village to calibrate and verify the water model results with field data. In many cases the modelled pressure results did not match field pressure data provided by the Village, so a series of meetings were held with the Village field staff to revise the model to match field conditions. Following these meetings, the model conditions were revised to match field conditions.

**Water System Model Findings** – Based on the hydraulic model, the water system has areas with very high pressures as is to be expected in a mountain community, but there are also low-pressure areas that need to be addressed.

The existing water pressures as determined by the hydraulic model are shown in Figure 20; the existing water age results are shown in Figure 21, and the existing available fire flow rates are shown in Figure 22 on the following pages.

Pressures less than 30 pounds per square inch (psi) and water age in excess of 200 hours are items to be addressed in the Water Master Plan recommendations.

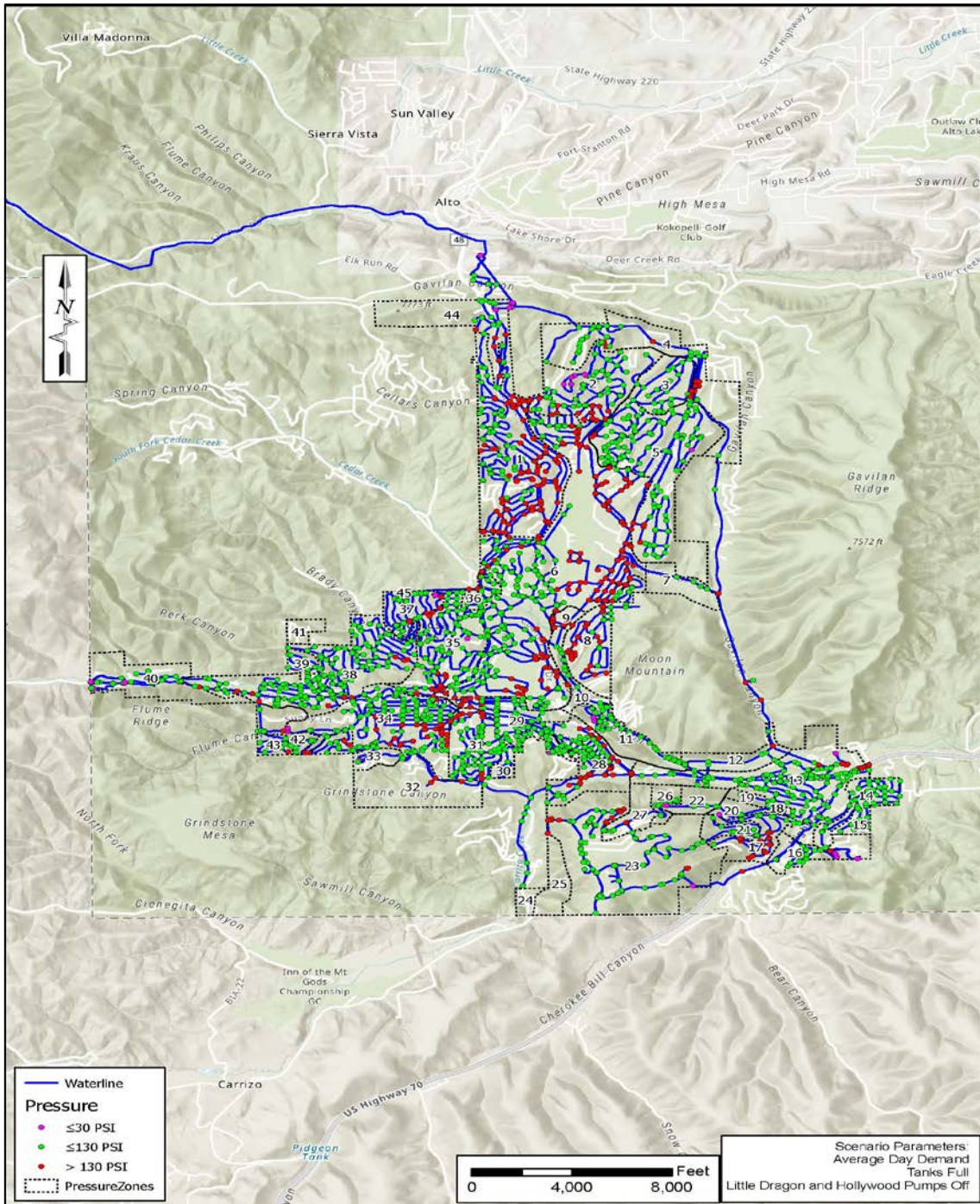


Figure 1: Existing Water System Hydraulic Model Pressures

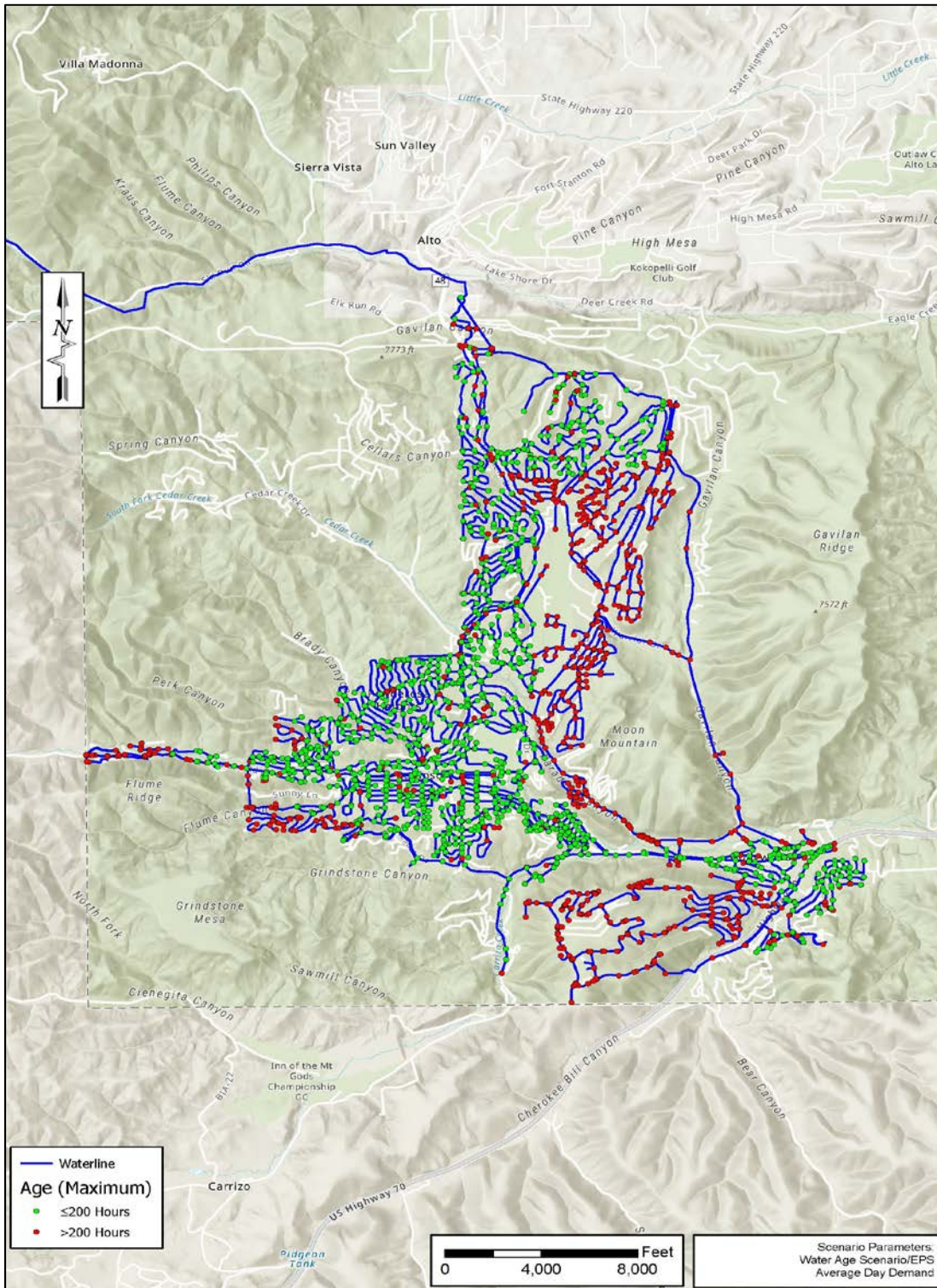


Figure 2: Existing System Water Age



Village of Ruidoso, NM  
 2023 Combined Enterprise Utility Master Plan and Rate Study Summary Report

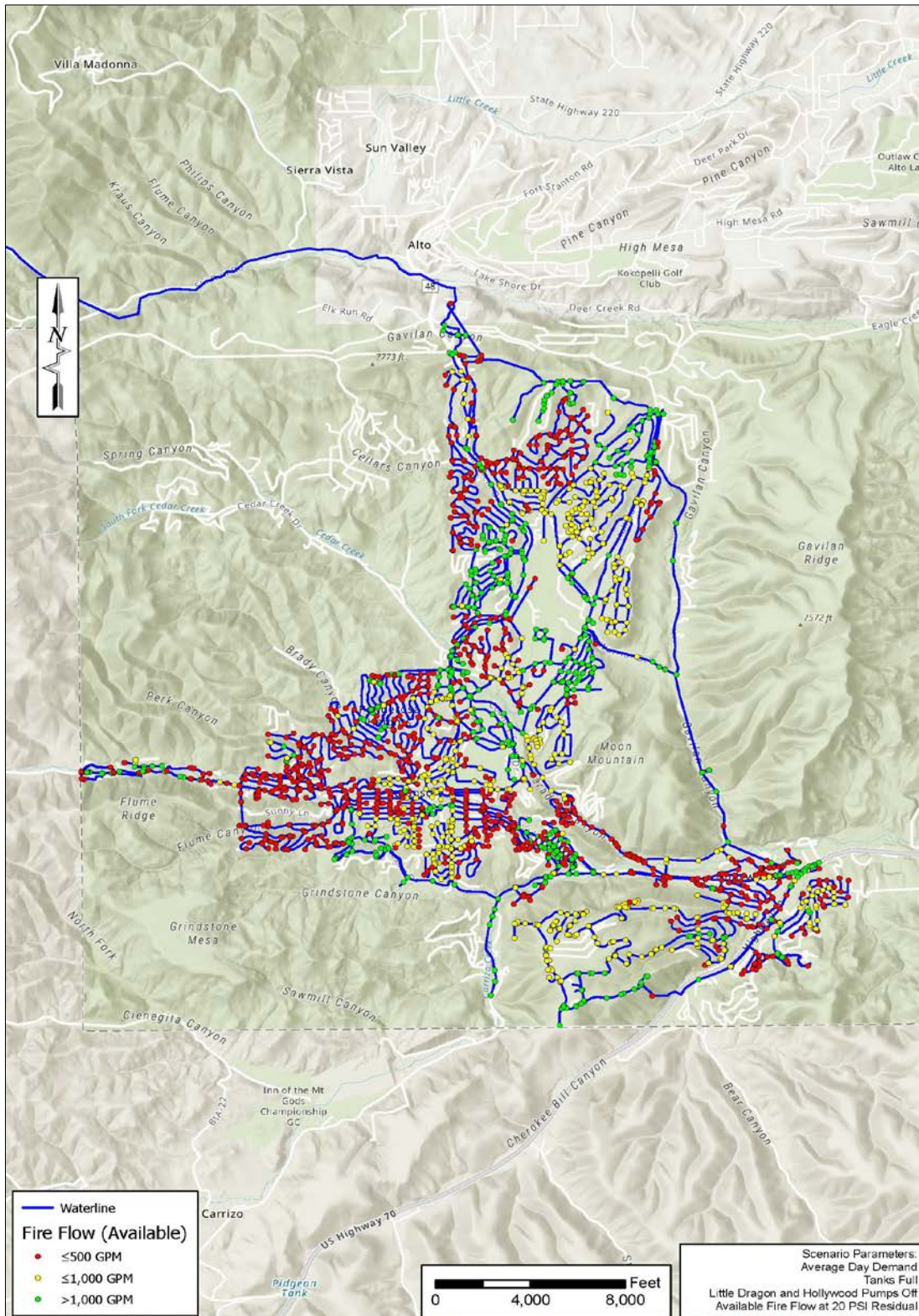


Figure 3: Existing System Fire Flow

As shown in the three previous figures, concerns with low and high pressure, water age, and fire flows were identified. The high-pressure concerns will be able to be mitigated with PRV calibration and improvements presently being planned. Low pressure concerns will be addressed with the addition of small booster pump stations and line connection reconfigurations.

To address the water age concern, SMA recommends increased flushing practices in the Country Club Pumped Zone across from the White Mountain Recreation Complex as well as in the Grindstone Reservoir Zone. In addition, SMA recommends that automatic flush hydrants be installed at the dead-ends throughout the system.

The fire flow analysis in the hydraulic model indicated that the system’s lowest flow rate at a pressure of 20 psi was 6 gallons per minute (gpm), and the average system flow rate was 235 gpm (under 500 gpm) as shown in Figure 22. The system includes a large amount of waterline that is smaller than 6 inches in diameter; these lines will not be able to provide the desired fire flow rate of 1,000 gpm. SMA recommends upgrading these lines to a minimum 6-inch diameter to improve fire flow capabilities as well as completing all the recommended upgrades in the 20-year Water System Capital Improvement Plan.

**Wastewater System Modeling** – The sewer collection system model from the *Wastewater Collection System Master Plan, Preliminary Engineering Report, Final, April 2017 (MC)* was imported into SewerCAD® by MC, and they updated the model to include most current geographic information system (GIS) data and As-Built Record Drawings from the restoration project. The figure below shows the updated sewer collection system model, including the current Village GIS information that was used to update the model.

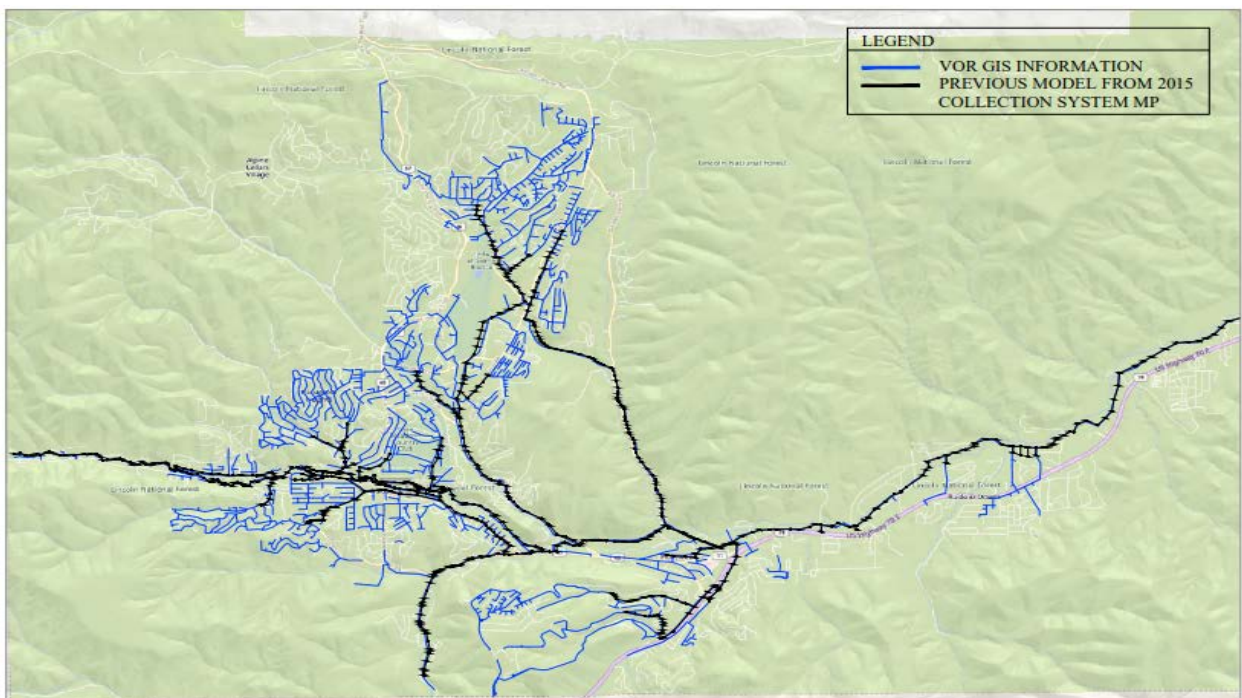
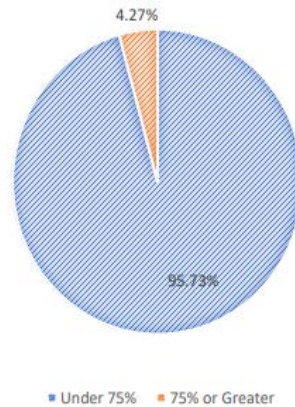


Figure 4 – Wastewater Collection System

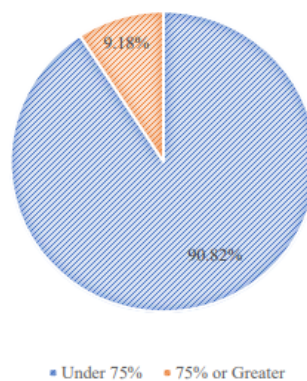
**Wastewater System Model Findings** – MC first used the updated wastewater model to analyze the existing wastewater interceptor system capacity to determine areas of present concern. A figure of 75% of the maximum pipe flow capacity as compared to the design capacity was used to identify these areas of concern.

The existing conditions model indicated that approximately 4.27% of the interceptor system analyzed has a calculated pipe capacity of 75% or greater, which means that over 95% of the wastewater interceptor system shown in the Model are at less than 75% and have good capacity for the existing conditions.



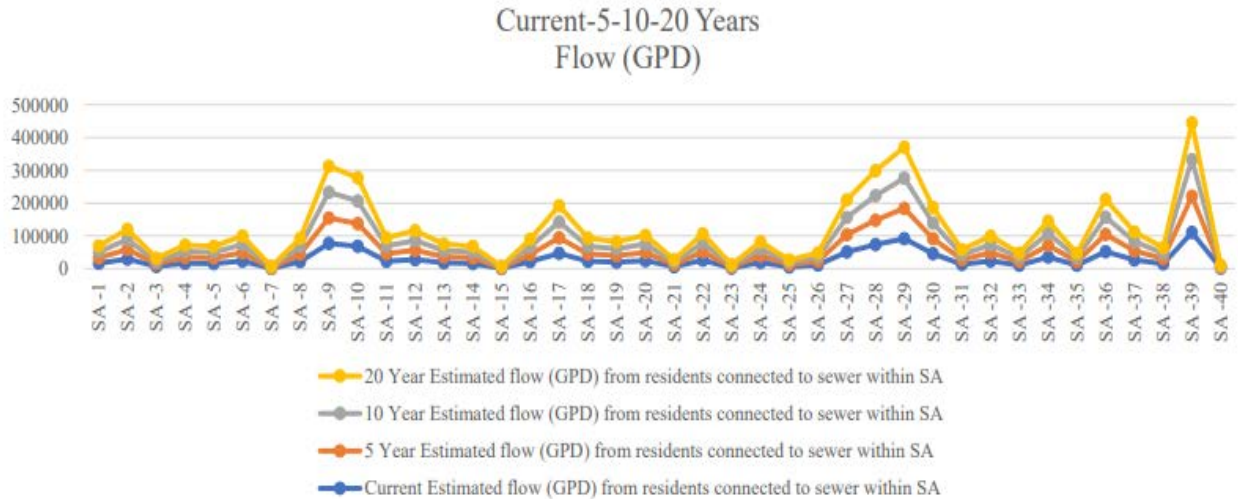
**FIGURE 2-4**  
**CALCULATED PIPE CAPACITY FOR CURRENT CONDITIONS**

The wastewater interceptor system model was then used with the projected 20-year population growth to identify potential areas of capacity concerns. Analysis of the 20-year model reflects an increase of over 413,000 gallons per day of flow related to population increases. This additional flow causes approximately 9.18% of the interceptor lines to be over 75% capacity as shown below. This figure is compared to the 4.27% with existing conditions shown above.



**FIGURE 2-11**  
**BREAKDOWN OF CALCULATED PIPE CAPACITY OVER 75% FOR 20-YEAR MODEL**

Specific areas were then evaluated to determine where wastewater interceptor capacity improvements need to be focused. Figure 2-12 shows the increase of flow during the years by service area. It is anticipated that service areas SA-9, SA-29, SA-36, and SA-39 will have the greatest growth and impact to the system in the future models.



**FIGURE 2-12**  
**CURRENT, 5-,10-, AND 20-YEAR MODEL PROJECT FLOW PER SERVICE AREA**

However, MC noted that they have recently worked with the Village on several projects to mitigate many of the current capacity issues identified in the main interceptor line through town that follows the Rio Ruidoso. Because of these recent interceptor line improvements, the Village will be able to focus their wastewater interceptor improvement efforts on other areas of town experiencing issues. The 20-Year Wastewater Capital Improvement Plan includes planned improvements for the identified areas with additional capacity needs.

### Enterprise Utility Supply/Demand Summary

The New Mexico planning firm Sites Southwest (SSW) performed a detailed analysis of the Village of Ruidoso population characteristics and growth areas for all the Enterprise Utility Master Plans. The results of this analysis are included at the beginning of the Demand and Supply or Demand and Capacity sections of each Utility Master Plan. Special consideration was given in the analysis for potential infill development and the prevalence of short-term rentals (e.g., Airbnb). In addition, the historical flows recorded from the WWTP and Water System Supply for major events such as Memorial Day, 4<sup>th</sup> of July, etc. were included in the projections of Utility capacities and population projections.

From that analysis, the existing 2020 Ruidoso population and seasonal population were listed along with population projections for the Ruidoso population and seasonal population for 2040 and 2050 as shown in the following table:

Village of Ruidoso Population Growth Data

	2020	2040 (*)	% Increase 2020-2040	2050	% Increase 2020-2050
<b>Ruidoso Homes</b>	3,519	5,658	60.8%	6,110	73.6%
<b>Ruidoso Population</b>	7,879	12,673 (SSW)	60.8%	13,680	73.6%
<b>Seasonal Homes</b>	3,049	4,904	60.8%	7,099	132%
<b>Seasonal Pop.</b>	9,147	14,712	60.8%	21,297	132%
<b>Total Population</b>	17,026	27,385	60.8%	34,977	105%

Please note that 2040 data (\*) was interpolated from the 2020 and 2050 Sites Southwest data. In addition to the above population projections, other available data was used to project the existing (2020) and future (2050) demands and capacities for each utility system. The demand and supply summaries are listed for each Enterprise Utility System as follows:

**Water System Demand and Capacity**

A detailed demand and capacity analysis was performed for the water system including modeling of the water system to evaluate present and future performance and use of the Community Population Projections from Sites Southwest. From the analysis, the following information was determined by SMA.

**Water Rights** – The Village has a total of 3,705 acre-ft per year in water rights that can be allocated to a combination of surface water and groundwater supplies from Eagle Creek and Rio Ruidoso to meet potable water demand throughout the system.

Since the Village’s water system can direct water from the different water sources to each service zone using transmission lines and booster stations, the Village’s water rights are not directly associated to specific locations and are able to be diverted to any of the service zones as needed. Based on the projected Average Daily Demand (ADD), the annual demand in 2050 will be 3,307 acre-feet per year. With the current water rights of 3,705 acre-feet per year, the current water rights are anticipated to be sufficient to meet future demands.

**Water System Supply vs. Demand** – Assuming the direct to distribution wells run at an average of 8 hours per day, the wells have the potential to supply 835,200 gpd, and the water treatment plants each running at their effective capacity have the potential to provide 4,100,000 gpd. In total the system has the potential to provide 4,935,200 gpd not accounting for water right restrictions. Currently the system supply capacity has the potential to provide enough water to meet future Average Highest Month Use (AHMU).

If the system supply capacity were to be restricted (by fires, pipeline failure, etc.), system supply capacity has a 61 percent buffer between AHMU and the amount of water the system is capable of supplying. In 2050 this buffer is 33 percent with water restrictions and 25 percent with the water restrictions lifted as shown below in Table 1.

If an event occurs to reduce the buffer to less than 10 percent, SMA recommends evaluation of additional water supply options including the possibility of water reuse options included in the Village Wastewater Master Plan by MC.

Table 1: System Supply Capacity Vs. Average Highest Month Use (AHMU)

Year	Population	AHMU (GPD)	AHMU with restrictions lifted (GPD)	System Supply Capacity (GPD)	% Buffer	% Buffer with restrictions lifted
2020	7879	1,915,150	2,144,968	4,935,200	61%	57%
2030	11664	2,835,171	3,175,391	4,935,200	43%	36%
2040	12673	3,080,429	3,450,080	4,935,200	38%	30%
2050	13680	3,325,200	3,724,224	4,935,200	33%	25%

**Water Storage Requirements** – SMA also evaluated the available storage per service zone assuming an industry-recognized standard of two days of average demand. The evaluation used the projected average demand in 2050 with emergency water restrictions lifted and fire flow storage of 1,000 gallons per minute per tank for two (2) hours based on the Village’s Insurance Services Office (ISO) rating, which is currently set at ISO 2. The evaluation also considered the impact of taking the Upper Canyon Tanks out of commission. **Based on these evaluations, the current water storage is sufficient to provide storage for future demands. A breakdown of this evaluation can be seen below in Table 2.**

Table 2: Proposed System Water Storage Capacity Evaluation

Service Zone	2050 ADD With Lifted Emergency Water Restrictions	Two Day Average Storage (Gal)	Fire Flow 1,000 gpm for 2 hours (Gal)	Storage Required (Gal)	Available Storage (Gal)	Tanks
Alto	2,105,694	4,211,389	1,680,000	5,891,389	11,533,000	Hollywood, Gavilan, Alto Tanks, Country Club
Grindstone <sup>(1)</sup>	616,948	1,233,896	1,680,000	2,913,896	15,533,000	Grindstone Tanks
Cherokee <sup>(2)</sup>	229,386	458,773	1,680,000	2,138,773	28,726,000	Camelot Tanks and Pinecliff
Total	2,952,029	5,904,058	1,680,000	7,584,058	17,193,000	All

Table 2 Water Storage Capacity Notes for (1) and (2) are shown below.

(1) The Grindstone Service Zone can be fed from the Alto Service Zone. Therefore, the available storage includes storage from Alto.

(2) The Cherokee Service Zone can be fed from both Alto and Grindstone Service Zones. Therefore, the available storage includes storage from Grindstone and Alto.

As noted earlier in this section, the future water system demand can be satisfied by the existing system with some incidental improvements. These items are reflected in the Projected 20-Year Capital Improvement Plan.

However, the 20-Year Water System CIP is not just impacted by improvements required to address population growth and development. Another portion of the Water System Master Plan included an analysis of the system using Asset Management Techniques to determine water system asset condition and expected remaining life.

Because of this analysis, several projects were added to the CIP to address assets that need to be replaced prior to the end of the 20-year planning process. The asset management section is included in a later section of this document.

### **Wastewater System Demand and Capacity**

A detailed demand and capacity analysis was performed for the wastewater system and included the modeling of the wastewater system to evaluate present and future performance. From this analysis, the following information was determined by Molzen Corbin (MC).

Due to the Village's draw as a popular tourist destination, MC noted that analyzing and predicting wastewater flows is very complicated. The Community Population Projection from Sites Southwest indicated that approximately 39% of the Village's 8,964 housing units are occupied by permanent residents and 60% are identified as second homes, vacation rentals, and the like. This means that on any given day, the wastewater contributing population of the Village can double, without accounting for the temporary population residing in hotels and other similar properties.

Additionally, they noted it is difficult to predict the demographics of tourists. While the number of persons per household in the Village was 2.23, as of the 2020 Census, this may not be an accurate reflection of the number of persons per household during peak tourism periods. For the purposes of this MP, the peak wastewater flow rate of the Village was derived from the total number of sewer connections.

The Village is expected to experience an increase in wastewater flows from two sources: population growth and service connection growth. Although the Village is expected to experience minimal population-based growth over the planning period, service connection growth is expected to be substantial due to a high prevalence of existing onsite treatment systems that have been identified as part of the Wastewater Master Plan and anticipated development over the next 2 decades. Onsite treatment systems, also referred to as septic tanks, are discussed in greater detail in the Wastewater Master Plan in the appendix.

In order to spatially allocate projected wastewater flow increases and identify areas within the existing collection system that may become overloaded as a result, the Village was divided into service areas. The number of service connections in each area were tabulated and used to determine the contributing flow from that area.

To project flows into the future, the number of additional connections was determined from the number of onsite treatment systems within the service area and potential for development and redevelopment. A summary of the expected growth in single-family equivalent service connections is provided in the following Table 2-4.

Additional sewer connections and contributing wastewater flows may also result from the annexation of adjacent unincorporated areas currently served by onsite systems or connection of other municipalities to the Ruidoso Regional Wastewater System.

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**TABLE 2-4  
 VILLAGE OF RUIDOSO (VOR) –WASTEWATER COLLECTION SYSTEM MASTER PLAN (MP)  
 SUMMARY OF EXPECTED GROWTH IN NUMBER OF SERVICE CONNECTIONS**

SERVICE AREA	ADDITIONAL CONNECTIONS											GRAND TOTAL
	CURRENT 2022		AFTER 5 YEARS			IN 5- TO 10-YEAR INTERVAL			10- TO 20-YEAR INTERVAL			
	EXISTING	ON-SITE*	DEV.	ON-SITE *	TOTAL	DEV.	ON-SITE*	TOTAL	DEV.	ON-SITE*	TOTAL	
1	105	0	3	0	3	5	0	5	5	0	5	118
2	187	0	16	0	16	32	0	32	32	0	32	267
3	45	0	8	0	8	15	0	15	15	0	15	83
4	109	0	13	0	13	26	0	26	26	0	26	174
5	103	1	10	1	11	22	0	22	22	0	22	158
6	153	0	5	0	5	9	0	9	9	0	9	176
7	5	0	1	0	1	2	0	2	2	0	2	10
8	142	33	7	7	14	14	13	27	14	13	27	210
9	495	30	13	6	19	26	12	38	26	12	38	590
10	438	7	16	1	17	31	3	34	31	3	34	523
11	145	5	10	1	11	19	2	21	19	2	21	198
12	180	0	16	0	16	31	0	31	31	0	31	258
13	115	0	3	0	3	5	0	5	5	0	5	128
14	103	0	2	0	2	4	0	4	4	0	4	113
15	6	0	1	0	1	2	0	2	2	0	2	11
16	138	0	12	0	12	23	0	23	23	0	23	196
17	301	0	7	0	7	313	0	313	13	0	13	634
18	143	0	6	0	6	11	0	11	11	0	11	171
19	126	72	2	14	16	2	30	32	4	28	32	206
20	158	84	29	17	46	57	34	91	58	33	91	386
21	38	22	1	4	5	1	9	10	1	9	10	63
22	165	16	1	3	4	1	6	7	0	7	7	183
23	14	9	0	2	2	0	4	4	1	3	4	24
24	125	135	1	27	28	2	54	56	2	54	56	265
25	37	0	1	0	1	2	0	2	2	0	2	42
26	71	9	30	2	32	32	4	36	61	3	64	203
27	330	0	8	0	8	71	0	71	16	0	16	425
28	473	0	8	0	8	15	0	15	15	0	15	511
29	587	0	34	0	34	68	0	68	12	0	12	701
30	293	0	5	0	5	210	0	210	66	0	66	574
31	87	0	3	0	3	5	0	5	5	0	5	100
32	153	0	3	0	3	5	0	5	5	0	5	166
33	70	0	3	0	3	6	0	6	6	0	6	85
34	227	0	3	0	3	6	0	6	6	0	6	242
35	69	-	1	0	1	2	0	2	2	0	2	74
36	333	-	33	0	33	65	0	65	65	0	65	496
37	174	-	15	0	15	30	0	30	30	0	30	249
38	97	-	64	0	64	80	0	80	80	0	80	321
39	707	-	81	0	81	162	0	162	162	0	162	1112
40	11	-	2	0	2	4	0	4	4	0	4	21
<b>TOTAL</b>	<b>7258</b>	<b>423</b>	<b>477</b>	<b>85</b>	<b>562</b>	<b>1416</b>	<b>171</b>	<b>1587</b>	<b>893</b>	<b>167</b>	<b>1060</b>	<b>10467</b>

\*From septic tanks.

The projected population growth and new connections totals were input into the Wastewater Master Plan Model to determine the Wastewater System Demand vs. Capacity concerns. As noted earlier in the Wastewater Modeling section, the Model showed 4.27% of the wastewater lines to be overloaded (over 75% capacity used) with existing wastewater flows. The Model also predicted 9.18% of the wastewater lines to be overloaded with the projected wastewater flows from 2042.

However, MC noted that they have recently worked with the Village on several projects to mitigate many of the current capacity issues identified in the main interceptor line through town that follows the Rio Ruidoso. Because of these recent interceptor line improvements, the Village will be able to focus their wastewater interceptor improvement efforts on other areas of town experiencing issues.

The 20-Year Wastewater Capital Improvement Plan includes planned improvements to address the additional capacity needs identified to address the system demand attributed to the population growth and the number of new connections.



**WWTP Demand and Capacity**

For planning consistency, the MC WWTP Demand and Capacity analysis utilized the Community Profile and Population and Demand Projections (CPPDP), April 2022, provided by Sites Southwest to all the master planning firms. The projections provided in that document cover a period from 2022 to 2050 and are adequate for the planning period of this WWTP Master Plan.

The population projections from Sites Southwest focus on the Village of Ruidoso, but the City of Ruidoso Downs is also included since this planning area contributes wastewater flow to the RWWTP. The Casino Apache Travel Center and the Inn of the Mountain Gods on the Mescalero Apache Reservation also contribute some wastewater flows to the RWWTP through metered connections. The metered flows from these additional connections were considered in the future WWTP demand calculations.

Current and projected populations for the Village and the City of Ruidoso Downs from the CPPDP are summarized in Table 2-13. The CPPDP includes low, medium, and high projected population trends. It is recommended that the high growth projections be used for planning purposes because of the strong potential for higher density housing development. As shown in Table 2-13, the year-round service area population is projected to increase from 10,490 to 19,082 by 2050.

**TABLE 2-13  
 PROJECTED SERVICE AREA POPULATIONS**

SERVICE ZONE	2020 POPULATION	YEAR-ROUND 2030 POPULATION	YEAR-ROUND 2040 POPULATION	YEAR-ROUND 2050 POPULATION
Alto	5,740	---	---	9,758
Grindstone	1,761	---	---	2,859
Cherokee	378	---	---	1,063
Subtotal VOR	7,879	11,664	12,673	13,680
City of Ruidoso Downs	2,611	4,188	4,795	5,402
<b>TOTAL</b>	<b>10,490</b>	<b>15,852</b>	<b>17,468</b>	<b>19,082</b>

*Adapted from the Sites Southwest CPPDP, April 2022*

Assuming a consistent per-capita flow rate throughout the planning period, projected flows to the WWTP are summarized in Table 2-14. As shown in Table 2-14, with a projected 2050 population of 19,082 this equates to a projected 2050 average day wastewater flow rate of 2.25 mgd. The daily influent flow data from 2017-2021 show a peak month flow rate of 1.48 mgd for this time period. This equates to a peak month to average day ratio of 1.19. As shown in Table 2-14, the projected peak month flow for 2050 is 2.68 mgd.

**TABLE 2-14  
 PROJECTED WASTEWATER FLOWS TO THE  
 REGIONAL WASTEWATER TREATMENT PLANT (RWWTP)**

SERVICE ZONE	2020 POPULATION	PROJECTED 2030 FLOWS	PROJECTED 2040 FLOWS	PROJECTED 2050 FLOWS
Population	10,490	15,852	17,468	19,082
Per-Capita Flow	118 gpcd	118 gpcd	118 gpcd	118 gpcd
Projected Average Day Flows	1.24 mgd	1.87 mgd	2.06 mgd	2.25 mgd
Projected Peak Month Flows	1.48 mgd	2.23 mgd	2.45 mgd	2.68 mgd
Projected Peak Day Flows <sup>(1)</sup>	1.93 mgd	2.92 mgd	3.21 mgd	3.51 mgd

<sup>(1)</sup> Projected peak day based on observed peak day to average day ratio of 1.56 and assuming this ratio will remain consistent throughout the planning period.

The above WWTP Flow Demand figures can then be compared to the existing WWTP Flow Capacity figures as listed in Table 2-10 below of the WWTP Master Plan.

**TABLE 2-10  
 DESIGN FLOW RATES**

<b>DESIGN FLOW RATES AND TEMPERATURE <sup>(1)</sup></b>	
<b>FLOW CONDITION</b>	<b>VALUE (mgd) <sup>(3)</sup></b>
Annual Average	1.90
Peak Month, Average Day	2.70
Peak Week, Summer, 18°C	3.25
Peak Day, Summer, 18°C	3.62
Peak Week, Winter, 8°C	2.75
Peak Day, Winter, 8°C	2.75
Peak Hour Factor (2.0) <sup>(2)</sup>	-
Peak Hour, Winter, 8°C <sup>(2)</sup>	5.50
Ultimate Peak Hour with Current 6-basin MBR System.	7.90 <sup>(4)</sup>
Ultimate Peak Hour with future 8-basin MBR System.	9.70 <sup>(5)</sup>

Although the projected 2050 WWTP flow rates are lower than the design flow rates for the existing WWTP, the flow rate is not the only consideration that must be met for WWTP Capacity.

Molzen Corbin reviewed influent sampling data to determine the average influent wastewater loading characteristics for four primary parameters for the years 2019 to 2021 and compared them to Peak Month Design Parameters for the existing WWTP. As shown below in Table 2-15, all the average 2019-2021 concentrations are higher than the concentration that the existing WWTP was designed for.

**TABLE 2-15  
 INFLUENT CONCENTRATIONS BASED ON 2019-2021 SAMPLING AND  
 VALUES ASSUMED FOR PEAK MONTH DESIGN**

PARAMETER	CONCENTRATION (mg/L)	
	2019-2021 AVERAGE	PEAK MONTH DESIGN
TSS	286	162
BOD	208	175
Phosphorus	6.2	6.0
TKN	47.0	38.4

As noted above, it is important to know the wastewater flows, but also the expected loadings for key operational parameters. Therefore, a loading analysis has been done for the following flow conditions:

- Current peak month flow based on the last 5 years of influent data, 1.48 mgd.
- Projected flows based on population for years 2030, 2040, and 2050 at 2.23, 2.45 and 2.68 mgd.
- Loading projections at 1.50 and 1.75 mgd for future scenarios between the 2020 and 2030 flows.
- Design peak month (3-Trains) 2.70 mgd.
- Design peak month (4-Trains) 3.60 mgd.

Table 2-16 presents future loadings based on the concentrations presented in Table 2-15 for the 3-year average (2019-2021) and for the peak month design assumptions (design).

**TABLE 2-16  
 PROJECTED PEAK MONTH LOADINGS UNDER DIFFERENT FLOW AND  
 INFLUENT CONCENTRATIONS**

SCENARIO	PEAK MONTH FLOW (MGD)	LOADING (lbs/day)							
		TSS		BOD		TP		TKN	
		3-YEAR AVG.	DESIGN	3-YEAR AVG.	DESIGN	3-YEAR AVG.	DESIGN	3-YEAR AVG.	DESIGN
Current Flow	1.48	3,530	2,000	2,567	2,160	76	74	580	474
Near Future	1.50	3,578	2,027	2,602	2,189	77	75	588	480
	1.75	4,174	2,364	3,036	2,554	90	88	686	560
Projected 2030	2.23	5,319	3,013	3,868	3,254	115	112	874	714
Projected 2040	2.45	5,844	3,310	4,250	3,576	126	123	960	785
Projected 2050	2.68	6,392	3,621	4,649	3,911	138	134	1,051	858
Design Peak Month (3-Trains)	2.70	6,440	3,648	4,684	3,941	139	135	1,058	865
Design Peak Month (4-Trains)	3.60	8,587	4,864	6,245	5,254	185	180	1,411	1,153

To summarize, for a wastewater treatment system, two types of “growth” must be considered: (1) increases in flow as a result of projected population growth within the service area of the RWWTP, and (2) changes to the strength of the wastewater, primarily as a result of the efforts of the Village of Ruidoso (Village) in eliminating infiltration and inflow (I/I) into the wastewater collection system and implementation of water conservation measures by the users.

To address these capacity issues to meet the future demand in each area, Molzen Corbin performed an analysis to compare the design capacity of each major piece of equipment to the year in which the projected load is expected to exceed the capacity. The projected flows and loads that were used for the analysis to the year 2050 were presented earlier in Tables 2-14 and 2-16.

It is important to remember that the present WWTP Facility included construction of four treatment trains, with three operational treatment trains and the additional treatment train to be equipped and made operational when additional treatment and flow capacity are needed. The process to equip and make the fourth treatment train operational to address the future growth and treatment needs is included in their analysis and proposed Capital Improvement Plan recommendations.

Following completion of the analysis to determine the improvements needed to meet the projected flow and loading conditions, Molzen Corbin included each of the identified improvements into the appropriate year of the WWTP 20-Year Capital Improvement Plan.

### Solid Waste System Demand and Capacity

Souder, Miller and Associates used the detailed analysis of the Ruidoso population and growth characteristics provided by Sites Southwest as a basis for determination of the Village Solid Waste System Demand and Capacity. From that analysis, the existing 2020 Ruidoso population and seasonal population were determined along with population projections for the Ruidoso population and seasonal population for 2040 and 2050 as shown in the following table:

Table 16. Village of Ruidoso Population Growth Data

	2020	2040 (*)	% Increase 2020-2040	2050	% Increase 2020-2050
<b>Ruidoso Homes</b>	3,519	5,658	60.8%	6,110	73.6%
<b>Ruidoso Population</b>	7,879	12,673 (SSW)	60.8%	13,680	73.6%
<b>Seasonal Homes</b>	3,049	4,904	60.8%	7,099	132%
<b>Seasonal Pop.</b>	9,147	14,712	60.8%	21,297	132%
<b>Total Population</b>	17,026	27,385	60.8%	34,977	105%

(\*) Note: The 2040 data was interpolated from the 2020 and 2050 Sites Southwest data

To determine the latest historical Village of Ruidoso MSW disposal rate, the last five years of records were reviewed. It was found that the 2020-2021 data was almost identical (+1.5%) to the 2021-2022 data. Because of this similarity and the availability of the accurate 2020 population figures for calculations, the 2020-2021 data was used for determining the per capita disposal rate as shown below:

**FY 2021 Village Solid Waste Collection and Disposal Data**

Average Month - 964.2 tons  
 Average Day - 43.8 tons (Using 22 workdays per month)  
 High Month - 1,145.90 tons (July) (52.1 tons/day = 18.9% above average day)  
 Low Month - 758.05 tons (February) (34.5 tons/day = 26.9% below average day)

When comparing the average day disposal rate to the 2020 total community population of 17,026 shown on the above Table 16, a figure of 3.72 pounds per person per day was determined.

The MSW disposal amounts projected for 2040 and 2050 directly correlate to the population increases. The MSW disposal amount projected for 2040 is a 60% increase over the present 2020 amount, and the 2050 projected MSW disposal amount is a 105% increase over the present 2020 MSW disposal amount.

Table 3 - Village of Ruidoso MSW Collection and Transfer Projections

	2020	2040	2050
<b>Total Population</b>	17,026	27,385	34,977
<b># MSW/capita/day</b>	3.72	3.72	3.72
<b>Average Tons/Day</b>	31.67	50.94	65.06
<b>Average Tons/Month</b>	964.20	1,549.3	1,978.8
<b>Peak Tons/Month</b>	1,145.9	1,841	2,352
<b>Tons/Year</b>	11,570	18,592	23,746

Included in Section 2 (b) (iii) under the heading of “MSW System Collection and Disposal Capacity” of the Village Solid Waste Master Plan (in Appendix D) is a detailed analysis of the capacity of the solid waste collection equipment, the transfer station, and the transport equipment. That analysis shows that the transfer station and the transport equipment both have more capacity than the collection equipment. The Total Village MSW Collection/Disposal Capacity is limited by the collection equipment since it has the least capacity in the solid waste collection/disposal system.

From the analysis in the Solid Waste Master Plan, it was found that a maximum of 345.6 tons of solid waste can be collected each week using the existing collection equipment and the present schedule. This equates to approximately 1,482 tons per month and 17,791 tons per year.

The collection equipment, using a maximum of three trucks per day, has the capacity to collect approximately 53% more than the FY 2021 tonnage of 11,570 tons. The collection equipment, using a maximum of three trucks per day, also has the capacity to collect approximately 20% more than the FY 2021 peak month tonnage of 1,146 tons.

With the 2040 annual demand of 18,592 tons per year, the existing collection equipment and schedule would not be sufficient to meet the annual demand or peak month demand. The present capacity would fall 3% short of the annual demand and approximately 24% short of the peak month demand of 1,841 tons per month as listed in Table 19.

If an additional truck were added in 2040 to allow four trucks to run each day and two trucks to run on Sunday, this would provide a total of 453.6 tons per week capacity of solid waste delivered to the transfer station. The 453.6 tons per week would equate to 23,547 tons per year and 1962 tons per month. The four collection trucks and schedule capacity would be approximately 26% greater than the 2040 annual demand and 6.5% greater than the 2040 projected peak month.

Municipal Solid Waste disposal projections are also listed in this report for 2050. If this analysis were carried out to that date, the four trucks and schedule listed would be approximately 1% less than the 2050 annual demand and approximately 20% less than the peak month demand. Additional equipment would be needed in 2050 to meet the demand.

## Utility System Analysis and Deficiency Identification

### Water System

Souder, Miller and Associates analyzed the water system to identify potential deficiencies in the areas of health, sanitation, and security; aging infrastructure; and capacity for reasonable growth. Following a review of the water model findings and recent water quality reports, SMA identified a concern with water age in several areas of the system.

Based on their evaluation of water age and feedback from the Village staff, SMA recommended increased flushing practices in the Country Club Pumped Zone across from the White Mountain Recreation Complex as well as in the Grindstone Reservoir Zone. In addition, SMA recommended that increased flushing be performed, or automatic flush hydrants be installed at the dead-end waterlines throughout the system.

Following a review of the Village water storage tanks, several water tanks were found to need recoating and rehabilitation. Fortunately, Village staff are presently working on plans to have the water tanks rehabilitated and recoated to bring them back to optimum working condition and extend their service life. The water system also has many old waterlines and pressure relief valves (PRVs) with vaults that are beyond their expected life and have failed or are reaching failure. SMA provided a recommended replacement program for these assets in the Capital Improvement Plan section of their Master Plan.

Based on the evaluations of the water rights, water storage, and water source capacity of the existing system, the existing system has the capacity to meet the demands projected to 2050.

### Wastewater Collection System

**Lift Stations** – Molzen Corbin analyzed the Wastewater Collection System to identify potential deficiencies in the areas of aging infrastructure; health, sanitation, and security; and capacity for reasonable growth. Regarding aging infrastructure, MC performed an inspection of each sewer lift station in July 2022 and found the pumping equipment at several lift stations have reached the end of their expected service life and need repair or rehabilitation. Village staff noted they began a lift station rehabilitation program in 2015 and have replaced several pumps and control cabinets in the past five years, with plans to renovate the remaining locations.

**Septic Tanks** – Using the most recently available data supplied by the Village Staff and the NMED septic tank permit database, it was estimated that there were 1,674 on-site treatment systems (septic tanks) in service within the Village planning area. These systems, even when properly maintained, provide only a minimal level of wastewater treatment and are generally poor Nitrogen removal systems. The 2016 MC Total Nitrate (TN) loading study for the Village estimated that onsite systems contributed significantly to the anthropogenic TN loading to the Rio Ruidoso and that connecting these systems to the collection system would help mitigate this loading in a cost-effective manner.

**Wastewater Lines** – Most of the Village’s collection system was constructed in the 1960s and 1980s. The earlier construction consisted primarily of vitrified clay pipes with brick-and-mortar manholes. The Village has experienced numerous cracked pipes and conducted a series of pipe replacement and rehabilitation projects over the previous decades.

However, significant portions of the Village are still serviced by vitrified clay pipes that, due to their age, are prone to damage and may need replacement. When these pipes become damaged, they can leach wastewater into the groundwater and also allow excessive infiltration that decreases the available capacity for wastewater transmission.

**Wastewater Interceptor Lines** – The topography in the vicinity of the Village resulted in construction of the main interceptor in and along the Rio Ruidoso. In 2008, the Rio Ruidoso experienced a 500+ year flood event that severely damaged sections of the main interceptor. The Village is currently in the process of repairing the interceptor and implementing measures to further mitigate this issue in the future. The construction of this multiphase project is ongoing and will likely finish by the end 2023.

After reviewing the population growth projections, it is anticipated that an average rate of approximately 40 new single family detached residences per year will be constructed over the planning period resulting in an additional 800 sewer connections. Most of the new connections will be for vacation homes.

Though population growth is expected to be minimal, a major goal of the Wastewater System Master Plan is to propose improvements that will allow the Village to connect existing onsite treatment systems to the collection system. The total estimated number of additional single family equivalent sewer connections over the planning period is 3,509, an increase of 50%.

The modeling of the wastewater collection system identified interceptors that are overloaded at 5 years, 10 years, and 20 years based on the anticipated growth outlined in the Sites Southwest population and growth projections. If these interceptors are not replaced with new, larger interceptors or parallel interceptor alignments to provide additional capacity, they will likely become subjected to frequent surcharging, which may result in sanitary sewer overflows (SSOs) and wastewater discharge into the community and the Rio Ruidoso.

MC included the needed lift station, septic tanks, and interceptor sewer line improvements in the 20-year Capital Improvement Plan section of their Wastewater System Master Plan.

Regarding health, sanitation and security, MC noted that the ongoing rehabilitation of the collection system will also reduce Inflow and Infiltration /Inflow (I/I) loading and prevent potential operational issues at the WWTP.

Additionally, connection of existing onsite treatment systems to the main wastewater collection system will reduce the release of pollutants into shallow groundwater. They noted that all new wastewater collection facilities will be designed to NMED guidelines at a minimum, which are intended to protect and enhance the health, sanitation, and security of the communities served.

### **WWTP Utility System**

Molzen Corbin also analyzed the Wastewater Treatment Plant (WWTP) System to identify potential deficiencies in the areas of aging infrastructure; health, sanitation, and security; and capacity for reasonable growth. This analysis revealed eight areas of concern for potential action. The eight areas are discussed as follows:

**Alum Delivery System** – The Village purchases 8% to 12% aluminum sulfate (alum) solution in bulk and stores it in the outdoor storage tank. Six dose pumps draw solution from the storage tank and feed solution to injection points behind mixers in post-Anoxic zones 1 and 2 via 3/8-inch polyvinyl chloride (PVC) lines. **The alum solution lines clog frequently and require flushing. During the 29-month work order record, the Village had to unclog the main line from the tank and the individual feed lines to each train 22 times. Consideration must be given to operational changes to reduce the tendency of alum coming out of solution and clogging the feed lines.**

**Sludge Handling, Digestion and Stockpiling** – The goal of digesting waste activated sludge is to reduce the organic content to a stable state such that the pathogen concentration and vector attraction are reduced through a composting process to meet Class B sludge as regulated by the 40 Code of Federal Regulations (CFR) Part 503 Sewage Sludge Regulations. Present WWTP practices include land application practices of the composted Class B sludge on adjacent farmland to limit public contact to protect public health and sanitation as required. Land application rates must not exceed 200 pounds total nitrogen per acre per year as regulated by NMAC 20.6.2.3109. As part of the compliance process, the Village must formally track and report the annual nitrogen land application load to the NMED.

**The concern is that the Village produces more dewatered sludge than it has been able to safely distribute on occasion. The Village has run out of room to stockpile its Class B sludge at the plant and sometimes needs to send the Class B Sludge to the landfill. More storage or a different disposal method is needed for the Class B sludge.**

**Coarse Bar Screens at Entrance Works** – **Recent storm events have resulted in surges of debris being flushed into the influent wet well and then pumped to the Entrance Works at a rate that exceeds the raking capacity of the existing climber coarse screen. This has resulted in backup and overflow of the influent channel. The raking arm of the climber screen travels up and down the cog track at a speed of 20 feet per minute. This limits the raking frequency to one pass of the rake arm every 60 seconds which is not sufficient. An alternative process is needed to address this concern.**

**Fine Screens at Entrance Works** – The Village staff pressure washed the three fine screens 11 times in 29 months. **The spray wash system cannot fully prevent buildup of grease and organics on the 3-millimeter (less than 1/8-inch) perforations. The screens require periodic pressure wash maintenance to control buildup, which is normal, but labor intensive. There is some corrosion at the drive shafts. Small amounts of fine particles and stringy material resembling lint are passing through the fine screens and collecting in the downstream channel and secondary treatment basins. An evaluation needs to be performed to determine how to improve solids capture by the fine screens.**



**Screening of Fibrous Materials from Return Activated Sludge in Treatment Basins** – The turbulence created by the floor-mounted fine bubble aeration diffusers in the Pre-Aeration Treatment Basins causes the stringy material in the activated sludge to clump together to form ropes. These ropes interfere with the operation of the mixers and the return activated sludge (RAS) pumps (which are built similar to a mixer). A means of screening the clumped stringy material out of the activated sludge is needed to address this concern.

**Retrieve Recycle Pumps in the Treatment Basins** – There are three submersible recycle pumps in the treatment basins, one in each train. Currently two of the pumps are not in service because the lifting bales have broken, the pumps have dropped to the floor, and the pumps cannot be retrieved. Trains 2 and 3 do not have gravity drains to draw down the basins to access the pumps. Accumulated solids have settled onto the floor of the basins which prevents draining the entire basin with a portable sump pump. Actions to address draining the basins, removal of the accumulated solids, and retrieval and repair of the recycle pumps must be pursued to address this concern.

**Membrane (Filter) Replacement** – There are six membrane bioreactor (MBR) basins in service. Each basin contains 6,400 submerged membrane cartridges. The membranes require periodic clean-in-place procedures every 1 to 2 months to prevent excessive pressure drop across the membranes as solids build up. The clean-in-place procedure requires running clean effluent backwards through the membranes for several hours dosed with acid to dissolve built up minerals or chlorine bleach to remove built up organics. The basin remains full during the cleaning and the remaining basins remain in service.

During the 29-month work order record, clean-in-place procedures were performed a total of 133 times on the membranes in the six basins. The Village alternates chemical dosing between acid and chlorine, usually performing one to three acid dosings between each chlorine dosing. Approximately every 3 years the Village drains each basin and manually cleans the membranes.

The Village replaces membranes approximately every 10 years or longer if they are not torn. The staff drain each basin on a rotating basis to clean, inspect and replace membranes if needed. They purchase 32 pallets of membranes approximately every year. The stainless-steel cassettes are showing signs of corrosion.

The plant's Ovivo™ MBR system uses polymeric flat plate membrane cartridges manufactured by Kubota. Although Ovivo™ still sells replacement Kubota membranes, they no longer market the Kubota technology and may not continue to support Kubota in the long term. There are newer technologies of polymeric flat plates that are configured with a smaller footprint and are self-healing if damaged.

Ovivo™ now markets a silicon carbide (SiC) ceramic flat plate membrane having a much longer life and higher tolerance to cleaning chemicals.

Ruidoso's water is very hard, and its membranes require frequent acid cleaning to remove calcium buildup. It is recommended that the existing membrane technology be reviewed to determine if membrane replacement with a newer, more efficient and robust membrane technology would be appropriate and cost-effective.

**Ultraviolet Disinfection Lamp and Control System** – The original manufacturer of the ultraviolet disinfection equipment stopped producing this equipment, and it is difficult to obtain replacement parts. The WWTP staff have experienced challenges with the existing UV equipment for an extended period of time, and it is feared that

replacement parts simply will not be available at some point in the near future. Other wastewater treatment plants in New Mexico with Evoqua® Water Technologies (formerly known as Siemens® Water Technologies) equipment are also facing the same challenges. Consideration needs to be given to the replacement of the existing Ultraviolet Lamp and Control System equipment with new UV equipment.

## **Solid Waste Utility System**

**Solid Waste Collection Services** – The Solid Waste Department has three Peterbilt sideload collection trucks purchased in 2002, 2015 and 2020. All three trucks have been determined to be in good condition, but the 2002 collection truck needs to be replaced and is scheduled to be replaced in Fiscal Year 2024 due to high mileage and age. These trucks should be replaced after reaching their 20-year service life, but to maintain proper operation, they should also be rehabilitated after 10 years.

The Village has approximately 3,700 three-cubic-yard dumpsters that have an expected life of approximately 16 years considering the excellent current maintenance practices. This projects the replacement of approximately 230 dumpsters each year.

The Village Infrastructure Capital Improvement Plan (ICIP) includes items related to dumpsters to be replaced at a cost of \$240,000 per year for the next three years which would be appropriate for current needs. However, no dumpsters were purchased in the 2023 fiscal year, so the purchase of additional dumpsters in following years is needed to possibly break even with the need at that time.

**Yard Waste Collection Services** - During recent conversations with Village staff regarding grapple truck services, it was noted that the present grapple truck and driver capacity are not sufficient to keep up with needed pickups.

If two additional grapple trucks with two more CDL drivers were acquired, it would allow the Village to keep up with the present grapple truck operations. However, these additions would be costly and may require expenditures that are unable to be supported by rates, even with reasonable increases. Another option would be to revise the grapple truck operation procedures, which may allow the existing grapple truck fleet to service the green waste pickup adequately. This option will be discussed further in the recommendations section of this report.

**Green Waste Disposal Services** – The existing agreement with the green waste contractor was \$486,610 in Fiscal Year 2022, which is over 2.5 times the \$180,331 landfill disposal charges for that year. The concern is magnified since the present agreement has a CPI increase clause that increases costs each year.

As noted in the earlier section, some consideration could be given to having the Village acquire land and the equipment to process these items. Composting would require an approximate four-acre land site, and there could be some odors associated if food waste were added to the green waste composting. Outreach to contractors, NMDOT, and the village about the use of the Class A Compost could generate options for disposal of the final compost product.

**Large/Bulky Item Services** – The present solid waste disposal regulations listed on the website allow for one bulky item (e.g., furniture) disposal and one white good (e.g., refrigerator) disposal per account per year. These items are picked up streetside by the bear mess cleanup crews. The crews’ present pickup needs exceed their capacity so revised pickup procedures are being recommended.

**Recycling Services and Landfill Diversion** – Overall, recycling services are being performed well in the Village. A waste characterization analysis was performed to identify materials in the Village’s MSW stream that could potentially be diverted for landfill disposal.


Following the waste characterization analysis and a review of the recycling processes, there are some concerns and areas for improvement that have been identified, as noted below:

- It appears that the most prevalent solid waste of immediate concern is Construction and Demolition (C&D) waste. Illegal dumping of this material is resulting in increased costs for staff to clean up, in addition to the problem that this waste should be directly diverted and hauled to C&D landfills rather than being collected and hauled to the landfill by Village solid waste staff.
- The solid waste staff noted they have been experiencing a larger than normal amount of contaminated cardboard being disposed in the cardboard recycling bins. When this contaminated cardboard is found by GSWA, the Village staff is called to pick up the bin and dispose of it. This results in the entire bin being disposed of as solid waste rather than recycled even if only a portion of the cardboard is contaminated.
- The next item that can potentially be addressed is the 5.6% of textiles that were found in the waste characterization. Some of the clothes found in this waste characterization may be a result of fire recovery actions since the characterization was performed approximately one week after the McBride Fire in April 2022. However, consideration could be given to the development of a textile recycling program where textiles can be collected in a bin and sorted for possible reuse or recycling into other uses.
- The next item of note that was found in the waste characterization analysis is the 4.4% (by weight) of #1 and #2 plastic waste that can presently be recycled through GSWA. Although this is not a huge amount, 4% is significant and every possible effort should be made to divert items that are readily recyclable from landfill disposal. If 4.4% of the #1 and #2 plastics had been diverted from the solid waste stream to the landfill in Fiscal Year 2021, a savings of over \$7,800 would have theoretically been realized.

The next items do not represent a significant volume, but the paint, batteries, and electronics waste found in the waste characterization represent almost 1% of the total weight. In addition, these items are not to be disposed of in landfills. Increased media outreach to the public should be provided so all the area residents are informed of locations to take these items and given the encouragement to do so.

- Other potential recyclables including glass (4.8%), office copy paper (2.4%), and tin/steel metal cans (1.5%) were found in minor amounts of the waste characterization, but the total amount of these items represented almost 9% of the solid waste stream to the landfill. These items are not presently being recycled by GSWA. It was found that the South-Central Solid Waste Authority in Las Cruces recycles all these items cost effectively for their county. Because the Village desires to aggressively further increase waste diversion from the landfill, consideration should be given to the potential development of these recycling programs.

**Gavilan Canyon Transfer Station (GCTS) Operations** – After review of the GCTS operations and facility, the following items were identified as needing improvement:

- **Transfer Station Scales** – It was reported that the GCTS scales were installed with the original building and are 23 years old. The scales no longer work effectively and need replaced. When the scales are replaced, pads should also be installed over the scales to prevent scale damage.
  - **Safety Equipment** – Both the transfer station and the maintenance building have safety eye wash stations, as required. However, the safety chain that is used to prevent falls into the pit when trucks are not unloading is not very visible, and a more versatile and visible option is recommended. The Solid Waste Master Plan also recommends additional signage.
- 
- **Internal and External Lighting** – The internal lighting in the transfer station building consists of sixteen fixtures that were installed in 2013 and are nearing the end of their expected life. Some fixtures have already been replaced using the budget line item for building maintenance. To optimize the life span of these lights, they should also be replaced individually as they fail. Facility exterior lights are in good condition and should be planned for replacement in the same manner.
  - **Exhaust Fan and Louvers** – The medium-sized exhaust fan is mounted high on the wall behind the pit and has motor driven louvers. This system was installed in 2008 and has reached the end of its useful life. The exhaust fan should be replaced with a larger unit mounted lower on the wall that has automatic louvers that will open when the fan is on and close when the fan is off. It was agreed that the larger exhaust fan and automatic louvers should be purchased in the 2023 fiscal year and installed by a local electrician.
  - **Fire Suppression System** – It was noted the facility does not have wet or dry fire suppression equipment, but it does have fire and fume detectors. It was also noted that the water connection and fire hose are located outside the facility. A water connection should be installed just inside the building near the front doors to allow the fire hose to be accessed from the front door while still being close enough to effectively fight waste fires on the floor with the hose.
  - **Transfer Station Heaters** – It was noted there are two gas heaters located near the ceiling in opposite corners of the facility. As noted previously, these heaters have been requiring additional maintenance due to the inadequate ventilation of dust from the facility. The units were purchased in 2008 and 2010 and have an expected life of 30 years. These units should be included in the 20-year plan for replacement in about 15 years.
  - **Restrooms** – It was discussed that there is only one small bathroom in the maintenance facility, and it would be preferable to have two bathrooms onsite. It was noted that it would be desirable to have a small addition on the south side of the transfer station that would include a restroom and an office. It appears there is an open 15' by 20' area adjacent to the water and sewer lines on the south side of the facility that could be a good location for this addition.

- Roadway Surfacing – The site pavement installed with the original building was asphalt. However, this pavement did not stand up well to the heavy, turning truck traffic. For several years, the Village staff has been replacing sections of asphalt pavement with concrete pavement which is performing very well. It is recommended that the staff continue this process until all the asphalt pavement onsite is replaced with concrete.

**Transfer Station Maintenance Building** – The maintenance building was constructed approximately 50 years ago, and some needed improvements were identified as follows:

- Exhaust Fan - The maintenance building exhaust fan is small and mounted high like the fan in the transfer station building. It should be lowered and replaced with a larger unit.
- Non-Insulated Metal Building Walls – The non-insulated building metal walls in this 50-year-old structure are deteriorating badly, and some have already been replaced. A project is recommended that would replace the remaining building walls, add insulation to all walls, and replace the exhaust fan with a lower-mounted larger unit, as noted.
- Ceiling Insulation - The ceiling also needs insulation. The staff would prefer to have exterior spray insulation installed on the roof as was recently installed on the transfer station building. Staff recommended that this work be accomplished under the capital replacement budget (Line Item #53000).
- Maintenance Building Interior Lighting – The interior lighting in the maintenance building is in generally good condition. However, if some fixtures fail, they could be replaced upon failure to optimize life, similar to the method of interior lighting replacement followed at the transfer station building.

## Utility System Operational Review and Optimization Recommendations

### Water System

**Health, Sanitation, and Security** – Based on the evaluation of water age and water quality reports, SMA recommends increased flushing in the Country Club and Grindstone areas as well as the installation of flushing hydrants at dead-ends throughout the system to eliminate the potential for disinfection byproducts and high-water age issues in the system.

**Aging Infrastructure** – The Village is in the process of evaluating and rehabilitating the water storage tanks. The Village is also in the process of replacing aging waterlines throughout the system. The Village has many PRVs that have covers and flush lines that are starting to fail or have failed. SMA recommends that the Village rehabilitate the PRV vaults and flush lines. In addition, SMA evaluated the age of the existing assets and provided a recommended replacement program for aging infrastructure described in the Capital Improvement Planning Section.

**Reasonable Growth** – Based on the evaluations of the water rights, water storage, and water source capacity of the existing system, the existing system has the capacity to meet the demands projected to 2050. The recommended Capital Improvement Plan also includes additional water system improvements to serve the proposed growth as identified by the Village staff.

### **Wastewater Collection System**

**Lift Stations** – The Village of Ruidoso has 16 lift stations that have been operating for many years. Some available records show several lift stations were constructed as early as 1986. The Village has continued to perform maintenance and rehabilitation activities on these lift stations to keep them operational.

The Village staff noted they began a lift station rehabilitation program in 2015 and have replaced several pumps and control cabinets in the past five years, with plans to renovate the remaining locations. During this master planning work, Molzen Corbin performed an inspection of each sewer lift station in July 2022 and found the pumping equipment at several lift stations have reached the end of their expected service life and need repair or rehabilitation.

Molzen Corbin also performed an analysis to determine if it was feasible to construct new interceptor sewer alignments that would allow some of the lift stations to be taken out of service. Several possible locations were identified, and an Alternate Two cost estimate included the additional costs to construct new sewer interceptor lines and take several lift stations out of service.

However, after the Alternative Two cost estimate was reviewed by the Village staff, it was determined that Alternative Two was too costly to accept. Accordingly, the Wastewater Capital Improvement Plan includes several projects to continue to rehabilitate and replace the lift stations on a phased basis (Alternate One).

**Onsite Treatment Systems (Septic Tanks)** – As noted earlier in this document, it has been estimated that there are 1,674 on-site treatment systems (septic tanks) in service within the Village planning area. These systems, even when properly maintained, provide only a minimal level of wastewater treatment, and a 2016 Molzen Corbin Total Nitrate (TN) loading study for the Village estimated that these onsite systems have contributed significantly to the anthropogenic Total Nitrate loading to the Rio Ruidoso.

It is recommended that actions be included in the Capital Improvement Plan to systematically begin connecting these systems to the collection system to help mitigate this source of Total Nitrate loading to Rio Ruidoso in a cost-effective manner.

**Wastewater Collection Interceptor Lines** – Most of the Village's 63 miles of interceptor collection lines were constructed in the 1960s and 1980s. The earlier construction consisted primarily of vitrified clay pipes with brick-and-mortar manholes. The Village has experienced numerous cracked pipes and conducted a series of pipe replacement and rehabilitation projects over the previous decades.

However, significant portions of the Village are still serviced by vitrified clay pipes that, due to their age, are prone to damage and may need replacement. When these pipes become damaged, they can leach wastewater into the groundwater and allow excessive infiltration that decreases the available capacity for wastewater transmission.

In addition to these existing concerns, Molzen Corbin modeled the Wastewater Collection System and compared the twenty-year planning period projected loading on these interceptor lines to the existing line capacities. Several lines were determined to not have sufficient capacity and will need to be replaced. The lines of concern are included in the Capital Improvement Plan for replacement.

## WWTP Utility System

The operational review and optimization analysis revealed several areas for recommended improvements. The recommended improvements are discussed as follows:

**Alum Delivery System (2.5.4)** – As noted earlier, the alum solution lines that feed the post-Anoxic tanks clog frequently and require flushing. It is recommended that piping modifications be made to allow for the main line from the alum tank to the day tanks or pumps to be flushed with wash water in an attempt to minimize or eliminate clogging of these lines from impurities that may be introduced from the chemical hauling company.

**Sludge Handling, Digestion and Stockpiling (2.5.5)** – As noted earlier, the concern is that the Village produces more dewatered sludge than it has been able to easily distribute. The Village has run out of room to stockpile its Class B sludge at the plant and sometimes needs to send the Class B sludge to the Landfill. The potential for a cooperative composting process with the Village Solid Waste Department is evaluated separately in the Solid Waste Master Plan being developed concurrently with the WWTP Masterplan.

Successful implementation of a Class A composting operation utilizing sludge and green waste would alleviate the operational challenges of stockpiled sludge at the RWWTP. However, it is likely to take a substantial amount of time to implement and effectively market Class A compost. In the meantime, land application of sludge or landfill disposal of surplus dried sludge will be required. Operational tracking of land-applied sludge with the use of the Land Application Data Sheet is recommended in Section 2.5.5 of the WWTP Master Plan to maintain compliance with NMAC 20.6.2.3109.

**Coarse Bar Screens at Entrance Works (2.7.3)** – Recent storm events have resulted in surges of debris being flushed into the influent wet well and then pumped to the Entrance Works at a rate that exceeds the raking capacity of the existing climber coarse screen. This has resulted in backup and overflow of the influent channel. The raking arm travels up and down the cog track at a speed of 20 feet per minute. This limits the raking speed to one pass of the rake arm every 60 seconds which is not sufficient.

Two alternatives, including the Duperon Flex-Rake and the Huber RakeMax were evaluated to address this concern. Following evaluation, it was determined that the Duperon Unit would fit into the existing channel, while the Huber unit would not. The Huber unit has submerged moving parts which can accentuate maintenance problems, while the Duperon unit does not.

High-capacity flows will initiate the Duperon high speed operation which is one pass as often as 7 seconds. The maximum raking speed of the Huber unit is 16.7 seconds per pass. With high flows, the higher raking speed is very important. Although the total Duperon cost is higher, it is recommended for purchase due to these benefits.

**Fine Screens at Entrance Works (2.7.1)** – The Village staff pressure washed the three fine screens 11 times in 29 months. The spray wash system cannot fully prevent buildup of grease and organics on the 3-millimeter (less than 1/8-inch) perforations. The screens require periodic pressure wash maintenance to control buildup, which is normal, but labor intensive. There is some corrosion at the drive shafts. Small amounts of fine particles and stringy material resembling lint are passing through the fine screens and collecting in the downstream channel and secondary treatment basins. An improved method for solids capture by the fine screens is needed.

Four potential improvement options to increase particle capture by the fine screens were evaluated including one option to have the manufacturer of the existing band fine screens refurbish the existing equipment, including replacement of all seals and corroded or worn-out parts and three other options to replace the existing 3-channel band screen configuration with different fine screen technologies.

The four alternatives evaluated are listed below (with their WWTP Master Plan section number).

- 2.7.1.1 Option 1 – Replace Screens with New Rotary Drum Screens
- 2.7.1.2 Option 2 – Replace Screens with New Huber™ Perforated Belt Screens
- 2.7.1.3 Option 3 – Refurbish Three Existing Ovivo™ Band Screens
- 2.7.1.4 Option 4 – Replace Three Band Screens In-Kind with New Ovivo™ Units

Early in the evaluation, it was determined that equipment needed for Option 1 to have the required capacity would not fit within the existing building and would conflict with other existing equipment in the facility. For this reason, the evaluation of Option 1 was discontinued.

The evaluation determined that Option 4 was the best alternative due to the ease of replacing the existing band screens with “in-kind” units. The new units could easily and quickly be installed while the other units remain in service. Also, because the new units match the configuration and operation of the old units, there is no carry-over of solids or additional head loss as would be with other options. Although this was a more expensive alternative, it was recommended due to the other benefits.

**Screening of Fibrous Materials from Return Activated Sludge in Treatment Basins (2.7.2)** – The turbulence created by the floor-mounted fine bubble aeration diffusers in the Pre-Aeration Treatment Basins causes the stringy material in the activated sludge to clump together to form ropes. These ropes interfere with the operation of the mixers and the return activated sludge (RAS) pumps (which are built similar to a mixer). A means of screening the clumped stringy material out of the activated sludge is needed to address this concern.

An identified solution is to draw a side stream of activated sludge out of the secondary treatment stream which is circulated by the RAS Pumps to remove stringy solids, wash out much of the biomass from the solids, compact the solids to a dryness that meets the Paint Filter Test, and collect the solids in a dumpster located outside on the ground for disposal at a landfill. Two manufacturers were identified who have successfully furnished drum screens in similar applications for screening RAS. The two alternatives evaluated are listed following (with their WWTP Master Plan section number).

- 2.7.2.1 Option 1 – Ovivo™ Return Activated Sludge (RAS) Drum Screen
- 2.7.2.2 Option 2 – Huber™ Return Activated Sludge (RAS) Sludgcleaner Strainpress®



The evaluation determined that Option 2 was the best alternative because the equipment technology is more efficient and reliable because it screens and dewateres the sludge in one operation with the motor, it does not require washwater as the other option does, and it has an overall less cost.

**Recycle Pump Improvements in the Treatment Basins (2.8.1.1)** – There are three submersible Recycle Pumps in the treatment basins, one in each train. Currently two of the pumps are not in service because the lifting bales have broken, the pumps have dropped to the floor, and the pumps cannot be retrieved. Trains 2 and 3 do not have gravity drains to draw down the basins to access the pumps. Accumulated solids have settled onto the floor of the basins which prevents draining the entire basin with a portable sump pump. Actions to address draining the basins, removal of the accumulated solids, and retrieval and repair of the Recycle Pumps must be pursued to address this concern.

It is necessary that the three existing trains (i.e., Trains 1 – 3) be drained and cleaned to facilitate the replacement of the existing recycle pumps and to restore the basins to near new condition. To accomplish this, it is recommended that after MBR Train 4 is equipped, temporary high-capacity transfer pump(s) be used to move the liquid contents of Train 3 to Train 4 to seed Train 4, followed by what will likely be a labor-intensive process of cleaning out the accumulated solids in Train 3.

Once Train 3 is cleaned out and the recycle pump has been replaced, the process would be repeated to transfer the liquid contents of Train 2 to Train 3, and again for Train 1 to Train 2.

**Membrane (Filter) Replacement (2.8.1.2)** – There are six membrane bioreactor (MBR) basins in service. Each basin contains 6,400 submerged membrane cartridges. The membranes require periodic clean-in-place procedures every 1 to 2 months to prevent excessive pressure drop across the membranes as solids build up.

The clean-in-place procedure requires running clean effluent backwards through the membranes for several hours dosed with acid to dissolve built up minerals or chlorine bleach to remove built up organics. The basin remains full during the cleaning and the remaining basins remain in service.

The Village replaces membranes approximately every 10 years or longer if they are not torn. Each basin is drained on a rotating basis to clean, inspect and replace membranes if needed. Roughly 32 pallets of membranes are purchased every year. The stainless-steel cassettes are showing signs of corrosion.

The plant's Ovivo™ MBR system uses polymeric flat plate membrane cartridges manufactured by Kubota. Although Ovivo™ still sells replacement Kubota membranes, they no longer market the Kubota technology and may not continue to support Kubota in the long term. There are newer technologies of polymeric flat plates that are configured with a smaller footprint and are self-healing if damaged.

Ruidoso's water is very hard, and its membranes require frequent acid cleaning to remove calcium buildup. Following analysis, it is recommended that Kubota™ polymeric flat plates be used for replacing the existing membranes when they need to be replaced.

**Ultraviolet Disinfection Lamp and Control System (2.7.4)** – The original manufacturer of the ultraviolet disinfection equipment stopped producing this equipment and it is difficult to obtain replacement parts. The WWTP staff have experienced challenges with the existing UV equipment for an extended period, and it is feared that replacement parts simply will not be available at some point in the near future.

Other wastewater treatment plants in New Mexico with Evoqua® Water Technologies (formerly known as Siemens® Water Technologies) equipment are also facing the same challenges. Consideration needs to be given to the replacement of the existing Ultraviolet Lamp and Control System equipment with new UV equipment.

Options to replace the UV disinfection lamp and control system with one that is fully supported by the factory conceptually include horizontal lamps (similar to those currently in use at the RWWTP), vertical lamps, inclined lamps, and UV-LED lamps. However, as the investigation progressed, the following observations became apparent.

The existing UV channels, with a total depth of 42 inches from bottom of channel to top of curb, are too shallow for the vertical lamp and inclined lamp options. To accommodate these styles of UV lamps, completely new channels would need to be constructed, which would not be cost-effective. For this reason, vertical and inclined lamp UV systems were eliminated from further consideration.

While UV-LED technology may provide many unique and potentially transformative benefits, including longer life, smaller footprint, and mercury-free operation, the manufacturers of UV equipment indicate the use of UV-LED systems for municipal scale applications is currently premature as the price tipping point for LED technology remains several years away for broader market adoption. It is recommended that the Village monitor this technology for potential future implementation, but it appears that UV-LED systems can also be eliminated from further consideration for the RWWTP at this time.

With the elimination of vertical lamps, inclined lamps, and UV-LED systems, the horizontal lamp option remains as the only viable option for the RWWTP. The key for replacing the existing UV system with a new system is to identify a manufacturer that will be less likely to leave the Village unsupported in the future.

The original UV system was designed around the TrojanUV3000Plus® equipment. Trojan still manufactures this equipment and has made some product improvements, including their amalgam lamps and electronic ballast technology, Integra™ lamp and sleeve assembly which is a patented and unique fully sealed integrated lamp and sleeve assembly, and the ActiClean® system that uses both mechanical wiping and chemical cleaning to maintain 95% UV transmittance without disruption to operations.

Given that Trojan was used as the basis of design for the original facilities, and they are still a strong vendor of UV disinfection equipment, it would be in the best interest of the Village to sole source this equipment for replacement of the existing UV equipment.

**Return Activated Sludge (RAS) Pump Reliability Improvements (2.8.1.3)** – RAS pumping is a critical component in the secondary treatment process. The existing RAS pumps require that a crane be brought on site for removal and placement. Rather than relying on the availability of a crane service when needed, it is recommended that the third RAS pump be purchased and installed in the space designed for its installation.

**Equip Fourth Membrane Bioreactor (MBR) Train (2.8.1.4)** – The projected WWTP flow will exceed the 3-train membrane design capacity in Year 2030 under winter peak day conditions. Equipping the fourth train to provide the additional WWTP capacity needed includes the following items:

- Pre-Anoxic Basin No. 4: 1 mixer and level instrumentation.
- Pre-Aeration Basin No. 4: Fine bubble diffusers with motorized air valve, 3 mixers, and 1 recycle pump with flow meter.
- Post-Anoxic Basin No. 4: 2 mixers.
- MBR Basin No. 7: 8 stacked membrane cassettes, level instrumentation, motorized air valve, motorized air blow-down valve, and air flow meter.
- MBR Basin No. 8: 8 stacked membrane cassettes, level instrumentation, motorized air valve, motorized air blow-down valve, and air flow meter.
- Permeate Pump No. 7 Assembly: Permeate pump, pressure transmitter, flow meter, and motorized modulating flow control valve.
- Permeate Pump No. 8 Assembly: Permeate pump, pressure transmitter, flow meter, and motorized modulating flow control valve.
- Fifth Pre-Aeration Blower.
- Fifth Membrane Air Scour Blower.
- Alum dosing pumps No. 7 and 8.
- All connecting Pre-Anoxic Basin feed pipe, recycle, air, permeate, alum, and Clean-In-Place chemical dosing piping with associated valves and appurtenances.
- All associated electrical power feed, controls, and instrumentation.

It is recommended that the new membranes, pumps, blowers, air diffusers, mixers, flow control valves and valve actuators for the fourth train be selected to match the same manufacturer and model as the existing equipment where possible to streamline operation, maintenance, dealer service, inventory, and training for the plant staff.

**Equip Fourth Digester Cell (2.8.1.5)** – The existing WWTP three-cell digester is projected to reach its capacity in approximately the Year 2030. The aerobic digester structure was originally designed and constructed with four cells, but only three cells were initially equipped. The components needed to equip the fourth digester cell are listed as follows:

- Digester aeration equipment: Rectangular stainless steel tube air bridge, HDPE shear tubes, stainless steel drop pipes with ABS diffusers, stainless steel air feed line, telescoping valve.
- Galvanized steel pipe air feed line.
- Insertion gas flow meter.
- Motorized medium temperature air control valve.
- Manual medium temperature air isolation valve.
- Submersible mixer.
- Aluminum airbeam cover system.
- All associated electrical power feed, controls, and instrumentation.

**Storage Building (2.8.1.6)** – Various existing buildings at the RWWTP have taken on the role of storage space for equipment and supplies needed for the operation of the plant. As indicated by the structural analysis of the existing buildings, many are in a condition that raises concern about long-term viability and safety. In addition, equipping the fourth MBR train will eliminate substantial storage space that will need to be replaced on the RWWTP site. It is recommended that a high-bay pre-engineered metal storage building of approximately 6,000 square feet in size be added to the RWWTP site just west of the existing Dewatering Building (where the CONEX™ boxes are currently stored).

**Variable Frequency Drive (VFD) Replacements (2.8.1.7)** – The RWWTP VFD Asset List consists of 49 VFDs with nameplate ratings ranging from 1 HP to 125 HP. These key electrical components were installed with the facilities constructed in 2011 and have started to fail. It is recommended that a program be implemented to replace VFDs each year in an attempt to prevent potential critical failures.

### **Solid Waste Utility System**

The Solid Waste Master Plan included several recommendations to improve and optimize solid waste operations. These items are briefly reviewed and summarized below.

**Solid Waste Collection Optimization** – When reviewing the collection equipment and process, it is important to note that the solid waste collection is not happening on wide, flat roads with perfect climatic conditions. The Village has some unique challenges with climate, wild animals, and topography regarding solid waste collection.

Because of the narrow width of many roads, side loader collection was chosen which allows the trucks to pull beside the dumpsters at the edge of the roadway minimizing disruption to traffic. Because of the messes caused by bears tipping over smaller waste collection bins, the Village moved to the 3-cubic-yard dumpsters several years ago.

Calculations show the average residential dumpster load is approximately 397 pounds, which is about 80% capacity. Overall, this average is a good utilization of the residential dumpster capacity while allowing some additional capacity for peak periods. The use of the side loader collection truck and use of 3-cubic-yard containers are both good decisions and should be continued.

**Evaluation of Emerging/Alternative Technologies to Reduce Landfilling** – The Village has a highly successful recycling program for cardboard, plastics, aluminum, and newspaper. In addition, the green waste processing program is very successful in diverting green waste from the landfill, although at a high cost.

The following items are identified as possibilities that can potentially be pursued to further reduce the landfill disposal waste stream. The waste characterization analysis identified food waste and organic materials, textiles, plastic bags/film, glass, office copy paper, and tin/steel metal cans as potential recyclable materials represented in the solid waste stream to the landfill.

Regarding food waste and organic materials, there is a growing movement to remove these materials from the landfill stream and begin to compost these materials. The Village staff is proposing to begin a Class A composting process for the WWTP biosolids and a portion of the green waste. This could be an extremely successful program, but it would be a new program for the Village.

Producing Class A Compost would give the Village the opportunity to make the safe compost available for the public and also to become certified for potential sale of the Class A Compost to NMDOT contractors. If this process were performed well, it could provide a beneficial product for the area and produce a steady income stream for the Village.

Food waste and other organic materials could be added to the Class A composting process, but with the addition of differing food waste and organic volumes with each batch, the “formula” for the composting process would vary and more processing time and additives may be required to achieve Class A Compost in compliance with all regulations. Furthermore, the addition of food waste could add an odor component to the composting process which may be somewhat objectionable.

For these reasons, it is recommended that the Class A Compost process begin with the WWTP biosolids and green waste only, until the Class A composting and final product distribution process becomes well established. After the overall composting and distribution process is operating well, food waste and other organics could be added into the composting process as a pilot program to determine if it would be a process that should be continued in the Village.

The waste characterization also noted that textiles accounted for 5.6% of the total amount of MSW analyzed. It is clearly understood that the significant amount of clothes found in the waste characterization may be a result of fire recovery actions but if the Village desires to aggressively increase waste diversion from the landfill, consideration should be given to the development of a textile recycling program where textiles can be collected in a centrally located bin and sorted for possible reuse or recycling into other uses.

Plastic film, bags, and wrap materials accounted for approximately six percent of the total waste in the waste characterization. Recycling collection for plastic bags and film is often conducted by retailers that use plastic bags in commerce; however, a collection point for plastic bags and film could be included in a community recycling drop-off station. Although this is not a large amount of waste, recycling opportunities for plastic will be increasing in coming years. This option could be pursued in a few years if the capability for this type of recycling increases.

Other potential recyclables such as glass (4.8%), office copy paper (2.4%), and tin/steel metal cans (1.5%) were each found in minor amounts of the waste characterization, but the total amount of these items represented almost 9% of the solid waste stream to the landfill. These items are not presently being recycled by GSWA.

It was found that the South-Central Solid Waste Authority in Las Cruces recycles all these items cost effectively for their county. Because the Village desires to aggressively further increase waste diversion from the landfill, consideration should be given to the potential development of these recycling programs within the Village.

**Recommendations Regarding Public Outreach Programs for Solid Waste and Recycling** – After a review of the Village of Ruidoso and Greentree Solid Waste Authority web pages, it appears that a significant amount of the information is out of date. This leads to confusion on the part of citizens regarding what information is still applicable and what is not.

A complete audit of both websites should be performed to remove old and inaccurate information and show up-to-date, accurate information. In addition, more information needs to be available on the web pages to provide additional emphasis on the items of concern. GSWA has been contacted about updating their website, and they stated that a new web page is presently being constructed that will have all current information. The following items of concern were noted:

- Illegal Dumping is not allowed and causes increased costs for everyone.
- Show the proper locations for Construction and Demolition (C&D) waste disposal.
- Please recycle clean cardboard, but place contaminated cardboard in solid waste receptacles.
- Please recycle #1 and #2 plastics. This can lower overall solid waste disposal costs.
- Provide information as to where paint, batteries, electronics, and household hazardous waste (HHW) can be disposed of.
- If a textile recycling program is begun, it should be well advertised on the websites.
- If the Class A composting program is begun, the availability of Class A Compost, as well as the fact that it can be used safely by the public in their yards, should be well advertised.
- If the Village pursues the recycling of additional recyclables such as glass, office copy paper, and tin/steel metal cans like is being done cost-effectively by the South-Central Solid Waste Authority in Las Cruces, this program should be well advertised on the websites.

**Convenience Center Facility** – It was noted during a Village Council Meeting that it might be desirable for Village residents to have a location where they could dispose of items like mattresses, furniture, and other large items on a routine basis. Some discussion was held about possibly making a site available for several hours each weekend afternoon for these resident disposal activities.

The Village has expressed their desire to operate a convenience center with Village staffing. Two alternatives using Village staff are presented below. The first option is a very low-cost option which is to allow use of the Gavilan Canyon Transfer Station on Friday, Saturday and Sunday Afternoons from 1:00 to 5:00 PM. The second option is to construct a new convenience center on the 1.6-acre vacant site owned by the Village just east of the existing Solid Waste Department facility. This new facility could be operated from 8:00 AM to 4:00 PM on Friday and Saturday, and from 1:00 to 5:00 PM on Sundays.

**Convenience Center at Gavilan Canyon Transfer Station** – The first option explored is for a highly cost-effective convenience center that could be located at the Gavilan Canyon Transfer Station. This option would require a revision to the existing permit. Three new full-time staff people would be required to staff this new operation, but they could also be used to support the bear mess crew during the remainder of their weekly work hours. Another benefit of this option would be that it could also save some bear mess and grapple crew time during the week due to less large items or illegal dumping pickups.

**New Convenience Center East of the Solid Waste Department Facility** – The Village has acquired a tract of land immediately east of the Village Solid Waste Department facility across Close Road. This site is 1.6 acres and is large enough to provide good traffic flow to handle many vehicles disposing large items at the convenience center.

The proposed convenience center layout would have three 30-cubic-yard roll-off containers for large waste and miscellaneous solid waste, with a fourth 30-cubic-yard roll-off container for appliances and metal materials. Backup containers would be needed for each container and a backup truck would also be needed to provide continued disposal of the waste in the event that one truck becomes disabled.

The roll-off containers cost approximately \$9,000 each, and a roll-off hauling truck costs approximately \$275,000 each. The convenience center facility could be constructed at an approximate cost of \$2,000,000 including engineering design.

The Village staff is proposed to operate this convenience center, so an additional CDL driver for roll-off haul to the landfill and three solid waste workers to operate the convenience center would be required. The additional CDL driver and the additional three solid waste workers are included in the staffing recommendations if this new facility is pursued.

The sites would not be proposed to accept green waste, C&D waste, tires, or other waste items that are not allowed to be disposed of at the landfill. These items should be redirected for disposal at the GSWA site or at the green waste contractor’s yard in Ruidoso Downs. Proper signage and website information should be available to clearly inform the public regarding what items are allowed and not allowed for disposal at the convenience center site.

**New Facility for Class A Composting of WWTP Biosolids** – As noted earlier, the Village WWTP staff desires to begin producing Class A Compost at the WWTP site instead of continuing to produce Class B Compost since there is not sufficient space to compost the biosolids and green waste volumes together. In addition, Class B Compost is limited in its disposal opportunities. As a result, when the Class B Compost is not able to be taken by a private individual, it must be hauled 80 miles away to the OGRL for disposal.

To perform Class A composting, the compost mixture would initially be comprised of approximately 40% nitrogen (WWTP biosolids) and 60% carbon (ground green waste). To balance the amount of biosolids being produced by the WWTP, an estimated 20% of the green waste collected by the Village would be needed for composting.

The following narrative assumes the acquisition of three to four acres of land by the Village to perform the combined Class A composting process. The site would be used for the construction of the asphalt-paved composting facility with waterlines, underdrains, concrete basin walls, and an equipment shed.

Purchase of compost screening equipment and purchase of a woodchipper would also be required to prepare the green waste for composting use. The existing dump truck, front loader and compost-turning equipment, that are presently being used at the WWTP in their Class B composting process, can be moved for use at the new composting facility.

The cost to do Class A composting includes land acquisition, site construction, and equipment purchase. The capital cost breakdown and more additional composting details are shown in the Solid Waste Master Plan in Appendix D. A \$2,635,000 figure is included in the WWTP Capital Improvement Plan to cover these costs since it is a WWTP operation.

The WWTP staff currently operate the Class B composting operation with a single employee. To operate the larger Class A composting operation will require an additional employee. This additional employee has been added in the WWTP Master Plan Staffing Section.

As discussed previously, an estimated 20% of the green waste that would ordinarily be collected and hauled to the green waste contractor for processing may be needed to successfully operate this Class A composting program. Although the composting facility construction cost is significant, if Class A composting were pursued, approximately 20% of the green waste processing cost, which was \$486,610 in Fiscal Year 2022, could be diverted to this program.

The Solid Waste Master Plan describes several options for compost use and potential markets. These include:

- Grinding green waste to create a marketable mulch product,
- Giving away Class A Compost to local residents and businesses, eliminating the need to haul compost to the OGRL,
- Using Class A Compost on Village parks and planted areas,
- Becoming prequalified as a NMDOT Class A Compost Supplier and selling compost to NMDOT,
- Pursuing NMED Recycling and Illegal Dumping (RAID) grant funds.

**Discussion of Possible Privatization of Solid Waste Services and Existing Agreements** – During the performance of the solid waste master planning work, there was some discussion regarding the possibility of the performance of solid waste services for the Village by private contractors.

Ordinarily, the costs for solid waste services performed by private firms are in excess of the costs experienced by a well-run municipal organization like Ruidoso. However, if additional volumes can be processed, and shared operations or equipment can be used by private firms, this could potentially result in lower unit costs.

After additional discussions, the Village Manager stated the Village wants to continue to have the solid waste services performed by Village staff with the exception of the existing recycling agreement with GSWA, the existing green waste processing agreement with the green waste contractor, and the existing landfill disposal agreement through the GSWA. These agreements are briefly discussed as follows along with an alternative for potential cost savings through combination of services:

- GSWA Recycling Agreement – The GSWA recycling agreement operates at no cost to the Village. The agreement has an initial term that expires on May 13, 2027, and includes options to extend with one year increments up to May 13, 2035. If it can be continued at no cost, that would greatly benefit the Village.
- Green Waste Processing Agreement – The green waste processing agreement had an initial term expiration date of June 23, 2021. The agreement included up to three one-year options to renew. Two of the renewal options have been executed and the third option is under consideration. If all options are accepted, the agreement would expire on June 23, 2024.



It is recommended that the Village work to identify other potential green waste processors and have the service be rebid to hopefully obtain a more competitive price per yard for green waste disposal or improved agreement terms that would be more beneficial to the Village.

- Alternative to Bid the Green Waste Processing and Composting Operation Together - An additional option is available for potential savings in the green waste processing services if the Village would like to pursue it. There are private businesses that are interested in providing green waste processing services in combination with the operation of the WWTP Composting Facility. They could derive revenue from the sale of Class A Compost as noted earlier.

The Village could consider bidding out the combination green waste processing and the Class A Composting operation. If a private firm became NMDOT certified, they could sell both Class A Compost and wood mulch to NMDOT contractors and others.

If the private firm could use the compost and mulch revenue to defray some of their costs, it could potentially result in a lower cost to the Village for processing of the green waste while the private firm is responsible for operation of the composting process and full distribution of the Class A Compost material. It is recommended that this alternative be investigated when the green waste processing agreement expires.

- Otero Greentree Regional Landfill - The Village presently receives very competitive rates for solid waste disposal at the Otero Greentree Regional Landfill. It is recommended that the Village continue membership in the GSWA to maintain access to the landfill services.
- Cooperation with Lincoln County for Solid Waste Services - After discussions with Village staff and Lincoln County, some potential exists to have the Village and Lincoln County work together to coordinate or share some solid waste services for possible cost savings.

One example of a shared service that is already covered under an existing agreement is the haul of solid waste to the GCTS for a fee, rather than hauling the solid waste to the OGRL. Other examples of potential shared services could be county resident use of a potential new Ruidoso Convenience Center or County disposal of green waste at a Green Waste Disposal site.

## Maintenance, Inspection and Replacement Programs Evaluation and Recommendations

### Water System

The Village prepared a Water System Operation and Maintenance Plan in 2021 to define the staff's maintenance practices and to train new hires. The Village intends to update the Operation and Maintenance Plan every three (3) years. The 2021 Operation and Maintenance Plan practices are evaluated below and improvement recommendations listed.

**Fire Flows and Hydrant Coverage (3.4.2.1)** – The Village’s standard practice for hydrant coverage is placing hydrants every 400 feet or at every street corner for the system distribution lines. Fire hydrants are well dispersed throughout the system. The Village’s standard of placing hydrants every 400 feet fits within the 10 State Standards that states fire hydrants should generally be spaced 350 to 600 feet apart.

The Village defines adequate fire flows as 1,000 gpm with a residual of 20 psi, based on the Villages current ISO rating of 2, and performs ISO testing every two years. Based on the fire flow testing data provided by the Village, the system is currently capable for providing adequate fire flow and pressures to meet ISO and the 10 State Standards of 1,000 gpm for 120 minutes at the hydrants tested.

Village staff’s annual maintenance on the hydrants include flushing, restoring disinfection residual, and checking that the hydrants are not susceptible to tampering. AWWA M17 states that hydrant inspections should be conducted annually. The Water Master Plan includes a list of items that should be checked annually for dry-barrel fire hydrants.

**Existing and Possible Additional Interconnections for Peak Demand/Fire Flows (3.4.2.2)** – The Village of Ruidoso’s 2018 Regionalization Plan evaluated potential locations for interconnections to adjacent water utility systems. The proposed interconnections could provide a redundant supply for both the Village’s system and the adjacent systems in an emergency. The report recommends interconnections with the City of Ruidoso Downs and the Alto Lakes W&S District, since both systems have the capacity to provide useful volumes of potable water into the Village’s distribution system.

The potential interconnections would require installation of a waterline on Billy the Kid Trail to connect to the Alto Lakes W&S District and another on US 70 to connect to the City of Ruidoso Downs. Based on these well and storage capacity evaluations, an interconnect is not necessary to meet the system peak demands or fire flows. However, SMA agrees with the report’s conclusion and recommends the Village consider these for future system improvements outside of the projects included in this Master Plan.

**Water Line Flushing Program (3.4.2.3)** – The Village flushes dead-end waterlines every other week as a precautionary measure to avoid trihalomethanes (TTHMs). This practice takes one to two days with three to four operators. The Village also conducts typical ISO flushing monthly. Water flushing at dead-ends is a common best practice employed by water systems to prevent stagnation of water, sediment build-up, and degradation of water quality.

SMA recommends identifying all dead-ends in the system and implementing a flushing schedule to flush all identified dead-ends until the total chlorine residual was above 1.0 mg/L on a regular basis and prescriptive based on water quality. The Village’s current flushing practices align with the recommended best practice flushing program described above. However, automated flush hydrants at each dead-end would reduce the amount of labor required to maintain the recommended practices and installation of these automated flush fire hydrants are included in the Water CIP.

**Valve Maintenance and Inspection Program (3.4.2.4)** – Currently the Village will inspect and exercise the valves following AWWA M44 valve maintenance procedures as they use them for shutdowns, but they do not have a set schedule for valve inspections and exercising. SMA recommends that the Village implement a program to exercise and test all the water system valves within a five to eight-year cycle based on the large number of valves in the system.

As outlined in AWWA M44, the total number of valves in the system during that current cycle should be divided by eight and the resulting number should be operated each year. It is strongly recommended that the Village begin this process with the identified critical valves in the first year.

**Pressure Reducing Valve (PRV) Maintenance and Inspection Program (3.4.2.5)** – The Village inspects and exercises the valves at each PRV vault every quarter. The inspections include testing the pressure gauges by raising and lowering the pressure and checking the blowoff lines to ensure they are operational. This procedure meets standard PRV procedures outlined in AWWA M44.

**Cross Connection Control Programs (3.4.2.6)** – The Village has an ordinance for all cross-connection standards that is available on the Village’s website. This ordinance outlines requirements for meters and permitting but does not outline requirements for backflow preventers and backflow prevention testing for commercial service connections, customers connected to a non-potable water system, and all non-residential irrigation water systems connected to the Village water system. SMA recommends a Cross-Connection Prevention and Control section be added to the Villages ordinances. Example language can be found in Section 6 of this plan.

**Demand Side Metering Program (3.4.2.7)** – The Village conducts routine maintenance on their customer meters every six months. Maintenance typically includes cleaning out the meter box and conducting an inspection of the meters. This process takes approximately one month with two laborers and one foreman. The Village has plans to test all their meters annually. The Village uses Badger meters with a beacon AMI network. The AMI network allows the Village to collect meter readings from a central location. The Village recently ordered 7,600 end points to replace old 3G meter end points with Long-Term Evolution (LTE) technology. Testing all, or a sample of meters annually is highly recommended.

**Leak Detection Program (3.4.2.8)** – The Village employs three to four operators to test waterlines with sounding equipment during hydrant maintenance for a month, covering the entire system. The testing budget, which includes leak detection, is currently set at \$200,000. Additionally, a third-party company conducts a comprehensive inspection of the system for leaks every three years. Due to the increased incidents of water loss and waterline breaks over the past three years, the Village has begun to review its current procedures.

**Tank Inspection and Maintenance (3.4.2.9)** – The Village inspects their water storage tanks monthly for leaks or graffiti as well as checking that security is still intact. This work includes a minimum of two operators and is included in a \$20,000 budget for safety. Equipment used for this inspection includes a harness and fall protection to access the top of the tanks. Vents and overflow drains are checked annually to verify they are properly screened.

Tanks are inspected by a third party and maintained every five years for structural damage. In addition to the above inspection procedures, AWWA M42 recommends the foundation and surrounding earth should be examined for any signs of settlement and the concrete should also be observed for crumbling, deep cracking, and exposed reinforcement steel.

**Pump and Valve Condition Evaluation and Replacement Program (3.4.2.10)** – The Village currently does not have written procedures requiring periodic valve or pump inspections and condition evaluations. The staff replaces their equipment based on its condition or failure when it is encountered in the field. Asset Management principles call for periodic inspection of valve and pump assets along with age consideration to develop a “remaining life” estimate for each asset so rehabilitation and replacement work can be planned in advance.

SMA evaluated the system and prepared an age and condition-based replacement plan for aging infrastructure, discussed in further detail in the Asset Management section of this report. It is recommended that the recommendations of the Asset Management section be followed regarding the use of work order systems to track water system asset condition and repair costs.

**Water Line Break Disinfection Process (3.4.2.11)** – The Village follows the disinfection practices from AWWA C651 for water line disinfection. This is highly important for a public water system to follow.

**Anticipated Lead and Copper Rule (LCCR) Revision Impact on Service Lines (3.4.2.12)** – On December 16, 2021, EPA announced next steps to strengthen the regulatory framework on lead in drinking water. These rule regulations would mean that the Village will need to inventory their supply side and customer side water service lines to determine which service lines have lead or copper. Once identified, customers with these service lines need to be notified and made aware of practices necessary for those type of lines. EPA intends to maintain the requirements for information to be submitted in the initial lead service line inventory by the current October 16, 2024 compliance date.

Section 3.4.2.7 of this Water Master Plan states that the Village staff now inspects each meter on an annual basis. If the Village meter inspection crews took a few minutes to do a magnet test and scraping test (if needed) on both the supply side and customer side service lines and determine the service line material/size as they perform their annual inspection, it could be recorded on the LCCR form immediately. This small added practice could save thousands of dollars from having to get this LCCR information separately at a later time.

## Wastewater System

**Maintenance, Inspection and Replacement Programs (2.6)** – Proactive maintenance of a collection system is an important part of identifying and preventing major failures. Generally speaking, it is less expensive to repair a damaged pipe or manhole that is still in service rather than reactively repairing a failure that must be dealt with on an emergency basis. It is recommended that the Village implement an interceptor inspection routine that completes its cycle every 2 years.

There are numerous inspection methods currently employed, but closed-circuit television (CCTV) inspections are generally the least costly to implement and are fairly adept at identifying system damage. Other methods of pipe inspections include electrical conductivity, smoke testing, and nighttime flow measurement. Ultimately, a proactive maintenance routine will identify potential failures before they occur and reduce the overall cost of maintaining the collection system. It will also help the Village identify recurring issues in the collection system that require an engineered solution.

## Wastewater Treatment Plant

The following recommendations are based on the System Maintenance review presented in Section 2.6.

**General Site Improvements and Building Demolition (2.8.3.1)** – The structural review of the RWWTP as presented in Section 2.6 identified structure maintenance and rehabilitation needs for each structure at the plant, site grading improvements, and building demolition recommendations. Structure maintenance and rehabilitation actions are identified for the following structures:

- Influent lift station
- Equalization basins
- Secondary treatment building
- Sludge thickening building
- O&M building
- Entrance Works
- Secondary treatment tanks
- UV disinfection facilities
- Aerobic digester
- Sidewalks, miscellaneous concrete and structure repairs

Several of the WWTP site sidewalks have also settled over time and need to be repaired. In addition, the following structures are recommended to be demolished:

- Septage holding tank
- Lower pump building
- Upper pump building
- Lower screw pump station
- Upper screw pump station
- Grit structure

**Influent Lift Station and Miscellaneous Improvements (2.8.3.2)** – Due to the potential for high peak flows from storm water inflow resulting from damage to the wastewater collection system caused by the fires in 2022, it is recommended that the fifth pump be activated in the Influent Lift Station. This is a non-complex improvement, requiring the removal of two blind flanges and installation of a new ball check valve and a plug valve, and installation of one of the two spare influent lift pumps on hand.

In addition, as improvements are implemented at the RWWTP, it is anticipated that various improvements and upgrades will be identified and required. These improvements and upgrades could be related to process piping, blower piping, site valves, and corrosion protective coatings. It is recommended that funding for these types of miscellaneous improvements be included in the Masterplan and incorporated into the Capital Improvement Plan for the RWWTP.

## Solid Waste System

**Facilities/Equipment Inspection and Maintenance Programs Evaluation** – The Village Solid Waste Department has a very sophisticated maintenance program that includes Triad oil testing to predict future truck and equipment failure (see [www.wearcheck.com](http://www.wearcheck.com)). For example, evidence of metal shavings or radiator fluid in an oil sample alert staff that an engine needs work before it experiences full failure.

The oil testing reports are received by email, so it does not allow direct information sharing with the CityWorks® software or other city software. However, if the information could be copied as a pdf or picture, that information could be stored on CityWorks® as being related to the asset, in this case, a truck or piece of equipment.

In addition, each morning, every vehicle is inspected thoroughly by the driver prior to operating the vehicle. These inspections are recorded on paper and turned in every day for review to identify deficiencies needing attention and are subsequently filed for future reference. Computerization of maintenance records is an area that can be improved with tracking software. Ideally, this data would be accessible to the CityWorks® software.

Maintenance of equipment is performed with differing methods. The GCTS heating unit filter replacement is scheduled and performed under an annual contract. Washing of the 110-cubicyard transfer trailers is also performed weekly under an annual contract. Collection truck washing is performed weekly by the truck drivers.

Other maintenance items are tracked individually for specific equipment. It was discussed that it would be desirable if information on scheduled maintenance could be tied to the individual assets. It was discussed that ideally, the CityWorks® work order software should be used to create work order schedules for scheduled maintenance on all assets, and to track asset repair costs.

It was determined that, although the water and sewer departments are presently set up to use the CityWorks® work order software and GIS mapping/database information, the Solid Waste Department does not yet have a license to access the work order software and asset database information.

The Solid Waste Department was only reported to have one tablet. If the Solid Waste Department were to begin to use CityWorks®, they would need one tablet for each truck driver, mechanic, and maintenance worker for accessing the asset equipment records, maintenance schedules, and work order software.

Licenses and equipment allowing additional departments to use CityWorks® will likely be purchased soon, or possibly already. It would be desirable if a CityWorks® software license could be added for the Solid Waste Department to provide access to the equipment database information and work order software.

When a new Solid Waste Director is needed in the future, it would be highly desirable to have all the asset information and work order records on CityWorks®, so they could be accessed electronically. This would provide a smoother transition and provide essential information regarding the solid waste assets rather than requiring the new personnel to search several locations for paper records, finance files, and emails to get the needed information to effectively operate the solid waste department and efficiently manage, maintain, rehabilitate, and replace the solid waste assets.

Although CityWorks® work order software is not presently used by the Solid Waste Department, they do have access to all costs related to department assets since each expenditure for repairs or maintenance is recorded with the four-digit code associated with each vehicle. These costs can be searched in the Tyler budget software using the four-digit code.

**Current Facilities/Equipment Replacement Program Review** – The asset data for the Solid Waste Department vehicles and equipment is maintained in a well-organized book in the Solid Waste Manager’s office. The data in this book is used to project equipment rehabilitation and replacement.

This information has been reviewed during the master plan work and was used to create a solid waste asset spreadsheet and 20-year cost projection. After completion of the master plan, that data will be transferred to the Village staff for inclusion in their CityWorks® database.

**Recommendations** – The Village of Ruidoso staff are doing an excellent job with their maintenance, inspection, and replacement programs. However, when a license is available for the Solid Waste Department to connect to CityWorks® in the coming years, it is recommended that the processes for all work orders, maintenance schedules, testing reports, and other asset information be transferred to CityWorks®. This will allow the asset information, testing, and maintenance records to be stored on the CityWorks® software so everyone can have access to the same maintenance, repair, and condition data for the asset management system.

## Water Quality Treatment Review and Recommendations

### Water System

Water Quality Monitoring Plan (3.4.3.1) - The Village conducts regular water sampling at various points throughout the system to identify water quality issues. The water quality is tested to ensure that it meets New Mexico Environmental Department (NMED) Drinking Water Bureau (DWB) and EPA water requirements and reports are submitted to NMED DWB and used to prepare Consumer Confident Water Reports (CCR) to notify customers of the constituents in the water they are purchasing.

Existing Water Quality Monitoring Data (3.4.3.2) – The 2022 CCR for the Village can be located on the Village’s website. According to the 2020 CCR the water sampled indicated no violations for any water contaminants.

Water Disinfection Process and Byproducts (3.4.3.3) - Disinfection samples are taken monthly following AWWA standards. The system sampling locations are tracked and reported. Sample sites are listed in Table 33 of the Water Master Plan. Low residuals are common at the end of Carrizo Canyon, on Leach Drive, and the community center at the corner of Sudderth Drive and Junction Road.

Water Age Issues Caused by Decrease in Non-Revenue Water (3.4.3.4) - SMA evaluated the Village’s water system’s water age by modelling the existing water use, including 55 percent of non-revenue water divided evenly per connection. The result of this evaluation indicated 18 percent of the system reached the maximum desired water age (240 hours) and indicated the average water age for the system is currently 157 hours.

An additional evaluation was conducted reducing the non-revenue water to 10 percent, assuming the Village meets their goals to reduce water loss by 2050. The results of the evaluation indicated 20 percent of the system reached the maximum desired water age and indicated the average water age for the system would be 177 hours. The water age scenarios were run for simulation times of 240 hours (10 days).

Village operators indicated that the Upper Canyon area flows to the WTP No.1 pump station and is moving more water than the model illustrates and the Pinecliff area flows to the Hell hole booster station that pumps to the Camelot tanks, which is not an issue for water age. Based on these evaluations and feedback from the Village, SMA recommends increased flushing practices in the Country Club area across from the White Mountain Recreation Complex as well as in the Grindstone area.

## Wastewater System

Wastewater Quality Issues (2.4.3) – Continuing rehabilitation of the wastewater collection system will reduce Infiltration and Inflow (I/I) loading and prevent potential operational issues at the RWWTP. Additionally, connection of existing onsite treatment systems to the main wastewater collection system will reduce the release of pollutants into shallow groundwater. All new wastewater collection facilities will be designed to NMED guidelines at a minimum, which are intended to protect and enhance the health, sanitation, and security of the communities served.

The Village and the City of Ruidoso Downs RWWTP effluent quality has been heavily scrutinized over the past 15 years. In the mid-2000s, the RWWTP was subject to an Environmental Protection Agency (EPA) Administrative Order (AO) and a lawsuit filed under the federal Clean Water Act (CWA) for failing to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) permit.

In response, the Village developed financing for and constructed a new WWTP that was capable of meeting the stringent nutrient (N and phosphorus) discharge requirements of the NPDES permit. A new NPDES permit was enacted 2012 that requires the RWWTP discharged effluent have less than 1.0 milligram per liter (mg/L) total nitrogen (TN).

A study by MC (2016) found that the reduction in TN loading to the Rio Ruidoso from improved RWWTP effluent quality was estimated to be roughly equivalent to the reduction in TN loading stemming by providing sewer connections to existing onsite treatment systems in the immediate vicinity of the Rio Ruidoso at significantly reduced cost.

## WWTP System

Wastewater Loading Projections (2.3.3) - Influent wastewater characteristics (TSS, BOD, TP, and TKN) are presented in Tables 2-2 and 2-3 in the WWTP Master Plan for years 2019, 2020, and 2021. Table 2-15 shown below presents the average concentration for the 3 years of data as well as the concentrations that were used for the peak month design. Except for phosphorus, based on the results of sampling during the past 3 years, TSS, BOD, and TKN concentrations are higher than the concentrations of the influent sewage sampled prior to and utilized for the design.



**TABLE 2-15  
 INFLUENT CONCENTRATIONS BASED ON 2019-2021 SAMPLING AND  
 VALUES ASSUMED FOR PEAK MONTH DESIGN**

PARAMETER	CONCENTRATION (mg/L)	
	2019-2021 AVERAGE	PEAK MONTH DESIGN
TSS	286	162
BOD	208	175
Phosphorus	6.2	6.0
TKN	47.0	38.4

For planning purposes, it is important to know not only the wastewater characteristics, but also expected loadings for key operational parameters. Therefore, a loading analysis has been done for the following flow conditions:

- Current peak month flow based on the last 5 years of influent data, 1.48 mgd;
- Projected flows based on population projections for years 2030, 2040, and 2050 at 2.23, 2.45 and 2.68 mgd, respectively;
- Loading projections at 1.50 and 1.75 mgd have been included as they represent near future scenarios between the present flow and flow projected for 2030.
- Design peak month (3-Trains) 2.70 mgd.
- Design peak month (4-Trains) 3.60 mgd.

Table 2-16 shown below presents future loadings based on the concentrations presented in Table 2-15 for the 3-year average (2019-2021) and for the peak month design assumptions (design). On the following page, a graphical representation is presented in Figure 2-8 for TSS and BOD loadings and in Figure 2-9 for TP and TKN loadings.

**TABLE 2-16  
 PROJECTED PEAK MONTH LOADINGS UNDER DIFFERENT FLOW AND  
 INFLUENT CONCENTRATIONS**

SCENARIO	PEAK MONTH FLOW (MGD)	LOADING (lbs/day)							
		TSS		BOD		TP		TKN	
		3-YEAR AVG.	DESIGN	3-YEAR AVG.	DESIGN	3-YEAR AVG.	DESIGN	3-YEAR AVG.	DESIGN
Current Flow	1.48	3,530	2,000	2,567	2,160	76	74	580	474
Near Future	1.50	3,578	2,027	2,602	2,189	77	75	588	480
	1.75	4,174	2,364	3,036	2,554	90	88	686	560
Projected 2030	2.23	5,319	3,013	3,868	3,254	115	112	874	714
Projected 2040	2.45	5,844	3,310	4,250	3,576	126	123	960	785
Projected 2050	2.68	6,392	3,621	4,649	3,911	138	134	1,051	858
Design Peak Month (3-Trains)	2.70	6,440	3,648	4,684	3,941	139	135	1,058	865
Design Peak Month (4-Trains)	3.60	8,587	4,864	6,245	5,254	185	180	1,411	1,153

In Section 2.4 of the WWTP Master Plan, an analysis of the projected loadings versus the basis of design loadings is performed to determine any capacity or treatment concerns. The WWTP improvements shown in this Master Plan have been identified to address the Peak Month Loadings under the different Flow and Influent concentrations identified above in Table 2-16.

## Utility System Asset Management and Sustainability

### Water System

**Water System Facility/Equipment Management and Replacement (4.1)** – Asset Management and sustainability go hand in hand. Asset management is a framework utility managers can follow to help plan, manage, and fund replacement of their assets and continuation of their processes at a desired level of service for the least cost. Sustainability is the ability to cost effectively maintain processes and delivery of services at a desired level, for an established timeframe.

The Asset Management framework adopted in New Mexico for developing an asset management program involves the following five core components:

1. Current State of the Assets
2. Level of Service
3. Critical Assets
4. Life Cycle Costing
5. Long Term Funding

While the Village's Asset Management Program considers all five core components, this section will focus on the first core component – Current State of the Assets. Assets are generally identified as property owned by an agency to assist with the provision of services and having with one or more of the following characteristics:

- A value of over \$5,000,
- Needing periodic maintenance for optimal operation, or
- A Critical Asset.

Using the above criteria, equipment valued at less than \$5,000, does not need regular maintenance for optimal operation, and is not a critical asset, will not be listed in the inventory and will not be included in this analysis.

The Village's water system consists of many asset types, such as wells, tanks, pumps and pump stations, treatment plants, water lines, valves and PRVs, system meters, fire hydrants, and other appurtenances. These assets are differentiated from the water production assets and water distribution assets.

**Asset Data and Information Requirements** – The water system assets, such as lines, valves, manholes, and fire hydrants, are located throughout the community. Accurate GIS mapping helps locate these assets and the linked database keeps data and maintenance information readily accessible for each asset. Over 5,000 water system assets are listed in the CityWorks® asset database. Most have recorded Global Positioning System (GPS) locations, making them easy to locate on the existing Village GIS mapping.

At this early stage of the Village's asset management work, there was asset-specific information lacking in the Village asset database. For this reason, the asset management work included with the master planning process involved acquiring and delivering supplemental data to the Village GIS/Mapping personnel for inclusion into the GIS database.

Proper management of assets requires knowing their locations and basic asset information. Asset management also involves developing maintenance schedules and keeping good records of the maintenance and repair actions and costs for each asset. Before acquiring CityWorks® software, the Village Departments used several approaches to track work orders - Microsoft Access Database, Mobile 311 work order software, and paper workorder forms to schedule maintenance and record all maintenance and repair actions.

In addition to tracking maintenance activities, a basic asset management approach requires knowledge of the installation date and expected life of the assets to effectively plan for their replacement. The cost of performing unplanned (reactive) maintenance and repair can be up to three times the cost of performing planned (proactive) maintenance and repair. Effectively planning for asset replacement supports the transition from a predominantly reactive approach that merely responds to asset failure to a more proactive process consisting of planned rehabilitation and replacement of assets.

With the proper asset management tools, the Village can plan and optimally time the replacement of assets. For example, planning for regularly scheduled inspection and recoating actions for the Village water tanks fell behind due to other priorities. While the tank work is now being implemented, it potentially should have happened sooner.

**Work Order Management** – To track the needed asset data on several thousand assets, a Computerized Maintenance Management System (CMMS) system is needed. The Village of Ruidoso has invested in the CityWorks® CMMS software which, with the workorder management module, will help the transition from reactive asset Maintenance and repair to proactive asset rehabilitation and replacement.

The water production crews are doing well to plan for the maintenance, repair, and replacement of their assets based on their experience and “intuitive” feel for the condition and expected life of many of their water system assets. Their knowledge of asset condition and their maintenance activities along with repair costs is valuable and should be leveraged to support timely systemwide rehabilitation and replacement decisions. The implementation of CityWorks® provides the Village a system where such knowledge and data should be maintained so it can be referenced and analyzed for infrastructure reinvestment discussions.

To assist with the work order activities tracking, the Water Production crews access digital work order forms on field tablets to document their work. They also have access to the Village GIS mapping and the asset database information on the tablet. However, the transition to using the field tablets full-time has been difficult and the water distribution crews prefer to use paper workorder forms to schedule maintenance and record all maintenance and repair actions.

The Water Distribution crews are responsible for field maintenance and repair on both the water distribution assets and the wastewater collection assets. This combined workload is more than they can keep up with efficiently. The water distribution and wastewater collection crews are providing good repair service and keeping the systems operating, but some of the regularly scheduled minor repair and maintenance items like valve exercising, small valve repair, and fire hydrant flushing and maintenance are unable to be performed on schedule.

New community developments over many years have also resulted in booster pump stations being located on a “per development” basis in many areas that are difficult to operate and maintain efficiently. The water system also has 30 active Pressure Relief Valves (PRVs) that provide pressure control for 45 pressure zones. These PRVs are aging and need additional repair and maintenance due to lack of staff.

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Additional work is needed for PRV inspections, maintenance, and repairs, but with the limited number of existing field personnel only the highest priority work can be performed. Both items will be addressed in the staffing section.

As noted above, computerization of inspection, testing and maintenance records is an area that could be significantly improved with continued implementation and use of the CityWorks® CMMS software by the Water System Crews.

**Water System Capital Replacement Planning (4.1.2)** – The Village of Ruidoso has a well-planned process for asset replacement. The Village evaluates the need to plan and design any system changes or any new assets. The Village includes water system operations personnel in these decisions with design personnel to make sure both concerns are represented.

The needs assessment by Village staff includes an alternatives analysis process with operations and design staff evaluating alternatives for a project and identifying the “best” alternative. This collaborative approach to selecting a project is important because selection criteria can be viewed differently by design staff and operations personnel. Also, agreement on the preferred alternative by the design and operations staff increases the probability of the project being successful.

Water treatment plant operators have been included in the design process for several projects by providing input during the preliminary and pre-final design reviews. This process proved beneficial as several design issues were identified and addressed prior to construction, resulting in cost savings instead of change-order costs later in the process.

The Village staff also considers construction inspection a vital part of the capital replacement process to ensure project success. It is critical that assets are installed as they were designed, and in a manner that they will function properly. In addition, inspectors seeing where buried assets were installed enables them to locate those assets quicker when maintenance or repair is needed. Recognizing the importance of inspectors has resulted in the Village considering an inspector training program to develop quality employee inspectors.

The Village staff also evaluates capital replacement needs. Their goal is to consider opportunities to improve asset size or material to provide better service or additional capacity to handle future growth. This is a standard tenet of proper asset management.

The Village staff noted they are coming out of a “reactive” or “failure response” asset replacement process and gradually moving towards a “proactive” or “planned” asset replacement process, which will result in cost savings, long term.

As noted earlier, the “current state of the assets” is the first of the Asset Management Core Components. “Current state of the assets” includes the asset name, in-service date, identifying information, condition, and estimated life. Remaining asset life can be calculated from this data and including this data in the CityWorks® software would enhance future asset management efforts.

In evaluating the overall management quality for the water system assets, the Village water system staff is doing a good job managing the assets with inspections, testing, maintenance, repair, rehabilitation, and replacement. The only concern is that some of the present processes are paper driven and very dependent upon the performance of

the field crew supervisors. This paper driven process is not cost effective and should be transitioned to the digital workorder process as soon as possible.

Computerization of the asset management processes, schedules and records would result in cost savings to the Village resulting from time savings for the input, retrieval, and use of the data. It would also be helpful to have the processes, schedules, and records computerized if any key Water System Supervisors retire or leave employment with the Village.

In this case, computerization of these items would allow a new supervisor to step in and have the water system asset management processes, schedules, and records clearly identified and contained in a computer system so they could learn the system quickly. If the recommended computerized processes, schedules, and record keeping can be implemented, the Water System Department would have a very sustainable system.

**Capital Improvement Planning Tool (CIPT) - Asset Data and 20-Year Asset Renewal Cost Projection (4.2)** – The Water System Capital Improvement Planning Tool (CIPT) created by SMA includes the asset data collected from the Village Staff and shows the rolling 20-year cost projection for asset rehabilitation and replacement. The assets covered include several tanks, pump stations, water treatment facilities, and some PRV locations. Additional information on several water wells will also be included on the CIPT.

The CIPT will include the Village Asset Number (if available) and other distinct identification data to allow importing the asset data into the Village asset database. A link to the full Water System CIPT digital document is included in the Water Master Plan Appendix for download and use.

**Water System Computerized Maintenance Management Software Evaluation (4.3)** – The CityWorks® Database has limited information on water system assets. There are over 5,000 water system assets in the database and almost all assets have GIS locations. However, there is little information on when these assets were purchased, their estimated life, replacement cost, current condition, or remaining life. In addition, line sections have not been broken down into reasonable categories to track similar materials, expected life, condition, and projected future rehabilitation or replacement costs.

Village assets are ordinarily located using GPS equipment by the AM/GIS mapping manager. With many new assets and other work required of the AM/GIS mapping manager, Village staff does not have time to GPS locate all new Village water system assets.

To reduce the time requirements to add new construction project assets into the database, the Village staff has adopted requirements for contractors and engineers to provide digital mapping and data for GIS/DB import. However, the staff is still having some trouble getting that data delivered.

Some departments are not yet using the CityWorks® work order software. SMA recommends that the work order software be used by all departments to create work order schedules for asset maintenance. With this common process, asset repair/maintenance costs are in a single system and can be more easily analyzed and reported.

**CityWorks® Key Features** – The CityWorks® Software has many desirable features. Integrating with GPS mapping and linking access asset information to the asset database is critical for water and sewer field crews. Village staff report that the GIS mapping and database links are working well for the Water/Sewer field crews.

One important ability for Asset Management is the ability to gradually move from "age-based" asset conditions to "inspected" asset conditions. CityWorks® has a tool that lets the user "inspect" an asset, as well as enter an asset condition each time an asset is maintained, repaired, or viewed in the field. As noted previously, SMA recommends that field crews use this feature to update the asset condition each time they view an asset.

The CIPT uses "age based" conditions to calculate an asset's remaining life, which is a generalized assignment of condition and not always accurate. When "inspected" conditions are available, that rating can be entered into the CIPT which will result in more accurate estimates for when the asset needs replacement, reducing premature replacement of assets due to generalized "age based" condition data.

CityWorks® includes employee data in their CMMS software that allows the time each employee worked on an asset to be recorded in the work order. With this information, the labor cost of the repair or maintenance work can be calculated. CityWorks® also has a tool that links material inventories with work orders. An item used during a work order is selected from an inventory list and noted on the work order. The item is automatically removed from the inventory, keeping the inventory list accurate. The value of the material used can also be included in the work order.

If equipment is used to complete the work order task, the value of the time the equipment was used can also be calculated and included in the work order. If all the labor, materials and equipment costs for asset maintenance and repair are tracked using the work order software, these costs can later be retrieved for use with the CIPT advanced features as noted below.

**CIPT "Premature Asset Failure Prediction" Features** – One of the advanced features of the SMA CIPT is "premature asset failure prediction". The CIPT can compare last year's total repair/maintenance cost for an asset to the previous year's total repair/maintenance cost for an asset. When this cost information is imported into the CIPT for each new year, a red flag will appear in the Tool when an asset has incurred 50 percent more asset maintenance/repair costs than the previous year.

This red flag alerts the supervisor that an asset may be prematurely deteriorating and needs to be replaced. This analysis is usually performed in January or February when the prior year's asset repair/maintenance cost is available and before the spring budgeting process.

Another advanced "premature asset failure prediction" feature of the SMA CIPT compares last year's total repair/maintenance cost with the asset cost per year of operation. The sum of these two numbers should decrease until the asset's total repair/maintenance cost rises and offsets the annual cost per year decrease. At this time, a red flag appears in the Tool to let the Supervisor know that the asset is no longer performing cost-effectively and may need to be replaced.

However, for these advanced "premature asset failure prediction" features to operate in the CIPT; the total labor, equipment, and material costs for repair and maintenance on each asset need to be tracked using the work order software. These costs can be tracked in the CityWorks® software by normal reconfiguration of the work order form.

**Potential Need for Village Work Order "Policy"** – Since many Village Departments will use Asset Management and work orders to track their asset maintenance, repair records, and costs, the Village Manager may need to direct all employees who respond to work orders to include in their activities to document the condition of the asset they are repairing or maintaining. They must also input the labor time, equipment time, and material costs on the CityWorks®

work order form to keep track of the asset maintenance, repair, and replacement costs. As this work order condition and cost data is used by the AM/GIS Program, the quality of the AM database and replacement projections can improve significantly.

**CityWorks®/Tyler Software Communication** – Village staff have indicated that Water Billing Department work orders are completed with Tyler Software. The CityWorks® work order software does not link with Tyler. For this reason, work orders need to be “double entered” to share data. This process is inefficient and costly.

To solve this, CityWorks® can work with Application Programming Interface (API’s) designed to accomplish other tasks. CityWorks® can use API’s designed to allow data sharing with Tyler. SMA recommends that the Village staff get an API to allow CityWorks® to communicate with Tyler.

The Water System Department has an extensive set of Level of Service (LOS) Goals that were developed prior to this master planning process. However, Staff is not able to use CityWorks® to obtain the necessary data and create the required LOS reports. The CityWorks® work order forms may need to be reconfigured to make sure the data needed for the LOS reporting is available. In addition, the AM/GIS manager noted that “Crystal Reports” may be used to create standard LOS report forms that allow the supervisors to access the data easily.

Some other New Mexico communities are using iWorQ AM, work order, permitting, and public input software that is significantly less expensive, but the GIS mapping tools are not as good as CityWorks® and iWorQ does not integrate with Tyler. In addition, the iWorQ software would need to be customized to capture the needed work order information in the way CityWorks® work order forms do.

**Asset Data Collection and Database Management (4.4)** – The Village GIS Staff maintains an extensive list of water, wastewater, and wastewater treatment plant (WWTP) data that includes typical asset information such as names GPS locations, size, material, lengths. Through the master plan effort, additional information was created to support the asset management effort. A large amount of key asset data will be imported into the GIS database as part of the utility master planning process.

**Level of Service for Water System Utility (4.5)** – The Water and Wastewater Departments have very detailed LOS goals for their infrastructure. The LOS goals were adopted with Resolution 2020-20 of the Village Council on May 12, 2020. The adopted LOS goals include several goals. Tracking and reporting LOS goals will require significant time by Village staff.

Following review of the LOS goals, SMA recommends that one LOS goal be added regarding water office customer service accuracy standards for billing and meter reading.

Table 4: Water Office Customer Service LOS Agreement

SERVICE AREA	KEY SERVICES	EXPECTED PERFORMANCE	MEASURABLE OBJECTIVES	MONITORING PERIOD	HOW EVALUATED	WHO GATHERS THE INFORMATION
Water Office	Customer Service	Accurate and Timely Bills	Billing and Meter Reading Accuracy greater than 95%.	Monthly	Calculated from Records	Water Billing Supervisor

There are no recommendations to revise the Village’s current Level of Service Goals. However, the Village AM Team should review the Water System LOS goals each year to make sure they are still needed.

Depicting the water system LOS goals as a table or in a spreadsheet allows for easier tracking of the department’s LOS performance. The table would identify what data is needed for reporting, clarify who will gather the data, and define who will prepare the final LOS Report. When reports are generated and presented, the date of the report should be documented next to the LOS goal to demonstrate progress in monitoring and tracking LOS goal performance.

Table 32 is an example of a table that could be used to track the existing Water System LOS goals.

Table 5: Water System Level of Service Agreement

SERVICE AREA	KEY SERVICES	EXPECTED PERFORMANCE	MEASURABLE OBJECTIVES	MONITORING PERIOD	HOW EVALUATED	RESPONSIBLE STAFF
Water Production	Water Supply	Meet State and Federal Standards	Lab tests show 100% compliance	Monthly	Review Lab Tests	Lab Supervisor
Water Production	Fire flow Storage	Store two days peak demand fire flow	Daily Records show 100% compliance	Monthly	Review SCADA tank storage records	Water Resource Supervisor
Water Production	Water Supply	Primary supply from Eagle Creek Wells and surface diversion	Over 55% supply from Eagle Creek Wells and surface diversion	Annual	Review SCADA pumping records	Water Resource Supervisor
Warehouse	Inventory	Critical Asset Spare Parts on hand	Spare parts used are replaced within one month 90% of the time	Monthly	Inventory Records	Warehouse Supervisor
Public Works	Customer Service	Public Health or Safety Complaints	Investigate within 2 hours of call during normal business hours (or 2 days, if not) 95% compliance	Monthly	Calculated from Work Order Records	Public Works Supervisor
Water System	Water System Integrity	Real Water Losses reduced each year	Reduce water loss by at least 1% from previous year	Annual	Calculated during Annual Water Audit	Water Resource Director
Public Works	Customer Service	Line Break Response and Repair	Respond within 2 hours of call and repair within 6 hours after utilities marked 85% of the time	Monthly	Calculated from Work Order Records	Public Works Supervisor
Water System	Water Pressure	Maintain Min. 20 psi pressure under normal conditions	Maintain Min. 20 psi at service connections 100% of the time (normal conditions)	Monthly	Do water meters have pressure readings?	Water Billing Supervisor?
Water Distribution	Fire Hydrant Maintenance	Inspect FHs twice per year to keep Level 2 ISO Rating	Inspect Fire Hydrants twice per year at least 95% of the time	6 months	FH work order inspection Records	Public Works Supervisor



SERVICE AREA	KEY SERVICES	EXPECTED PERFORMANCE	MEASURABLE OBJECTIVES	MONITORING PERIOD	HOW EVALUATED	RESPONSIBLE STAFF
Water Distribution	Customer Service	Reliable Water Service	No customer without water for over 8 hours (under normal conditions) 95% of the time	Monthly	Calculated from Work Order Records	Public Works Supervisor
Water System	Revenue Sustainability	Rate Studies performed to fund Oper/Mtce/CIP	Perform Rate Study every five years	Annually	Completed Study	Public Works Director
Water System	Water Conservation	If WC levels over 50% for 3 cons. years, study alts.	Review Water Conservation levels	Annually	Water Conservation Records	Water Resource Director
Water System	Water System Integrity	Identify concerns with Water System	Completed Water Audit	Annually	Completed Audit	Water Resource Director
Water Production	Meter Accuracy	Accurate Production meter performance	Review meter testing accuracy results	Annually	Review	Water Resource Director
Water Production	Source Water Quality	Comply with Source Water Protection Plan (SWPP)	Sample Source Water as per Protection Plan Requirements	Monthly	Review Sampling Results	Water Resource Director
Water Production	Appropriate Standards	Keep Updated SWPP Standards	Track SWPP Standards to assure updated min. 5 yrs.	Annually	Review SWPP Standards	Water Resource Director
Water Distribution	Customer Service	Reliable Water Service	Customers notified of planned shutoffs 24 hours prior, 90% of the time	Monthly	Calculated from Work Order Records	Public Works Supervisor
Water Distribution	Customer Service	Reliable Water Service	For emergencies, notify Village Hall and Water Shop asap, during normal hours 95% of the time	Monthly	Calculated from Work Order Records	Public Works Supervisor
Water System	Overall Performance	Publish LOS Standards for Public View	Report on Measurable Objectives	Annually	From LOS Submittals	Water Resource Director

This information should be gathered at the end of each monitoring period and delivered to the Water Resource Director to prepare the Level of Service Report. A copy of the adopted LOS Goals are included in the Water System Master Plan Appendix.

**Wastewater System and WWTP**

**Asset Management – CityWorks® Program Overview (3.1)** – A robust asset management system is a key component to a utility provider’s ability to effectively assess its public assets and infrastructure. A successful management plan is

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focused on improving community infrastructure centered around levels of service expectations and customer care. The Village of Ruidoso manages both its water and wastewater infrastructure using the program, CityWorks®. CityWorks® is a geographic information system (GIS) centric asset management system built exclusively on the ESRI® ArcGIS® platform.

CityWorks® and ArcGIS® help planners work more efficiently to implement effective asset management strategies through the organization of utility data, work activities, and business processes in one convenient location. The use of this program creates a system of record for public asset management through which the user can:

- Understand exactly where assets are located.
- Track historical work.
- Monitor associated costs.
- Establish and streamline workflows.
- Schedule preventative maintenance.
- Create powerful data visualizations and map dashboards.

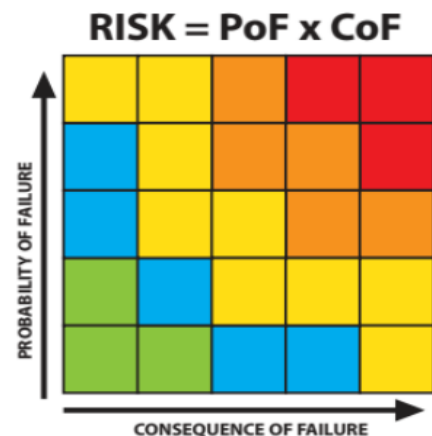
As utility infrastructure assets continue to age, the associated maintenance costs for that asset increases accordingly. One of the key responsibilities of utility planners is to decide whether to replace an asset or to continue to maintain it and extend its useful life. This decision relies solely on the determination of risk and criticality throughout the community infrastructure network.

The CityWorks® program incorporates a 25-point matrix which allows organizations to set its own priority levels and risk tolerance, which in turn aides decision makers in their efforts. This matrix is developed through evaluating both the Probability of Failure (POF) and the Consequence of Failure (COF) for any particular asset.

Assigning scores from 1-5 for each of these criteria and multiplying the results together aid in the development of the Business Risk Exposure (BRE) value. The BRE is utilized by utility planners to identify and implement effective strategies to reduce the impact of an asset failure. The higher the value of the BRE produced, the greater risk there is associated with that particular asset.

Figure 3-1 provides a depiction for how the 25-point matrix is developed and how the overall level of risk can be evaluated.

Using the risk color determination from the earlier Figure 3-1, Figure 3-2 below provides a depiction for how the 25-point matrix is developed and how the overall risk can be evaluated.



**FIGURE 3-1  
25-POINT MATRIX TEMPLATE**

RISK CLASS	EXAMPLE OF ACTION AND NEXT STEP
EXTREME	High Priority In CIP/ Annual Operational Frequency
HIGH	Standard Priority In CIP/ Bi-Annual Operational Frequency
MEDIUM	Low Priority In CIP/ 1 In 5 Years Operational Frequency
LOW	1 In 10 Years Operational Frequency
NEGLIGIBLE	Wait for a problem to arise

**FIGURE 3-2  
 RISK EVALUATION TEMPLATE**

**Village of Ruidoso Asset Management Implementation (3.2)** – The CityWorks® program appears to have endless capabilities to better manage utility systems. Currently the Village is working to develop their system to implement and use the features to better understand and maintain their collection system.

The staff of the Village is working diligently to incorporate all data from new construction and renovation projects, while incorporating data from previous project’s record information as time allows. Inputting data from previous projects, specifically for large facilities such as their wastewater treatment plant is a large undertaking that will take time and resources to accomplish.

It is suggested that the Village investigates hiring full-time personnel for a temporary period to properly complete this work. The temporary personnel can come from work study program at the local community college, or other summer internships that the Village is willing to participate in.

As the Village continues to grow and develop their system within the software, they can begin to implement the CityWorks® program as discussed in Section 3.2.1 to better understand their system, plan for ongoing operation and maintenance (O&M) costs, and better maintain their system to avoid preventable emergency repairs.

Additionally, having the entire system in detail included in the program, including all assets and facilities, will allow for specific work orders to be generated for ongoing maintenance for all components, not just the general facilities, and a proper inventory of replacement parts. This will improve the Village O&M budget and anticipated ongoing maintenance for all departments. This will also mitigate any issues of O&M not being completed due to turnover and will ensure the system is optimally maintained and thus likely reduce unexpected maintenance or issues.

**Wastewater and WWTP Asset Update List (3.3)** – Following the development of the Collection System Model and the WWTP Field Inspection, a review of the existing GIS information was completed. After additional review of the Wastewater Model and the recently completed collection system rehabilitation project, preliminary lists of the Wastewater and WWTP assets requiring update in the Village system were assembled.

These preliminary asset lists were reviewed with the Wastewater Collection System Supervisor and the WWTP Superintendent to obtain additional asset information. These detailed lists were then finalized and included in the WWTP System 2.1.3 of the Wastewater Collection System Master Plan and the WWTP Master Plan.

**CityWorks® Application at the Regional Wastewater Treatment Plant (RWWTP) (3.1.2)** – Staff at the RWWTP are effectively using CityWorks® to inventory equipment at the RWWTP and to track work orders for system maintenance, repair, and replacement.

The Village is working to implement a transition of accessing the system through an app rather than through a web browser and is in the process of incorporating Crystal Reports™ to create custom reporting options. With the implementation of these system enhancements, it is recommended that work orders and inspections be tied to the assets at the RWWTP.

In addition, a future goal could be to incorporate the preventive maintenance recommendations of the equipment manufacturers along with lessons learned by operations staff into a work order generation program for scheduled inspection, maintenance, and replacement actions.

## **Solid Waste System**

**Solid Waste Facility/Equipment Management and Replacement** – Asset management and sustainability go hand in hand. Sustainability is the ability to continue to cost effectively maintain processes and delivery of services at a desired level for a sustained period, and asset management was developed to enable utility systems to plan, manage, and fund replacement of their assets and continuation of their processes at a desired level of service for the least cost.

The most significant assets in the Solid Waste Department are the vehicles, followed by the facilities with equipment, and finally the collection dumpsters. The overall present replacement value of the vehicles used for collection and disposal of MSW, the Solid Waste Department facilities with equipment, and the collection dumpsters is over \$8,900,000.

As noted previously in the Water Utility Asset Management Section, assets are generally identified as an asset with a value of over \$5,000, an asset that needs periodic maintenance for optimal operation, or a critical asset.

This analysis will use the above definition for Solid Waste Department assets. If a piece of equipment costs less than \$5,000, does not need maintenance for optimal operation, and is not a critical asset, it will not be listed in the inventory and will not be included in this analysis.

This section will primarily discuss the current state of the assets and how these assets are managed and replaced. The other Five Core Components of Asset Management, as previously outlined in the Water Utility Asset Management Section, will be discussed in other sections of this Master Plan.

The Solid Waste Department assets differ from Water and Wastewater assets such as lines, valves, manholes, and fire hydrants because those assets are located throughout the community. Accurate GIS mapping is needed to quickly locate these assets, and a linked database is necessary to keep asset data and maintenance information readily accessible for each asset.

The only Solid Waste Department assets located around the community are the solid waste collection dumpsters. There are over 3,000 dumpster assets presently listed in the CityWorks® asset database, and they are easily located on the existing Village GIS mapping. However, these assets can be moved, and the GPS locations should be updated

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each time a dumpster is moved. The last dumpster locations were recorded in 2008, and it is believed that many of these locations are no longer accurate. In addition, it was reported that approximately 3,700 dumpsters are in service now.

The other Solid Waste Department assets are vehicles, which are not fixed assets, and the facility buildings and equipment, which are fixed assets and are easily located. Sophisticated GIS mapping is not required for the Village staff to find the fixed building and equipment assets.

These other main Solid Waste Department assets are not yet included in the Village CityWorks® Computerized Maintenance Management System (CMMS). However, the Village Solid Waste Department manages their asset records with detailed paper records and maintains their key assets at a high level.

The asset data for the Solid Waste Department's trucks and large equipment is tracked in a well-organized book that is located in the Solid Waste Manager's office. The data in this book is used to project equipment rehabilitation and replacement.

Each asset type was previously evaluated by the Village Solid Waste Director to determine a realistic estimated life cycle projection. He also considered scheduled rehabilitation for each asset to determine if rehabilitation would cost-effectively provide the level of service required of the equipment to maintain high performance through the term of its service life. Replacement and rehabilitation of vehicles and trailers is now being performed in accordance with these projections. These figures were reviewed by SMA and were found to be realistic.

This asset information was collected during the master plan work and was used to create the Solid Waste Capital Improvement Planning Tool (CIPT) that includes the asset data and the rolling 20-year cost projection for asset rehabilitation and replacement. This CIPT will be discussed in the next section of the report. After completion of the Master Planning work, that asset data will be transferred to the Village staff for inclusion in their asset database.

The Solid Waste Department manages their equipment well, and they keep detailed maintenance, repair, and rehabilitation records for their vehicles and equipment. Every vehicle is inspected thoroughly each morning by the driver prior to operating. These inspections are recorded on a paper form and turned in every day for review by a supervisor to identify deficiencies needing attention and then are filed for future reference.

The Solid Waste Department also has a very sophisticated maintenance program that includes Triad oil testing to predict future truck or equipment failure (see [www.wearcheck.com](http://www.wearcheck.com)). For example, evidence of metal shavings or radiator fluid in an oil sample alert staff that an engine needs work before it experiences full failure.

This oil testing program saves expensive repair or replacement costs associated with major engine failures. The oil testing reports are received by email and filed, but the present process does not allow information sharing with the CityWorks® software or other city software.

Maintenance of equipment is performed with differing methods. Heating unit filter replacement is scheduled and performed under an annual contract. Vehicle washing is performed weekly under an annual contract. Other maintenance items are tracked individually for specific equipment.

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It was noted that paper maintenance records are kept and attributed to each vehicle or piece of equipment after the work is performed. It was discussed with the Village staff that, ideally, work order software should be used to create work order schedules for scheduled maintenance on all assets, and asset repair costs could be tracked using work order software.

Although work order software is not presently used by the Solid Waste Department, they do have access to all costs related to their assets since each expenditure for repairs or maintenance are recorded with the four-digit VIN code associated with each vehicle. These costs can be searched in the Tyler budget software using the four-digit code.

As noted above, tracking of inspection, testing and maintenance records is an area that could be significantly improved with appropriate software. It would be very desirable if this data could be fully accessible using the CityWorks® software.

As noted earlier, the Current State of the Assets is the first Asset Management Core Component. Current State of the Assets includes information including asset name, in service date, identifying information, condition, and estimated life. Remaining asset life can be calculated from this data.

SMA has created the CIPT that is used to project the remaining life of an asset and whether it needs to be rehabilitated or replaced in a specific year. That planning tool will be discussed in the next section. For the purposes of this section, to clearly show the remaining life figure for each of the large vehicle and equipment assets, the following table was created.

Table 6 – Solid Waste Asset Condition and Remaining Life

Last 4 VIN #	Year	Make	Service Type	Condition (PoF 1-5)	Estimated Life	Remaining Life (with rehabilitation)
0301	2015	Peterbilt	Sideloader	2	20 years	13 years
7285	2020	Peterbilt	Sideloader	2	20 years	18 years
4992	2002	Peterbilt	Sideloader	2	20 years	0 years
9627	2008	Peterbilt	Semi Haul Truck	3	20 years	6 years
3018	2018	Peterbilt	Semi Haul Truck	2	20 years	16 years
5359	2007	Travis	Walking Floor Trailer	2	10 years	0 years
8721	2017	Wilkins	Walking Floor Trailer	2	10 years	5 years
1744	2017	Peterbilt	Grapple Truck	2	20 years	15 years
1373	2011	Mack	Grapple Truck	3	20 years	9 years
9629	2007	Peterbilt	Grapple Truck	3	20 years	5 years
2567	2013	Chevrolet	Bear Mess Truck	2	15 years	6 years
5223	2013	Chevrolet	Bear Mess Truck	2	15 years	6 years
1337	2013	Chevrolet	Bear Mess Truck	2	15 years	6 years
6209	2013	Chevrolet	Bear Mess Truck	2	15 years	6 years
5958	2021	Dodge	4WD Shop Truck	1	20 years	19 years
9204	1999	Ford	4 WD Dumpster Truck	4	20 years	0 years
DT0001	1998		Dumpster Lift Trailer	4	20 years	0 years
Lift	2020		70 Ton Equipment Lift	1	40 years	38 years
0464	1999	Caterpillar	Shop Backhoe	3	30 years	7 years
	1999		Transfer Station Bldg.	2	50 Years	27 years
	1999		Pit Scale	5	20 Years	0 years
	2013		Transfer Station Int./Ext. Lighting	5	10 Years	1 year
	2008		Transfer Station Heaters	3	30 Years	16 years
	2010		Transfer Station Heaters	2	30 Years	18 years
	2013		Transfer Station Blower	5	10 Years	1 year
	1970		Restroom (Maint. Bldg.)	5	50 Years	0 years
	2013		Transfer Station Fire Hose/ Relocation	3	10 Years	1 year
	2013		Ext. Gate/Fencing	3	20 Years	11 years
	2019		Floor Drains	1	20 Years	17 years
	1977		Maint. Bldg. Walls	5	50 Years	5 years
	2017		Maint. Bldg. Blower	3	10 Years	5 years
	1997		Maint. Bldg. Roof Insulation	4	30 Years	5 years
	2020		Maint. Bldg. Heaters	1	30 Years	28 years
	2019		Maint. Bldg. Heaters	1	30 Years	27 years

Last 4 VIN #	Year	Make	Service Type	Condition (PoF 1-5)	Estimated Life	Remaining Life (w/rehab)
	2022		3 CY Dumpsters	1	16 Years	16 years
	2021		3 CY Dumpsters	1	16 Years	15 years
	2020		3 CY Dumpsters	1	16 Years	14 years
	2019		3 CY Dumpsters	1	16 Years	13 years
	2018		3 CY Dumpsters	2	16 Years	12 years
	2017		3 CY Dumpsters	2	16 Years	11 years
	2016		3 CY Dumpsters	2	16 Years	10 years
	2015		3 CY Dumpsters	3	16 Years	9 years
	2014		3 CY Dumpsters	3	16 Years	8 years
	2013		3 CY Dumpsters	3	16 Years	7 years
	2012		3 CY Dumpsters	3	16 Years	6 years
	2011		3 CY Dumpsters	4	16 Years	5 years
	2010		3 CY Dumpsters	4	16 Years	4 years
	2009		3 CY Dumpsters	4	16 Years	3 years
	2008		3 CY Dumpsters	5	16 Years	2 years
	2007		3 CY Dumpsters	5	16 Years	1 year

During the initial meeting with the Solid Waste Director, a very good discussion was held regarding his records for the estimated life of vehicle and equipment, the present condition of the assets, rehabilitation schedules for specific assets, and replacement plans for assets nearing the end of their service life. He shared a list of assets proposed for replacement in future fiscal years. This list was consistent with the items identified for replacement during this master planning process.

The Solid Waste Director has also established a particularly good process to have access to backup trucks and equipment in the case of emergency situations. This backup plan allows the Solid Waste Department to continue to provide the required level of service to the community, even in unusual and emergency situations.

When evaluating the overall quality of management of the Solid Waste Department assets, it is apparent that the Village Solid Waste Department staff is doing an excellent job of managing the assets with consistent processes including inspections, testing, maintenance, repair, rehabilitation, and replacement. However, this success may not be sustainable since the present processes are paper driven and very dependent upon performance by the present skilled manager.

Computerization of the asset management processes, schedules and records would result in cost savings to the Village resulting from time savings for the input, retrieval, and use of the data. It would also be particularly important to have the processes, schedules, and records computerized if the highly skilled Solid Waste Director retires or leaves employment with the Village.

In that case, computerization of these items would provide easy access to the information and allow for a quicker transition for a new manager. If the recommended computerized processes, schedules, and record keeping can be implemented, the Solid Waste Department would have a very sustainable system.



**Capital Improvement Planning Tool – Asset Data and 20-Year Aset Renewal Cost Projection** – As noted in the previous section, the Solid Waste Capital Improvement Planning Tool (CIPT) that was prepared by SMA includes the asset data collected from the Solid Waste Department staff and shows the rolling 20-year cost projection for asset rehabilitation and replacement.

The CIPT will also include the Village Asset Number (if available) and will include other distinct identification data to allow import of the asset data into the Village asset database. A link to the Solid Waste CIPT will be included in Appendix G of this Master Plan, and a copy of the digital CIPT will be given to the AM/GIS mapping manager for import of the asset data into the Village CityWorks® database.

**Solid Waste Computerized Maintenance Management Software Evaluation** – As noted earlier, the CityWorks® database has limited information on Solid Waste Department assets. Only approximately 3,000 of the reported 3,700 dumpsters that are in service are included and located in the database. There is no information on when these assets were purchased, their estimated life, replacement cost, current condition, or remaining life. The dumpster list also includes many 1.5-cubic-yard and 4-cubic-yard dumpsters that are no longer used by the Solid Waste Department. These need to be removed and, in time, accurate dumpster locations need to be updated.

It was noted that the locations of Village assets are ordinarily determined by the AM/GIS mapping manager with sophisticated GPS equipment. With the volume of dumpsters in the inventory, the many times they change locations, and the other work required of the AM/GIS mapping manager, it is clear she does not have time to keep up with dumpster locations.

An alternative to having a separate person continuously update the dumpster locations is available. SMA worked with the City of Roswell to set up a field data collection application (app) called ArcGIS QuickCapture. The app was set up on the solid waste collection truck drivers' cell phones. When they accessed a container, they could push a button to record the dumpster's GPS location. This would not provide a high accuracy GPS location, but the accuracy is sufficient for dumpsters that are visible.

During discussions with the Village AM/GIS manager, she noted that CityWorks® has not provided good response on field tablets since it was web-browser based. However, she noted the Village has now acquired an app for use on all field tablets that provides better responsiveness. The app has ties to the ArcGIS collector and can provide reasonably accurate locations for some assets. This would certainly work with dumpster locations and other fixed solid waste assets.

As noted previously, none of the other Solid Waste Department vehicles, equipment, or facilities are included in the existing CityWorks® asset database. However, the asset information that was collected during the master planning process for all these assets will be provided to the Village staff for importing into their database. This additional information will greatly increase the usefulness of the database.

The Solid Waste Department staff noted they do not presently have access to the CityWorks® work order software. It was discussed that, ideally, work order software should be used to create work order schedules for scheduled maintenance on all assets and that asset repair/maintenance costs could be tracked using work order software.

After discussing this with the AM/GIS Department, it was determined that each Village department is responsible for purchasing their own field tablets to be able to access the software. It was noted that all enterprise departments should soon have new field tablets and should be able to access the CityWorks® work order software and use it effectively.

When reviewing the CityWorks® software, it appears to have many features that are desirable. The integration with GPS mapping and linkage to the asset database to access asset information is critical for water and sewer field crews to have. It is reported that the GIS mapping and database linkages are working well for the water and sewer field crews. Even if a solid waste collection truck breaks down and mapping isn't available, the repair crew could still click on that asset row and access key information on that truck. Warranty data and manufacturer contact numbers could even be added to the database, if desired.

One item that is very important for asset management is the ability to gradually move from age-based asset conditions to inspected asset conditions. CityWorks® does have a tool that allows an asset to be inspected and an asset condition entered each time an asset is maintained, repaired, or viewed in the field. If field crews could be directed to use that inspection feature to input the asset condition each time they view an asset, the database would have actual inspected condition data on most assets in time.

The Capital Improvement Planning Tool (CIPT) described in the previous section, uses age-based condition to calculate remaining life before an asset needs to be replaced. This age-based condition can sometimes be inaccurate. The CIPT overrides age-based conditions and allows asset conditions to be based on the real inspected conditions when an inspected condition rating is available.

When inspected conditions are available, the CIPT provides a more accurate time projection for when the asset would need to be replaced. This would reduce the chance of premature replacement of assets due to generalized age-based condition data.

CityWorks® does have employee data included in their CMMS software. This allows the amount of time that each employee works on an asset to be recorded in the work order. With this information, the labor cost of the repair or maintenance work can be calculated.

CityWorks® also has a tool that links material inventories with work orders. As an item is used during a work order, that item is selected from an inventory list and used on the work order. The item is then removed from the inventory, so an accurate inventory list is maintained.

The cost of the material used can also be included on the work order. Also, the value of the equipment time used on the asset repair or maintenance can be calculated and shown on the work order along with the labor and material cost. This information, when it is fully available, can provide significant benefit as described following.

One of the advanced features of the SMA CIPT is the ability to compare last year's total repair/maintenance cost for an asset to the previous year's total repair/maintenance cost for an asset. When this cost information is imported into the CIPT for each new year, a red flag will appear in the tool when an asset has incurred 50% more asset maintenance/repair costs than the previous year.

This red flag alerts the supervisor that an asset may be prematurely deteriorating and may need to be replaced. This analysis is usually performed in January or February when the last year's asset repair/maintenance cost is available and prior to the spring budgeting process.

Another related advanced feature of the SMA CIPT is the ability to compare the previous year's total repair/maintenance cost for a particular asset with that asset's cost of operation for the same year. The sum of these two numbers should be decreasing until a point when the asset's total repair/maintenance cost begin to rise and offset the annual cost per year decrease. At this time, a red flag appears in the tool to let the supervisor know that the asset is no longer performing cost-effectively and may need to be replaced.

However, for these advanced premature asset failure prediction features to operate in the CIPT, the total labor, equipment, and material costs for repair and maintenance on each asset need to be tracked using the work order software. These costs can be tracked in the CityWorks® software by standard reconfiguration of the work order form.

In addition, CityWorks® has the capacity to work with Application Programming Interfaces (API) designed to accomplish other tasks. CityWorks® can use many types of APIs designed to allow data sharing with Tyler, which is the Village Financial Software. This could be greatly beneficial.

Although the Solid Waste Department does not yet have Level of Service (LOS) Goals, they are being developed as part of this master planning process. However, it was found that even though other enterprise departments have LOS goals, they have not been able to use CityWorks® to obtain the data necessary to create the required LOS reports. The AM/GIS manager noted she would be creating standard LOS report forms to allow the supervisors to access the data easily.

The CityWorks® CMMS Software is a significant investment, but it appears to have many features that are desirable for the Village utility operations. The CityWorks® software has a significant learning curve for new users, but they also provide an extensive amount of training resources to make the training process easier.

CityWorks® also has other permitting, public input, and financial features that other Village departments can make use of. Since CityWorks® can do all the previously mentioned items and also use APIs to communicate with the Tyler financial software used by the Village, it appears that the CityWorks® software may be the best software to continue to use.

Some other NM communities are using iWorQ AM, which is a work order, permitting and public input software that is significantly less expensive, but the GIS mapping tools are not as good as CityWorks®, and iWorQ is not able to integrate with Tyler. The iWorQ software would need to be modified to obtain the desired work order information in the same way that the CityWorks® work order forms would need to be modified.

**Data Collection and Database Management** – The Village GIS staff has an extensive list of water, wastewater and WWTP asset names in the asset database and has GPS location data for several assets, but the actual amount of key asset data in the database is lacking. This is understandable since the asset management process only began a short time ago.

Once the utility master plans have been prepared, a large amount of key asset data will be available for importing into the Village database, and that will greatly increase the usefulness of the database. However, acquisition of more asset data not identified in this master planning process will be needed.

**Level of Service for Solid Waste Utility** – SMA reviewed the Level of Service goals for both the Water and Wastewater Departments and found them to be very detailed. This is good, but there is also an associated cost with tracking and reporting on many LOS goals.

A draft copy of some recommended LOS Goals is included on the following page. These LOS goals will be discussed with Solid Waste Department personnel and will be revised accordingly during the master plan review process.

Table 7 – Draft Solid Waste Level of Service Goals

Village of Ruidoso Solid Waste Level of Service Agreement						
SERVICE AREA	KEY SERVICES	EXPECTED PERFORMANCE	MEASURABLE OBJECTIVES	MONITORING PERIOD	HOW EVALUATED	WHO GATHER INFORMATION
Solid Waste	Customer Service	Provide timely response to customer complaints and requests for service. Provide notification to affected customers if collection cannot be made.	Customer complaints documented and investigated within 12 hours of receipt during regular business days. A response to the complaint will be provided to the customer within 3 business days of the initial investigation. (Goal 100%)	Monthly	Checked from Records	SW Office Manager
Solid Waste	Solid Waste Disposal	Proper transfer and disposal of Solid Waste to protect public health and in accordance with the permit and applicable NMED regulations.	Solid Waste to be transferred and disposed of at the Landfill in accordance with NMED regulations. (Goal 100%)	Quarterly	Review of Records and NMED Reports	SW Office Manager
Solid Waste	Customer Service	Accurate and timely commercial bills are to be provided to all customers. Number of Dumpsters and collection frequency will consistent and accurate.	Billing accuracy equal to or greater than 95%.	Monthly	Calculated from Records	SW Office Manager
Solid Waste	Administration	An Audit of Commercial Dumpsters will be performed to check number of dumpsters with dumpster location and billing records.	Each commercial dumpster number shall be entered into the VOR GIS App with location and business name for review by audit reviewer and upload to GIS database. Goal of 95% accuracy for commercial dumpster billings.	Annually	Review of Dumpster Records	SW Office Manager
Solid Waste	Customer Service	No adverse event, unless related to severe weather or emergency condition, will cause the customers to be without SW pickup water for more than 7 days. If it will take more than 7 days, the customers will be notified of a plan of action.	Office records will list the time of call, person responding, the situation, actions taken and time of delayed SW pickup. (Goal 90%)	Monthly	Office Records	SW Office Manager
Solid Waste	O&M	Scheduled maintenance and repair of Solid Waste vehicles, equipment and structures will be conducted to ensure reliability, efficiency, and ability to meet current demands.	95% of scheduled maintenance work orders will be completed within 60 days. An inventory of repair and spare parts will be kept on-hand.	Quarterly	Review of Work Orders	SW Office Manager
Solid Waste	Asset Management, CIP and Budget Planning	SW Staff will update asset condition each time an asset is accessed with a work order. Costs for maintenance and repair will be tracked for database entry. CIP-PT will be updated each January for Budget and CIP use.	Updated twenty-year asset renewal/replacement cost projections from the CIP-PT will be used for Budget and CIP Planning every year.	Annually	Update CIP-PT	SW Director
Solid Waste	Administration	Personnel responsible for Solid Waste Collection shall be properly licensed and trained to perform the essential duties of their position.	100% CDL licensure compliance. When practical, employees will receive cross-training so as to minimize the effect of employee vacancies or shortages.	Annually	CDL licensing and Training Files Check	SW Office Manager
Solid Waste	Financial	Utility rate structure in place to cover O&M costs, payment of debt/bonds, and to maintain a 90-day reserve fund. 10% of annual revenue to be utilized for capital improvements to the Enterprise Utility.	A review of revenues and expenditures will be conducted annually by the Village of Ruidoso in conjunction with the Annual Audit.	Annually	Review of Financial Department records	Finance Department
Solid Waste	Overall Performance	Publish Level of Service Standards for Public View	Report on Measurable Objectives	Annually	From LOS Submittals	SW Director

## Capital Improvement Plan (CIP)

### Water System

**Five-Year Plan (9.1)** – The following five-year capital improvement plan (CIP), meant to be completed by Fiscal Year 2028, is based on the evaluation of the water system contained in the Water System Master Plan. Table 39 below shows the recommended projects and their estimated costs.

The Five-Year Plan includes the initial water system CIP needs identified by the Water System Master Plan and the asset replacement needs identified in the Water System Asset Management Capital Improvement Planning Tool (CIPT).

The schedules for the waterline projects listed below were adjusted to coincide with the schedules for corresponding road replacement projects or wastewater replacement projects listed in the Village’s 2023 Wastewater Collection System Master Plan.

#### Wastewater Replacement Projects:

1. AC Waterline Replacement with the Ponderosa 4 – Maple Project (FY 2033)

#### Road Only Replacement Projects:

1. AC Waterline Replacement with D Street, Resort Drive, South Country Club Drive, Country Club Drive and Carters Lane Road Replacement Projects (FY 2024)
2. AC Waterline Replacement with White Mountain Drive Road Replacement Project (FY 2025)
3. AC Waterline Replacement with Jack Little Drive Road Replacement Project (FY 2026)

Please note the five-year and twenty-year cost estimates included in this section were prepared using Fiscal Year 2024 as a basis. A four (4) percent inflation factor per year has been added to future year project costs for planning purposes.

Table 39: Water System Five-Year Capital Improvement Projects

Capital Project	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
PRV Rehabilitation (25 total-5 prior)	\$82,113			\$92,366	
Old Tank Demolition Project			\$923,673		
VFD Replacement (34 staggered)	\$110,500				
Fire Hydrant Repl. Program (40)	\$200,000	\$208,000	\$216,320	\$224,973	\$233,972
Water Valve Repl. Program (50)	\$110,000	\$114,400	\$118,976	\$123,735	\$128,684
Vehicle Maintenance and Replacement	\$65,000	\$67,600	\$70,304	\$73,116	\$76,041
Lookout Drive Waterline Repl.	\$131,478				
Remaining 2-inch Waterline Repl. With Road Program (FY 23-24)	\$1,128,816				
Repair HVAC for Treatment Plant 3	\$20,000				
Sarah Lane Waterline Project	\$307,139				
Upper Canyon Diversion	\$400,000				
Tank Rehabilitation Phase I	\$1,531,458				
Equipment (Generator, Mini Excavator)		\$166,400			
TOC Analyzer		\$260,000			
AC Waterline Repl. With Road Program (FY 24-25)		\$580,809			
Tank Rehabilitation Phase II		\$961,051			
Treatment Plant 4 Pavement		\$208,000			
Alto Dam Rehabilitation (Design)		\$912,490			
AC Waterline Repl. With Road Program (FY 25-26)			\$24,778		
Tank Rehabilitation Phase III			\$2,045,453		
Valley View Circle Drive Improvements			\$26,983		
Plant #4 Sub. Pumps Install New (3)			\$287,398		
Eagle Creek Intake Structure Rehab				\$1,847,027	
Pine Trail Booster Station				\$578,437	
Plant #3 Sub. Pumps Repl.				\$227,757	
Big D Hollywood Booster Station				\$782,850	
Alto Booster Pumps Repl.					\$177,651
Alto Dam Rehabilitation (Construction)					\$3,079,281
Tank Rehabilitation Phase IV					\$185,636
Remaining 2-inch Waterline Repl. Program	\$847,980	\$881,899	\$917,175	\$953,862	\$992,016
Booster Pump Repl. (8)			\$5,408	\$5,642	\$35,094
SCADA Equipment Repl. Program	\$107,340				\$116,986
Well Pump Replacements	\$95,000	\$83,200		\$269,967	
<b>Total</b>	<b>\$5,136,824</b>	<b>\$4,443,848</b>	<b>\$4,636,467</b>	<b>\$5,179,732</b>	<b>\$5,025,361</b>

Note: Year 1-5 CIP Total = \$24,422,232

**Twenty-Year Plan (5.2)** – The Water System CIPT includes the asset data collected from the Village staff and provides a rolling 20-year cost projection for asset rehabilitation and replacement.

The Twenty-Year CIP Plan is shown below in five-year increments. The CIP includes the initial Water System CIP needs identified by this plan and the asset replacement needs identified in the CIPT. **The total cost for the Twenty-Year CIP (with four (4) percent inflation factor) is \$93,857,938.**

The costs identified from the CIPT are based on the installation date of the asset and the expected life. **Some asset replacement projects were phased over several years to allow a more even distribution of costs through the CIP.**

**For example, annual replacement programs were set up for water valves, fire hydrants, water meters, steel/cast iron pipe replacement, concrete cylinder pipe (CCP) replacement, and AC pipe replacement to allow several of each type of asset to be replaced each year to work through the total identified needs. Since VFDs and SCADA equipment both have ten-year lives, their replacement programs were planned so half of the units would be replaced on a staggered five-year basis.**

Table 40: Water System Year Five through Ten Capital Improvement Projects

Capital Project	FY 28-29	FY 29-30	FY 30-31	FY 31-32	FY 32-33
VFD Replacement (34 staggered)	\$134,440				
Fire Hydrant Repl. Program (40)	\$243,331	\$253,064	\$263,186	\$273,714	\$284,662
Water Valve Repl. Program (50)	\$133,833	\$139,185	\$144,752	\$150,543	\$156,564
Vehicle Maintenance and Replacement	\$79,082	\$82,246	\$85,536	\$88,957	\$92,515
PRV Rehabilitation (25 total-5 prior)		\$103,899			\$116,873
Ebony Pressure Zone Improvements	\$2,856,426				
Wingfield 2 Project	\$1,284,366				
Airport West Project Phase I		\$1,673,106			
Airport West Project Phase II			\$520,977		
Gavilan Pressure Zone Improvements			\$2,505,429		
Country Club Water System Impr.				\$1,770,444	
Old Tank Demolition Project	\$1,039,006			\$584,370	
Ponderosa 4 – Maple (W/Sewer)					\$62,900
Remaining 2-inch Waterline Repl. Program	\$1,031,697	\$1,072,965	\$1,115,883	\$1,160,519	\$1,206,939
Booster Pump Repl. (8)			\$6,580	\$6,843	\$42,700
SCADA Equipment Repl. Program					\$142,331
Water Well Replacement Program	\$851,657		\$1,202,053	\$821,141	
Well Pump Replacements	\$115,581	\$101,225	\$315,823		
<b>Total</b>	<b>\$7,769,419</b>	<b>\$3,425,690</b>	<b>\$6,160,219</b>	<b>\$4,856,531</b>	<b>\$2,105,484</b>

Note: Year 5-10 CIP Total = \$14,702,827



Table 41: Water System Year Ten through Fifteen Capital Improvement Projects

Capital Project	FY 33-34	FY 34-35	FY 35-36	FY 36-37	FY 37-38
VFD Replacement (34 staggered)	\$163,567				
Fire Hydrant Repl. Program (40)	\$296,049	\$307,891	\$320,206	\$333,015	\$346,336
Water Valve Repl. Program (50)	\$162,827	\$169,340	\$176,114	\$183,158	\$190,484
Vehicle Maintenance and Replacement	\$96,216	\$100,065	\$104,067	\$108,230	\$112,559
PRV Rehabilitation (25 total-5 prior)			\$131,466		
CCP Transmission Line Repl. (4.7 m) Phase I	\$3,552,586				
Upper Mechem Pressure Zone	\$1,742,029				
CCP Transmission Line Repl. (4.7 m) Phase II		\$3,616,273			
Remaining 2-inch Waterline Repl. Program	\$1,255,217	\$1,305,426	\$1,357,643	\$1,411,948	\$1,468,426
Booster Pump Repl. (8)			\$8,005	\$8,325	\$51,950
SCADA Equipment Repl. Program					\$173,168
Water Meter Repl. Program (1,000 per year)	\$555,099	\$577,303	\$600,395	\$624,411	\$649,387
Water Well Replacement Program			\$924,116	\$2,467,639	\$648,338
Well Pump Replacements	\$140,623	\$123,157	\$384,247		
<b>Total</b>	<b>\$7,964,213</b>	<b>\$6,199,454</b>	<b>\$4,006,259</b>	<b>\$5,136,726</b>	<b>\$3,640,648</b>

Note: Year 10-15 CIP Total = \$26,947,300

Table 42: Water System Year Fifteen through Twenty Capital Improvement Projects

Capital Project	FY 38-39	FY 39-40	FY 40-41	FY 41-42	FY 42-43
VFD Replacement (34 staggered)	\$199,004				
Fire Hydrant Repl. Program (40)	\$360,189	\$374,597	\$389,580	\$405,164	\$421,370
Water Valve Repl. Program (50)	\$198,104	\$206,028	\$214,269	\$222,840	\$231,753
Vehicle Maintenance and Replacement	\$117,061	\$121,744	\$126,614	\$131,678	\$136,945
PRV Rehabilitation (25 total-5 prior)	\$147,881			\$166,346	
Plant #4 Sub. Pumps Repl. (3)				\$738,708	
Remaining 2-inch Waterline Repl. Program	\$1,527,163	\$1,588,250	\$1,651,780	\$1,717,851	\$1,786,565
Booster Pump Repl. (8)			\$9,740	\$10,129	\$63,205
SCADA Equipment Repl. Program					\$210,685
Water Meter Repl. Program (1,000 per year)	\$675,363	\$702,377	\$730,472	\$759,691	\$790,079
Water Well Replacement Program	\$674,272	\$1,112,551			
Well Pump Replacements	\$171,089	\$149,838	\$467,495		
<b>Total</b>	<b>\$4,070,127</b>	<b>\$4,255,385</b>	<b>\$3,589,949</b>	<b>\$4,152,407</b>	<b>\$3,640,602</b>

Note: Year 15-20 CIP Total = \$19,708,470

Each water system asset that was reviewed during this master planning process was evaluated to determine a realistic “estimated life” projection. Scheduled rehabilitation for each asset was also considered to determine if rehabilitation would cost-effectively provide the level of service performance required throughout its service life. For those assets where “mid-life” rehabilitation was found to be cost-effective, those rehabilitation costs have been included in the 5, 10, and 20-year CIP Plans.

SMA used this information to create the CIPT used to project the remaining life of existing assets and to show which year the asset needs to be rehabilitated or replaced.

The Water System CIPT includes the asset data collected from the Village staff and provides the rolling 20-year cost projection for asset rehabilitation and replacement. A link to the digital CIPT document is included in the Water System Master Plan Appendix.

In addition to the existing asset rehabilitation and replacement costs from the CIPT, additional CIP costs were added to address other capital improvement needs identified in the Five- and Ten-Year Plans for the water system.

### **Water System Funding and Grant Opportunities (5.3) –**

#### Primarily Loan Funding Options (5.3.1)

New Mexico Finance Authority (NMFA) (5.3.1.1) - NMFA provides loan funding for infrastructure improvements through the Public Project Revolving Loan Fund (PPRF) and the Drinking Water State Revolving Loan Fund (DWSRLF). The PPRF program typically involves 100 percent loan funding.

The DWSRLF program typically consists of 100 percent loan funding, but occasionally does provide some loan forgiveness starting at 25 percent of project costs based on median household income levels. Projects need to be approved by the NMED Construction Programs Bureau (CPB).

SMA recommends that the Village complete a pre-application process for the DWSRLF program to determine if the Village qualifies for loan forgiveness.

NMCPB (5.3.1.2) - The NMED Construction Programs Bureau (CPB) provides funding through the Rural Infrastructure Program (RIP). The RIP program typically involves 100 percent loan funding. The interest rate is typically three (3) percent with repayment in up to 20 years. Funding is allowed only for construction, and projects need to be ready to proceed; therefore design is recommended to be completed and approved by the NMED CPB prior to applying for this fund.

#### Primarily Grant Funding Options (5.3.2)

NMFA (5.3.2.1) - NMFA provides grant funding through the Water Trust Board (WTB) and Local Government Planning Grants. The WTB program includes a combination of grant and loan funding, with grant to loan ratios of from 60/40 to 90/10. The funding cycle starts in the fall. Maintaining a ratio of revenues to expenditures close to one (1) (a measure of affordability) increases the scoring and priority of the project.

The Village’s median household income (MHI) (U.S. Census Bureau) indicates that this funding would require a match of between five (5) percent and 15 percent of the funding. The match can be federally funded. Previous payment for a preliminary engineering report (PER) can be used for a match but not for an Asset Management Plan. If the Village chooses, an additional loan can be taken in lieu of match (loan percentage plus the match percentage).

SMA recommends that the Village begin applying for WTB funds on an annual basis to reduce the costs to Village residents for the infrastructure improvements.

The Local Government Planning Grant program typically provides a share of planning grant for up to \$50,000 that can be used for preliminary engineering reports, environmental information documents, water conservation plans, long-term water plans, energy efficiency audits, and economic development plans.

Legislature (5.3.2.2) - The New Mexico legislature and governor provide grant funds through the Special Appropriation Program (Capital Outlay). Capital Outlay funding involves 100 percent grant funding from severance tax bonds. These funds should be requested and presented to the state legislative representation for the Village. Awards are approved by the Governor. Typically, these projects are short turn around (1 to 2 years) for junior bills. Most appropriations are general funds (GF) and severance tax bonds (STB), which have a four-year deadline for use of the funds.

Department of Finance and Administration (DFA) (5.3.2.3) - DFA administers infrastructure funding through Community Development Block Grants (CDBG). The CDBG program provides up to \$50,000 for planning and \$750,000 for construction and requires five (5) to 10 percent cash match.

U.S. Department of Agriculture (USDA) Rural Development (RD) (5.3.2.4) - USDA provides a mixture of loan grant funding based on the applicant’s authority and the life expectancy of the system’s project, which may be up to the maximum of 40 years. This funding requires an environmental investigation and application through the USDA RD’s “RD Apply” website. Loan and grant ratio varies based on the applicant’s eligibility and project.

### Recommended Projects to Request Funding (5.3.3)

In collaboration with Village staff, SMA has undertaken the task of identifying the most suitable projects for funding and matching them with appropriate funding sources.

Table 43 presented below provides a summary of the recommended projects and the corresponding funding sources that should be pursued.

Table 43: Recommended Projects for Funding

Capital Project	Year	Estimated Capital Cost (w/ Inflation)	Funding Source (Loan/Grant/Match)
Tank Rehabilitation Phase II	FY 24-25	\$961,051	Water Trust Board (60%/40%/15%)
Tank Rehabilitation Phase III	FY 25-26	\$2,045,453	Water Trust Board (60%/40%/15%)
Eagle Creek Intake Structure Rehab	FY 26-27	\$1,847,027	Water Trust Board (60%/40%/15%)
Big D Hollywood Booster Station	FY 26-27	\$782,850	Drinking Water Revolving Loan (50%/50%/0%)
Alto Booster Pumps Repl.	FY 27-28	\$177,651	Drinking Water Revolving Loan (50%/50%/0%)
Alto Dam Rehabilitation (Construction)	FY 27-28	\$3,079,281	Water Trust Board (60%/40%/15%)
Tank Rehabilitation Phase IV	FY 27-28	\$185,636	Water Trust Board (60%/40%/15%)
Ebony Pressure Zone Improvements	FY 28-29	\$2,856,426	Water Trust Board (60%/40%/15%)
Wingfield 2 Project	FY 28-29	\$1,284,366	Drinking Water Revolving Loan (50%/50%/0%)
Airport West Project Phase I	FY 29-30	\$1,673,106	Water Trust Board (60%/40%/15%)
Airport West Project Phase II	FY 30-31	\$520,977	Drinking Water Revolving Loan (50%/50%/0%)
Gavilan Pressure Zone Improvements	FY 30-31	\$968,022	Water Trust Board (60%/40%/15%)
Country Club Water System Impr.	FY 31-32	\$1,770,444	Water Trust Board (60%/40%/15%)
CCP Transmission Line Repl. (4.7 m) Phase I	FY 33-34	\$3,552,586	Water Trust Board (60%/40%/15%)
CCP Transmission Line Repl. (4.7 m) Phase II	FY 34-35	\$3,616,273	Water Trust Board (60%/40%/15%)
Plant #4 Sub. Pumps Repl. (3)	FY 41-42	\$738,708	Water Trust Board (60%/40%/15%)

**Risk and Consequences of Failure Analysis with Critical Asset List (5.4)** – During the initial facility inspection of the water system facilities, SMA and the Village Staff discussed each major asset in the system. Table 44 of the Water System Master Plan lists the water system asset name, the year purchased, asset condition (that relates to Probability of Failure [PoF]), and Consequence of Failure (CoF) based on discussions with Village staff. This information was used to calculate the Critical Asset Rating for each asset, also known as Business Risk Exposure (BRE). The Critical Asset Rating Matrix is shown below.

The BRE should be considered each year during the budget planning process along with the CIP Asset rehabilitation and replacement projections to ensure key assets are protected from failure.

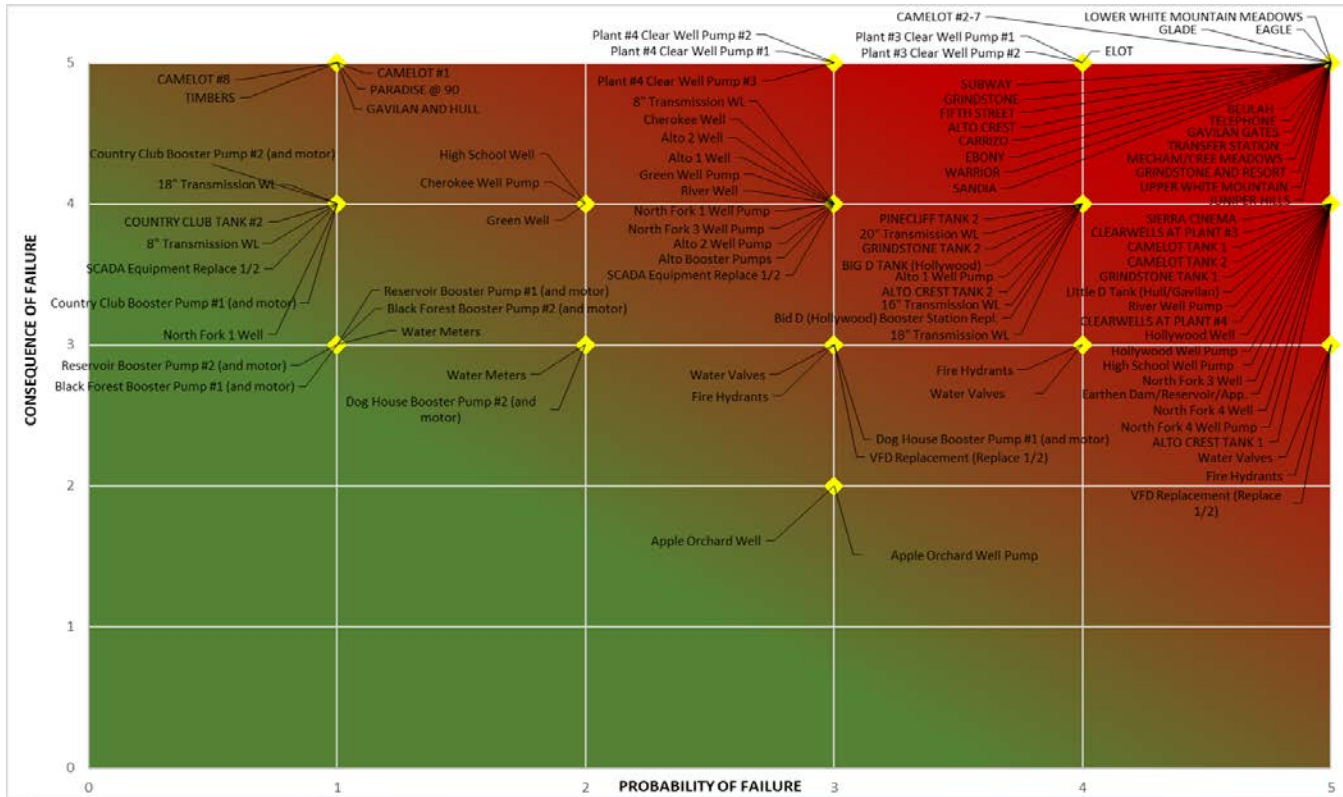
Table 44: Water System Critical Asset List

Year	Asset Type	Quantity	Condition (PoF)	Failure Cons. (CoF)	Criticality (BRE)
1993	High Pressure PRVs	15	5	5	25
1993	Medium Pressure PRVs	14	5	4	20
2007	Gavilan Tank	1	5	4	20
2005	Pinecliff Tank 2	1	5	4	20
1980	Grindstone Tank 1	1	5	4	20
1997	Grindstone Tank 2	1	5	4	20
2007	Clearwells At Plant #3	1	5	4	20
2007	Clearwells At Plant #4	1	5	4	20
1930-1960	Steel/Cast Iron Waterlines	10 miles	5	3	20
2015	Plant #3 Clear Well Pumps	3	4	5	20
1984	North Fork 3 Well	1	5	4	20
1985	North Fork 4 Well	1	5	4	20
2018	North Fork 4 Well Pump	1	5	4	20
2016	River Well Pump	1	5	4	20
2018	Cherokee Well Pump	1	5	4	20
1987	Hollywood Well	1	5	4	20
1964	CCP Transmission WL	2 miles	5	4	20
1987	Alto Reservoir	1	5	4	20
1975	Water Plant #1	1	5	4	20
1980	Big D Booster Station	1	5	4	20
1975	Alto Crest Tank 1	1	4	4	16
1980	Alto Crest Tank 2	1	4	4	16
2007	Camelot Tank 1	1	4	4	16
2007	Camelot Tank 2	1	4	4	16
2008	Hollywood Tank	1	4	4	16
2020	North Fork 1 Well Pump	1	4	4	16
2020	North Fork 3 Well Pump	1	4	4	16
2020	Green Well Pump	1	4	4	16
1996	River Well	1	4	4	16
1996	Alto 1 Well	1	4	4	16
2019	Alto 1 Well Pump	1	4	4	16
1996	Alto 2 Well	1	4	4	16
2020	Alto 2 Well Pump	1	4	4	16
1997	Cherokee Well	1	4	4	16
2017	Alto Booster Pumps	3	4	4	16
2020	Hollywood Well Pump	1	4	4	16
2019	High School Well Pump	1	4	4	16
2017/20	SCADA Equip. Repl. ½	1	4	4	16
2004	Airport Tank 2	1	5	3	15
1989	Airport Tank 1	1	5	3	15
2018	Plant #4 Clearwell Pumps	3	3	5	15

The Condition rating (also PoF) is a 1-5 rating with 1 being “new”, 5 being “failing” and 3 being “average”. The “Consequence of Failure” Rating is a 1-5 rating with 1 being “minimal consequences”, 5 being “catastrophic consequences”, and 3 being “significant consequences”. The 4 rating correlates to “major consequences”.

The graph shown in Chart 13 shows asset CoF and PoF that are used to calculate BRE, which is a measure of the criticality of an asset.

Chart 13: Critical Asset Matrix showing Business Risk Exposure (BRE)



The graph shows that the PRVs and Water Tanks are in the highest BRE Range. The Village Staff are preparing projects to work on the PRVs and Tanks in the early years of the CIP, so these groups of items will no longer have a very high BRE Rating. The other items listed on the BRE have also been included in the Twenty-Year Capital Improvement Plan for renewal.

**Prioritized Phase Approach with Planning Level Costs (5.5)** – A key tenet to keep in mind during Capital Improvement Planning is to attempt to schedule asset rehabilitation and replacement on a phased basis so the costs can be spread out as evenly as possible through future fiscal years.

The preliminary cost of the Twenty-Year Plan is over \$72,000,000. The individual projects are distributed across the Five-Year Plans so the costs for the improvements in each year are feasible. These costs were adjusted by an inflation factor to reflect accurate costs over the planning period.

The CIPT provides an “ideal” schedule for when assets should be rehabilitated or replaced. It does not usually provide a reasonable cost expenditure amount per year. To create the Twenty-Year CIP, the proposed asset rehabilitation and replacement expenditures were reviewed by Village staff along with the Five and Ten-Year Capital project list noted previously. The expenditures were then phased or adjusted for construction year to have a Twenty-Year CIP that is evenly distributed throughout the planning period.

**Future CIP Prioritization Process Recommendations (5.6)** – The Village can use the CIPT developed in this process to provide a 20-year rolling cost projection, which can be used to refine and double check the CIP in upcoming years.

Actual Condition Rating Data (5.6.1) - When a community begins asset management, many assets do not have “inspected” condition rating information. For this reason, asset rehabilitation and replacement in the CIPT is initially based upon the asset installation date and expected life.

However, for communities that have digital work order systems that allow condition data to be included for an asset, each time the asset is maintained or repaired, actual condition data can be entered with the work order and begin to fill the database.

After condition data is imported into the CIPT, replacement or rehabilitation projections can be shown in the CIPT for actual asset conditions rather than just an age-based projection.

The CIPT also contains two additional tools that allow the user to track work order maintenance and repair costs including labor, material, and equipment costs. With many hundreds of assets, a supervisor cannot keep track of all the work orders to show which assets are deteriorating more rapidly than they should be and may need to be replaced well before the estimated asset life has been reached.

The goal is to use the work order software, the CIPT, and the CityWorks® asset database to manage the asset data. In time, there will be enough maintenance/repair cost data available to enable the system to identify where total asset costs are increasing and **flag when it is potentially more cost effective to rehabilitate or replace a prematurely deteriorating asset.**

Unusual Asset M&R Cost Increases by Year (5.6.2) - The first CIPT tool compares the total asset maintenance/repair costs from the present year to the previous year. **If the present year cost exceeds the previous year costs by more than 50 percent, a red flag shows up on that asset line.**

The supervisor is then alerted to check that asset and find out why the red flag appeared. If an asset is deteriorating more rapidly than expected, the asset may need additional monitoring, maintenance, rehabilitation, or plans for replacement.

Total Cost per Year of Asset Operation (5.6.3) - **The second CIPT tool is configured to calculate each initial asset cost divided by the number of years in operation to determine the average cost per year of operation. This number will be added to the corresponding annual maintenance and repair costs to determine a total cost per year of operation.**

**Shown below in Figure 29 is an example of these costs plotted over time for an asset.**

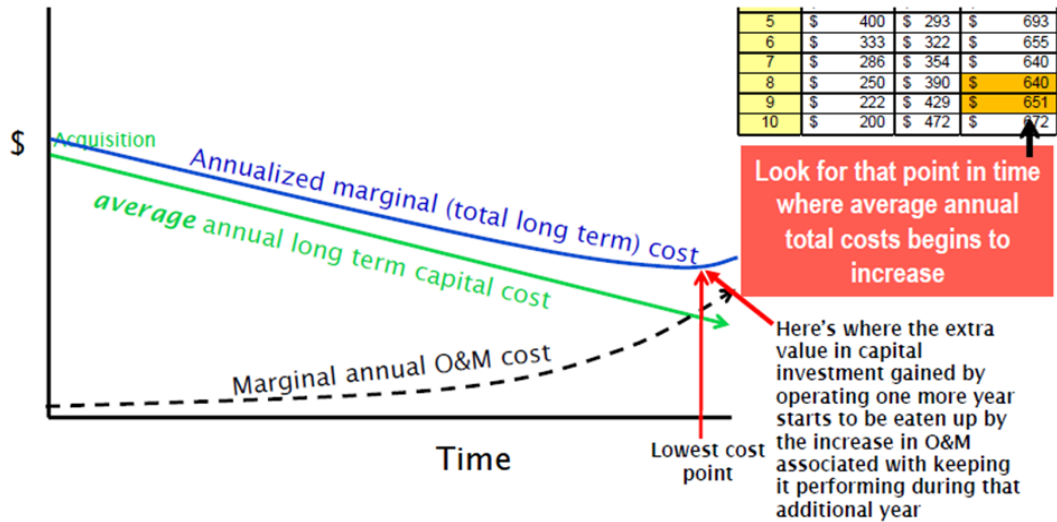


Figure 29: Life Cycle Costing Example

The increase in the total cost of asset operation is an indication that an asset needs to be evaluated for potential repair, rehabilitation, or replacement. This function is built into the CIPT, and a “red flag” will identify assets with increased year over year total costs.

CIPT Annual Update (5.6.4) - As noted earlier, the CIPT provides a 20-year rolling cost projection for asset rehabilitation and replacement costs. Each year, asset condition, maintenance and repair costs can be uploaded from the database to the CIPT in January and updated for the new year.

The CIPT will then provide the 20-year asset rehabilitation and repair costs by year, provide the updated Critical Asset BR matrix and ratings, and will also show red flagged assets that may be prematurely deteriorating.

CIP and Budget Process Recommendations (5.6.5) - First, the red flagged assets should be investigated to determine if additional asset rehabilitation, repair or replacement is needed. Second, the updated Critical Asset List Matrix and BRE data should be reviewed to determine if there are any critical assets that need additional asset rehabilitation, repair, or replacement. And finally, the first-year asset rehabilitation and repair costs shown in the CIPT can be evaluated for inclusion into the spring budget, as needed. These CIPT annually updated results can also be used to prepare the Village Five-Year CIP each fall.

Following this process annually will provide the Village with a common process that could be compared directly to set priorities. With actual asset condition data updated every year in January, the Village would have an accurate critical asset list and an accurate asset rehabilitation and replacement recommendations in the CIPT 20-year cost projection.



## Wastewater Collection System

**Capital Improvement Plan – CIP (4.0)** – A CIP is a community planning and management tool used to develop projects during a planning period, in this case a 20-year period. It contains information for all individual capital projects, equipment, purchases, and staffing finding and recommendations.

The CIP for the Wastewater System Master Plan (MP) focuses solely on the wastewater collection system and is summarized in the following Sections. The CIP focuses on three phases of implementing improvements that consist of the following:

- Phase 1 – Project to be designed and constructed within 5 years.
- Phase 2 – Projects to be designed and constructed within 5-10 years.
- Phase 3 – Projects to be designed and constructed within 10-20 years.

Within those phases, the three areas of the Collection System looked at the project developed from field and the Collection System Model findings. Costs were developed for all projects and grouped into phases. The costs for the projects include the capital cost for construction as well as Engineering and Design Services and are in 2022 values.

**Capital Costs (4.1)** – The capital cost for each project is comprised of the cost for material and construction of the utility or infrastructure only; and includes Engineering Design and Construction Phase Services.

For a detailed explanation of the Engineering Design and Construction Phase Services noted in the previous paragraph, please reference Section 4.5 of the Wastewater Collection System Master Plan.

**Lift Station Improvements Phasing (4.2)** – All the existing lift stations, with the exception of Camelot No. 5 – Guinevere, White Mountain, and Thrill Hill, have been rehabilitated in the last 5-10 years.

These rehabilitations have included replacement or upgrading of the pumps, motors, and electrical equipment. The remaining existing lift stations are in need of repairs consisting of recoating, repair or replacement of guide rails, and safety hatch upgrades. The detailed cost estimate for these improvements can be found in Appendix C of the Wastewater System Master Plan.

This MP and CIP will focus on improvement projects individually for specific lift stations, then a dedicated amount for ongoing maintenance and repairs of all lift stations as needed, determined by the VOR. The yearly amount for miscellaneous repairs for the lift station is in the amount of \$40,000 each year and is to be used as determined by the VOR.

This was determined in a discussion with VOR, as many of the lift station are in good or great working order, but ongoing maintenance and rehabilitation needs occur throughout the year and it is unlikely for more than one or two lift stations to need multiple repairs or improvements at one time. Improvements to the lift stations were divided into 5-, 10- and 20-year increments and summarized in Table 4-1.

Table 4-1 – Summary of Lift Station Improvement Phasing and Probable Construction Costs

PHASE	PROBABLE CONSTRUCTION COSTS
<b>5-Year Improvements</b>	
Lift Station Rehabilitation	\$ 200,000.00
<b>Subtotal 5-Year Improvements:</b>	<b>\$ 200,000.00</b>
<b>10-Year Improvements</b>	
Ponderosa 1 – Spruce Lift Station Rehabilitation	\$ 517,800.00
Lift Station Rehabilitation	\$ 200,000.00
<b>Subtotal 10-Year Improvements:</b>	<b>\$ 717,800.00</b>
<b>20-Year Improvements</b>	
Lift Station Rehabilitation	\$ 400,000.00
<b>Subtotal 20-Year Improvements:</b>	<b>\$ 400,000.00</b>

In addition to ongoing maintenance and lift station upgrades, gravity line alternatives were reviewed for all lift stations. Those lift stations with viable gravity alternatives are summarized in Table 4-2, and on Figures 4-1, 4-2, 4-3, 4-4, and 4-5.

Table 4-2 – Summary of Gravity Interceptor Lift Station Replacements and Probable Construction Costs

LIFT STATION	PROBABLE CONSTRUCTION COSTS
Camelot No. 1	\$ 1,229,700.00
Camelot No. 5	\$ 873,600.00
Camelot No. 6	\$ 1,449,500.00
Ponderosa No. 1 - Spruce	\$ 646,000.00
Ponderosa No. 2 – Davis <sup>(1)</sup>	\$ 1,317,000.00
Ponderosa No. 3 – Ash <sup>(1)</sup>	\$ 868,200.00
Ponderosa No. 4 – Maple <sup>(1)</sup>	\$ 450,000.00
Ponderosa No. 6 - Redwood	\$ 828,400.00
<b>Subtotal:</b>	<b>\$ 7,662,400.00</b>

<sup>(1)</sup> Project overlaps with water system improvements projects determined in the Water Master Plan created by Souder, Miller & Associates (SMA).

**Gravity Sewer Line Alternatives for Lift Stations** – In addition to ongoing maintenance and lift station upgrades, gravity line alternatives were also reviewed for all lift stations. Following this analysis, it was found that due to the terrain in the Ponderosa Area, Lift Station 2 can be transitioned to a gravity line but would only be able to drain to Lift Station 3.

For this reason, it was our suggestion to group Ponderosa Lift Stations 2, 3, and 4 together as one project to ensure they are designed together and therefore correctly tie into the system by gravity. Initial costs for implementing gravity lines are higher than repairs and maintenance of the lift stations, however, when considering the longevity, Operation and Maintenance (O&M) costs, and reliability of the system, a gravity alternative is recommended.

However, after reviewing the constructability of the gravity replacement of the interceptors it was determined by the VOR that gravity alternatives would not be feasible. This is due to the large amount easements required to construct the lines, the terrain to construct and maintain the lines, and required location of the lines being unserviceable.

**Due to these reasons, only Alternative 1, lift station rehabilitation and repairs will be considered and included in this summary report and the CIP.** If a detailed review of the “Alternate 2” gravity line analysis is desired, it can be accessed in the Wastewater System Master Plan included as an appendix to this document.

**Extension of Service to Onsite Treatment Systems Phasing (4.3)** – The Village of Ruidoso is currently under a mandate from the New Mexico Environment Department (NMED) and Environmental Protection Agency (EPA) to connect existing onsite treatment systems (Septic Tanks) near the Rio Ruidoso to the collection system.

The Village has met their obligated amount of connected onsite systems but are actively looking to connect more to show a good faith effort to NMED. Additionally, the VOR has a stated goal of further regionalizing wastewater treatment and connecting all onsite treatment systems within the VOR municipal limits to the collection system. The EPA mandate necessitates that some areas of the VOR be given a higher priority than others.

The remaining service areas not currently connected to the gravity system are outside the priority area, and thus fall into the 20-year projects as other improvements are needed sooner due to capacity of failing infrastructure. A summary of the probable constructions costs for each phase is provided in Table 4-3.

**TABLE 4-3  
 SUMMARY OF PROBABLE CONSTRUCTION COSTS TO  
 EXTEND SERVICE TO ONSITE TREATMENT SYSTEMS BY PHASE**

PHASE	PROBABLE CONSTRUCTION COST <sup>(1)</sup>
5-Year Improvements	
Subtotal 5-Year Improvements:	0.00
10-Year Improvements	
Subtotal 10-Year Improvements:	0.00
20-Year Improvements	
SA 24 – 135 New Connections	\$ 5,925,000.00
SA 19 – 72 New Connections	\$ 4,583,000.00
SA 20 – 84 New Connections	\$ 7,406,000.00
SA 21 – 22 New Connections	\$ 2,071,000.00
SA 22 – 16 New Connections	\$ 2,519,000.00
Subtotal 20-Year Improvements:	\$ 22,504,000.00

<sup>(1)</sup> Project costs include Professional Services at 20% and NMGRT at 8.3125%.

**Interceptor Design and Construction Services (4.4)** – Modeling of the collection system was conducted in four phases to help aid in prioritization of improvements. Section 2.4 identified that several interceptors were overloaded under the existing flow conditions, additional interceptors became overloaded as the service population was expanded to include 5-, 10-, and 20-year growth projections. The 20-year model was also used to determine the required interceptor pipe size at the end of the Planning Period.

Phasing of improvements is determined by the timeframe in which the interceptor is anticipated to become overloaded and its proximity to other overloaded interceptors. In other words, an overloaded interceptor identified in the 10-year model, but not the 5-year model should be upgraded by the tenth year. However, if a 10-year overloaded interceptor is adjacent to a 5-year interceptor, both interceptors should be upgraded at the same time to save on construction and design costs by completing both projects simultaneously.

Several of the interceptor lines requiring replacement are located in the City of Ruidoso Downs, and are therefore part of the Joint Utility Board area. Due to this, those project costs and implementation are included in the Wastewater Treatment Plant (WWTP) Master Plan.

A summary of the recommended implementation schedule is provided in Table 4-4, the detailed cost estimated, and project overview figures are included in the Wastewater System Master Plan in the Appendix.

**TABLE 4-4  
 SUMMARY OF PROBABLE CONSTRUCTION COSTS  
 FOR INTERCEPTOR IMPROVEMENTS BY PHASE**

PHASE	REPLACEMENT METHOD	PROBABLE CONSTRUCTION COST <sup>(1)</sup>
<b>5-Year Improvements</b>		
Paradise Canyon - Manhole (MH) 7502 – MH 7557 <sup>(2)</sup>	Parallel Interceptor	\$ 5,044,400.00
Interceptor and Manhole Rehabilitation		\$ 500,000.00
SMA – Pinecliff Sewer Project (see Appendix G)		\$ 5,252,200.00
Subtotal 5-Year Improvements:		\$ 10,796,600.00
<b>10-Year Improvements</b>		
White Mountain Drive - MH 6134 – MH 6026 <sup>(2)</sup>	Parallel Interceptor	\$ 3,404,400.00
Park Lane – Parker Road - MH 8064 – MH 8050	Parallel Interceptor	Costs for these lines can be found in the WWTP MP.
WWTP - MH 8004 – WWTP	Parallel Interceptor	
River Lane - MH 8084 – MH 8080	Parallel Interceptor	
Interceptor and Manhole Rehabilitation		\$ 750,000.00
Vactor® Truck		\$ 650,000.00
Subtotal 10-Year Improvements:		\$ 4,804,400.00
<b>20-Year Improvements</b>		
Sudderth Drive Tie MH 7424 to MH 8276	New Line	\$ 170,300.00
Paradise Canyon & Sudderth Drive - MH 8218 – MH 8214	Parallel Interceptor	\$ 514,100.00
Gavilan Canyon & Sudderth Drive MH 8188 – 8186	Parallel Interceptor	\$ 537,700.00
Interceptor and Manhole Rehabilitation		\$ 1,000,000.00
Subtotal 20-Year Improvements:		\$ 2,222,100.00

<sup>(1)</sup> Project costs include Professional Services at 18% and NMGRT at 8.3125%.

<sup>(2)</sup> Project overlaps with water system improvements projects determined in the Water Master Plan created by SMA.

**Annual Wastewater Collections Operating Budget (4.6)** – Annual operating costs for the WWCS consist of labor, power / utilities, and maintenance materials. The current budget for these annual operating costs based on data from the Village are summarized below, along with estimated annual operating costs for the improvements recommended in this WWCS Masterplan.

Labor (4.6.1) - The current annual budget for labor for all WWCS employees is \$1,491,970. With the additional six staff members as recommended in Section 6.0, the labor cost for the WWCS is expected to increase by 100% to \$2,983,940 per year.

Power / Utilities / Overhead / Maintenance Materials (4.6.2) - The current amount budgeted for power, utilities, overhead, and maintenance materials for the WWCS is \$2,792,850 per year. Adding the additional workers and programs outlines in Section 6.0, it is reasonable to estimate the costs for maintenance materials and chemicals will increase proportionately by 15% to \$3,211,778 per year.

Summary of Annual Operating Costs (4.6.3) - The current budgeted annual operating costs and the projected annual operating costs for the WWCS are summarized in Table 4-5.

**TABLE 4-5  
 WASTEWATER COLLECTION SYSTEM  
 CURRENT AND PROJECTED ANNUAL OPERATING COSTS**

DESCRIPTION	CURRENT BUDGET	PROJECTED ANNUAL OPERATING COST
Labor	\$ 1,1683,690	\$ 2,983,940
Power / Utilities / Overhead / Maintenance Materials	\$ 2,792,850	\$ 3,211,778
<b>TOTALS</b>	<b>\$ 4,476,540</b>	<b>\$ 6,195,718</b>

**Summary of Total Project Costs Per Implementation Phase (4.7)** – The proposed Alternative 1 projects listed in this Section are shown following this section in a conceptual timeline by year over the planning period in Figure 4-6. The estimated project costs are broken down by year with conceptual summations of costs by year in 2022 dollars for planning purposes. In an attempt to account for inflation over the planning period, a line item is included at the bottom of Figure 4-6 showing escalating costs using an annual escalation rate of 4.0%.

CIP Elements	Estimated Total Cost <sup>(1)</sup>	Schedule and Allocation of Costs by Fiscal Year																						
		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044		
Phase 1 - Improvements for First 5 Years																								
SMA Pinediff Sewerline Project	\$5,262,188	\$1,841,766	\$1,841,766	\$1,578,657																				
Lift Station Rehabilitation	\$200,000	\$40,000	\$40,000	\$40,000	\$40,000																			
Paradise Canyon Parallel Interceptor - Manhole 7502 - Manhole 7557	\$5,044,400		\$504,400	\$2,289,980	\$2,289,980																			
Interceptor and Manhole Rehabilitation	\$500,000	\$100,000	\$100,000	\$100,000	\$100,000																			
Phase 2 - 10-Year Improvements																								
Lift Station Rehabilitation	\$200,000					\$40,000	\$40,000	\$40,000	\$40,000	\$40,000														
Ponderosa 1 - Spruce Lift Station Rehabilitation	\$517,800					\$40,000	\$40,000	\$40,000	\$40,000	\$258,900	\$258,900													
White Mountain Drive Parallel Interceptor - Manhole 6134 - Manhole 6026	\$3,404,400					\$680,880	\$2,723,520																	
Interceptor and Manhole Rehabilitation	\$750,000					\$150,000	\$600,000																	
Vector <sup>®</sup> Truck	\$650,000									\$650,000														
Phase 3 - 20-Year Improvements																								
Service Area 24 - 25 Onsite Treatment System Gravity Service Extension	\$5,925,000									\$1,085,000	\$2,320,000	\$2,320,000												
SA 19 - 77 Onsite Treatment System Gravity Service Extension	\$4,583,000														\$916,600	\$1,833,200	\$1,833,200							
SA 20 - 84 Onsite Treatment System Gravity Service Extension	\$7,406,000																	\$1,851,500	\$1,851,500	\$1,851,500	\$1,851,500			
SA 21 - 22 Onsite Treatment System Gravity Service Extension	\$2,071,000																	\$1,055,500	\$1,055,500					
SA 22 - 16 Onsite Treatment System Gravity Service Extension	\$2,519,000																			\$1,259,500	\$1,259,500			
Sudderth Drive Tie Manhole 7424 to MH 8276	\$170,300															\$170,300								
Paradise Canyon & Sudderth Drive Parallel Interceptor - Manhole 8218 - Manhole 8214	\$514,100																			\$514,100				
Gavilan Canyon & Sudderth Drive Parallel Interceptor - Manhole 8108 - Manhole 8106	\$537,700																			\$537,700				
Interceptor and Manhole Rehabilitation	\$1,000,000																							
Lift Station Rehabilitation	\$400,000																							
<b>TOTALS in 2022 Dollars</b>	<b>\$56,392,700</b>	<b>\$1,981,766</b>	<b>\$1,981,766</b>	<b>\$1,718,657</b>	<b>\$644,440</b>	<b>\$2,409,980</b>	<b>\$2,409,980</b>	<b>\$970,880</b>	<b>\$3,365,520</b>	<b>\$298,900</b>	<b>\$498,900</b>	<b>\$2,320,000</b>	<b>\$2,320,000</b>	<b>\$2,320,000</b>	<b>\$1,594,900</b>	<b>\$2,145,900</b>	<b>\$1,973,200</b>	<b>\$3,027,000</b>	<b>\$3,027,000</b>	<b>\$3,027,000</b>	<b>\$3,027,000</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$40,000</b>
	<b>4.0%</b>	<b>\$1,981,766</b>	<b>\$2,061,037</b>	<b>\$1,858,899</b>	<b>\$724,907</b>	<b>\$2,813,336</b>	<b>\$2,492,492</b>	<b>\$1,101,944</b>	<b>\$4,426,163</b>	<b>\$490,065</b>	<b>\$1,350,381</b>	<b>\$2,722,317</b>	<b>\$3,864,030</b>	<b>\$4,008,991</b>	<b>\$2,694,827</b>	<b>\$3,711,848</b>	<b>\$3,553,022</b>	<b>\$5,669,514</b>	<b>\$5,669,514</b>	<b>\$5,669,514</b>	<b>\$5,669,514</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$40,000</b>

General Site Improvements and Building Demolition  
<sup>(1)</sup> Includes Professional Services at 20% of Total Construction Costs.  
<sup>(2)</sup> This project was design and cost estimate provided by SMA

**CIP Project Conceptual Timeline**  
**FIGURE 4-6**

Phase 1 Improvements – Year 1 to 5 Projects (4.7.1) - A summary of the cost to design and construct all of the Phase 1, 5-Year improvements for the above mentioned components of the system is provided in Table 4-6. Final values have been rounded to the nearest \$1,000.00.

**TABLE 4-6  
 SUMMARY OF TOTAL PROJECT COSTS FOR PHASE 1 IMPROVEMENTS**

ITEM	COST <sup>(1)</sup>
Lift Station Improvements(Appendix C)	\$ 200,000.00
Connection of Onsite Systems (Appendix D)	\$ 0.00
Interceptor Improvements (Appendix E and G)	\$ 10,797,000.00
<b>TOTAL PROJECT COSTS (2022 DOLLARS):</b>	<b>\$ 10,997,000.00</b>

<sup>(1)</sup> Project costs include professional services at 18% and NMGRT at 8.3125%.

Phase 2 Improvements – Year 5 to 10 projects (4.7.2) - A summary of the cost to design and construct all of the Phase 2, 5- to 10-Year improvements for the above mentioned components of the system is provided in Table 4-7. Final values have been rounded to the nearest \$1,000.00.

**TABLE 4-7  
 SUMMARY OF TOTAL PROJECT COSTS FOR PHASE 2 IMPROVEMENTS**

ITEM	COST <sup>(1)</sup>
Lift Station Improvements(Appendix C)	\$ 718,000.00
Connection of Onsite Systems (Appendix D)	\$ 0.00
Interceptor Improvements (Appendix E)	\$ 4,155,000.00
Vactor® Truck Cost	\$ 650,000.00
<b>TOTAL PROJECT COSTS (2022 DOLLARS):</b>	<b>\$ 5,523,000.00</b>

<sup>(1)</sup> Project costs include professional services at 18% and NMGRT at 8.3125%.

Phase 3 Improvements - Year 10 to 20 projects (4.7.3) - A summary of the cost to design and construct all of the Phase 3, 10- to 20-Year improvements for the above-mentioned components of the system is provided in Table 4-8. Final values have been rounded to the nearest \$1,000.00.

**TABLE 4-8  
 SUMMARY OF TOTAL PROJECT COSTS FOR PHASE 3 IMPROVEMENTS**

ITEM	COST <sup>(1)</sup>
Lift Station Improvements, Excluding Gravity Alternatives (Appendix C)	\$ 400,000.00
Connection of Onsite Systems (Appendix D)	\$ 22,504,000.00
Interceptor Improvements (Appendix E)	\$ 2,222,000.00
<b>TOTAL PROJECT COSTS (2022 DOLLARS):</b>	<b>\$ 25,126,000.00</b>

<sup>(1)</sup> Project costs include professional services at 18% and NMGRT at 8.3125%.



### **Funding Opportunities (4.8)**

The VOR has set a goal for itself to aggressively apply for grant funding through USDA, State Legislative Appropriations, and EDA funding programs. Based on available funding, success on grant proposals, competition against other communities, and commitment to work with the funding agencies and elected State officials, the VOR believes it is reasonable to expect a 15% grant funding package for the recommended overall CIP improvements.

It is anticipated that the Rate Study will incorporate that 15% grant assumption into its evaluation. As with all funding applications, there are no guarantees of funding agency approval of any single grant application, and the Wastewater System Master Plan sets an overall strategy to keep the infrastructure reliable and meet the needs of the community. Some years may be more, and some years may be less than the projected 30%, and future evaluation of the CIP should be made based on actual grants received. Each of the potential funding sources are described below.

#### USDA - Rural Utilities Service (RUS) (4.8.1)

RUS funding is applicable to communities with a population of 10,000 or less and is a loan program that can incorporate grant funds depending on the median household income (MHI) of the community (must be at or under the poverty line or 60% of the state MHI). Prior to funding, the project requires a USDA-approved Preliminary Engineering Report (PER) and Environmental Information Document (EID).

Due to the VOR's MHI, rates for this loan would likely be at market rates or just below and are established either at the prevailing rate when USDA issues a Letter of Conditions after a loan application is made or the rate when construction is complete and the loan is closed, whichever is lower. Long-term (40-year/based on useful life of facility) loans with interest rates in the range of 2.25% - 3.75% have been offered to other New Mexico communities in the recent past. Grants are available depending on availability of funds USDA New Mexico has been granted by Congress. The Village and MCA discussed the opportunity for funding some of the CIP recommended herein and the VOR would be eligible for grant/loan combined funded project.

#### NMED Clean Water State Revolving Fund (CWSRF) (4.8.2)

CWSRF is a loan program administered through the NMED Construction Programs Bureau for Regular, Bipartisan Infrastructure Law (BIL), and Emerging Contaminant Funding with term options up to 30 years and, as of May 2023, an interest rate as low as 0.01%. This program does have a subsidy/grant component for highest ranking projects based on the program's criteria and community's MHI.

The project ranking system takes into account water quality improvement, permit compliance, financial affordability, sustainability, and readiness to proceed. The program also has PER and EID requirements to be eligible for funding. Eligible borrowers include municipalities, counties, water and sanitation districts, mutual domestic water consumer associations, Pueblos, and Tribes.

Program eligibilities include wastewater and stormwater emerging contaminants; construction, repair, and replacement of publicly owned centralized wastewater treatment works; watershed projects; projects reducing, treating, or managing stormwater; non-point source management plans; and decentralized systems treating domestic sewage. Based on these program eligibilities, all the CIP components identified in the WWCS Master Plan, particularly the interceptor projects, as well as those identified in the WWTP Master Plan, appear to qualify for CWSRF funding.

#### Legislative Capital Outlay (4.8.3)

Legislatively funded projects are typically 100% grant funded. Funding allocations are not strictly based on the income of the community; however low to moderate income communities tend to fair better. ICIP projects are prioritized as well as shovel ready but not required.

A PER/EID is not necessarily required when applying for these funds but they are helpful in priority rankings. If they are construction-only projects, it is assumed that these prerequisites have been filled already. Legislatively funded projects are highly dependent on revenue available on the State level, which in New Mexico is highly tied to oil and gas revenue from State land leases.

#### NMED Rural Infrastructure Program (RIP) (4.8.4)

RIP loans have a fixed rate of 2.375% with a max loan amount of \$2 million per fiscal year. Projects must be shovel ready but applications are accepted year round with loans being available with 6-8 weeks of application.

#### Economic Development Administration (EDA) (4.8.5)

The US Economic Development Administration (EDA), a bureau of the US Department of Commerce, provides grant funding for infrastructure projects that enhance a community's ability to provide improved job creation, job retention, and job expansion through a more resilient business climate. Some of their programs include rebounding the local economy from natural disasters.

Adequate wastewater services, collection, and treatment infrastructure are essential to enable a community to provide these services to businesses looking to locate in the VOR or expand/retain an existing business.

If the Village could identify a potential market that could relocate to the community, or an existing business that could expand their facilities and require a robust wastewater system, EDA could potentially be used. Typical EDA grants range between \$100,000 and \$4 million. They typically equate to 1/4 to 1/2 of the total construction cost, but higher levels have been observed in distressed communities.

## Wastewater Treatment Plant System

**Recommended Improvements, Phasing, and Implementation (4.1)** – Several elements have been identified in the Regional Wastewater Treatment Plant (RWWTP) Master Plan (MP) to incorporate into the Capital Improvement Plan (CIP) for the RWWTP, as listed below:

- Fine Screen Improvements
- Coarse Bar Screen Improvements
- Return Activated Sludge (RAS) Screening
- Recycle Pump Improvements
- Membrane Replacement
- RAS Pump Reliability Improvements
- Ultraviolet (UV) Equipment Replacement
- Equip Fourth Membrane Bioreactor (MBR) Train
- Equip Fourth Digester Cell
- Storage Building
- General Site Improvements and Building Demolition
- Process Piping and Upgrades
- Blower Piping and Site Valve Improvements
- Corrosion Protective Coatings Improvements
- Variable Frequency Drive (VFD) Replacements
- Possible Improvements for Reuse Opportunities

In addition, three interceptor segments in the Joint Use Interceptor are projected to require upgrades within the planning period of this MP. Refer to the companion Wastewater Collection System MP for the analyses of the interceptors. Since the upgrades are on the Joint Use Interceptor (cooperatively managed by the Joint Use Board [JUB]), it is appropriate to include the costs in the RWWTP CIP.

Furthermore, as part of the Solid Waste Master Plan, SMA developed recommended improvements and costs related to the implementation of a composting facility to produce a Class A biosolids product. It is anticipated that the composting facility will be located near the RWWTP and be staffed by WWTP personnel. As such, the costs associated with the composting facility are directly related to the RWWTP, cooperatively managed by the JUB, so those costs are attributed to the RWWTP and are included here.

SMA provided a summary of the composting facility, which is included in Appendix L of the WWTP Master Plan document. Each of these elements are described in this Section of the RWWTP MP, along with estimated costs, phasing potential, and implementation considerations.

Fine Screen Improvements (4.1.1) - Based on the alternative analysis presented in Section 2.7.1 of the WWTP Master Plan, new Ovivo™ vertical fine screens matching the existing band screens in size, design, and capacity are recommended. Estimated probable project costs are \$4,235,000.

The Fine Screen Improvements are recommended for construction in Phase I of the Capital Improvements 5-Year category. The implementation of the fine screen improvements can proceed as soon as practical because there are no other unit processes that are dependent on the work proposed for the fine screens.

Coarse Bar Screen Improvements (4.1.2) – Based on the alternative analysis in Section 2.7.3 of the WWTP Master Plan, a new Duperon® Flex-Rake® bar screen, consisting of multiple rakes, is recommended to minimize the potential for future overflows at the coarse bar screen during storm events. The estimated probable project costs are \$1,143,000.

Until the damage to the wastewater collection system from the fires is repaired, the existing collection system is vulnerable to storm water inflow conditions. In addition, this current situation has brought to light a vulnerability at the WWTP that had not been identified previously. As such, replacing the existing climber bar screen with a new multiple rake bar screen is a high priority and has been included in Phase 1 of the Capital Improvements in the 5-Year category.

There are no other unit processes that are dependent upon the work proposed for the coarse screens. As such, the implementation of the coarse screen improvements can proceed as soon as practical. Due to the proximity of the work with the recommended fine screen improvements, it may be advantageous to implement these improvements roughly at the same time to limit plant disruption activities to certain areas at any given time.

Return Activated Sludge (RAS) Screening (4.1.3) - The recommended improvements to add screening of the RAS to prevent the creation of fibrous ropes consists of installing a submersible pump to draw activated sludge from the bottom of Pre-Anoxic Basin No. 4 in what is currently the unequipped MBR Train 4 and convey it to a side-stream drum screen unit on top of the Fourth Secondary Treatment Train prior to placing Train No. 4 into service to simplify implementation. The estimated probable project costs are \$1,454,000.

While the development of these fibrous ropes presents an operation and maintenance (O&M) challenge for the staff at the RWWTP, they have been dealing with this problem for years, and the implementation of these improvements could potentially be delayed to Phase 2 of the Capital Improvements in the 10-Year category. However, based on the recommendation to draw activated sludge from Train 4 to facilitate implementation, and based on Train 4 being recommended later in this Section to be a Phase 1 project, the RAS screening improvements will need to be implemented in conjunction with equipping the fourth MBR Train. As a result, the RAS screening improvements are recommended to be included in Phase 1 of the Capital Improvements in the 5-Year category.

The proposed improvements to implement RAS screening require the fourth MBR Train to be equipped and available to provide the source of activated sludge to the submersible pump for screening. This requires these two projects to be implemented roughly at the same time such that both are commissioned together.

Recycle Pump Improvements (4.1.4) - The recommended sequence of basin cleaning and recycle pump replacement needed to restore all three recycle pumps to proper operation is identified in Section 2.8.1.1 of the WWTP Master Plan. The estimated probable project costs are \$1,139,000.

Since there is only one functional recycle pump, this work is recommended to be included in Phase 1 of the Capital Improvements in the 5-Year category.

Taking any of the existing Process Trains out of service in the secondary treatment process would be very difficult to accommodate while maintaining adequate treatment capacity. Accordingly, it is recommended that the fourth MBR Train be equipped and placed into operation prior to attempting any work related to cleaning out the secondary treatment process trains or replacing the recycle pumps.

Membrane Replacement (4.1.5) - Due to the familiarity that the operations staff have with Kubota™ products and personnel, it is recommended that Kubota™ polymeric flat plates be considered for replacing the existing membranes. The estimated probable project costs are \$7,962,000. Replacement of the existing membranes is recommended to be incorporated in the Phase 2 Capital Improvements in the 10-Year category.

Replacement of the membranes will likely include complete removal of the cassette structures, which is a substantial effort. To facilitate the ability to accommodate an extended period of time with an MBR Train out of service, the membrane replacement is recommended to occur after the fourth MBR Train is placed into service.

Return Activated Sludge (RAS) Pump Reliability Improvements (4.1.6) - Due to the critical nature of the RAS pumping facilities, it is recommended that improvements be made to improve the reliability of this system. The facility was designed with two installed RAS pumps, one duty and one standby, with space for a third RAS pump.

Based on the need to rent a crane to remove an RAS pump for repair or replacement, it is recommended that the third RAS pump be installed to provide reliability to the process during times when one of the existing RAS pumps is out of service for repair or replacement. The estimated probable project costs of installing the third RAS pump are \$379,000.

The Village has been able to procure crane services over time, as required, to support their RAS pump removal and replacement needs. Since the demand for this improvement seems to be a lower priority than other recommended improvements, the addition of the third RAS pump is included in Phase 2 of the Capital Improvements in the 10-Year category.

The proposed improvements to install the third RAS pump do not affect other unit processes at the RWWTP. These improvements can be implemented once funding is allocated for the work.

Ultraviolet (UV) Equipment Replacement (4.1.7) - The original manufacturer of the UV disinfection equipment stopped producing UV equipment. It is difficult to obtain replacement parts for this equipment. Other wastewater treatment plants in New Mexico with Evoqua® Water Technologies (formerly known as Siemens® Water Technologies) equipment are also facing the same challenges.

As discussed in Section 2.7.4 of the WWTP Master Plan, it is recommended that the existing UV equipment be replaced with new UV equipment with horizontal lamps. The estimated probable project costs of the UV equipment replacement are \$1,505,000.

The Village has experienced challenges with the existing UV equipment for an extended period of time and it is feared that replacement parts simply will not be available at some point in the near future. As such, replacement of the UV equipment is recommended to be incorporated into Phase 1 of the Capital Improvements in the 5-Year category.

The proposed improvements to replace the UV equipment do not affect other unit processes at the RWWTP. These improvements can be implemented once funding is allocated for the work.

Equip Fourth Membrane Bioreactor (MBR) Train (4.1.8) - As indicated in Appendix E of the WWTP Master Plan, the projected flow will exceed the 3-train membrane design capacity in the year 2030 under winter peak day condition. At that time, it would be necessary to equip the fourth train with membranes and ancillary equipment. The estimated probable project costs to equip the fourth MBR train are \$10,644,000.

Although the loading analysis referenced above would put this project element in the Phase 2 CIP, the proposed work to screen the RAS and to address the solids accumulation in the secondary treatment basins and replace the recycle pumps requires the fourth MBR train to be operational earlier than that. As such, equipping the fourth MBR train is recommended to be incorporated in Phase 1 of the Capital Improvements in the 5-Year category.

The existing MBR basins (two each) for the fourth MBR train are currently used to store spare MBR cassettes and membranes. The Village has used CONEX™ boxes for site storage, but the membrane cassettes are too tall to fit in the CONEX™ boxes. It is suggested that the storage building being recommended in this RWWTP MP be implemented prior to equipping the fourth MBR train so there is adequate space for critical storage at the RWWTP.

Equip Fourth Digester Cell (4.1.9) - As indicated in Appendix E of the WWTP Master Plan, the three-cell digester is projected to reach its capacity at approximately the 2030 projected flows. The estimated probable project costs to equip the fourth digester cell are \$2,294,000.

It is recommended that equipping the fourth digester cell be included in the Phase 2 Capital Improvements in the 10-Year category. The proposed improvements to equip the fourth digester cell do not affect other unit processes at the RWWTP. These improvements can be implemented once funding is allocated for the work.

Storage Building (4.1.10) - The need for consolidated storage at the WWTP site to replace the various locations currently used for storage is presented in Section 2.8.1.6 of the WWTP Master Plan. The estimated probable project costs of this storage building are \$2,582,000.

It is recommended that constructing the storage building be included in the Phase 1 Capital Improvements in the 5-Year category.

Implementation of the storage building early in the CIP will facilitate a number of other recommended improvements, including the recycle pump improvements and basin cleaning, equipping the fourth MBR train, and membrane replacement.

General Site Improvements and Building Demolition (4.1.11) - The structural review of the RWWTP yielded a number of recommended improvements, including site grading, structure maintenance and rehabilitation, and building demolition actions. Many of these recommendations are recurring in nature, except for building demolition, and are recommended to be incorporated into each phase of the CIP.

For Phase 1, the estimated probable project costs are \$1,459,000. For Phase 2, the estimated project costs are \$3,605,000. For Phase 3, the estimated probable project costs are \$5,910,000. These costs are detailed in Appendix H of the WWTP Master Plan in Tables H-1.7, H-2.4, and H-3.1 respectively.

As indicated above, many of the recommended improvements are recurring and will need to be included in all CIP phases. The building demolition is proposed to be spread out over time to occur in multiple CIP phases, but they could be implemented early if funding is available.

The recommended general site improvements are independent of other unit processes at the RWWTP and can be implemented as funding is allocated. The building demolition requires the construction of the proposed storage building.

Process Piping and Upgrades / Influent Lift Station Improvements (4.1.12) - For the purposes of establishing a CIP for the RWWTP to use in the rate analysis, it is anticipated that process piping and related upgrades will be required. In addition, it is recommended that the fifth pump be installed in the Influent Lift Station to provide the maximum pumping capacity for peak flows resulting from potential future storm water inflow events. The estimated probable project costs are \$1,076,000.

It is recommended that process piping and related upgrades and the installation of the fifth pump in the Influent Lift Station be included in the Phase 1 Capital Improvements in the 5-Year category. Process piping and related upgrades are anticipated to be required as a result of other recommended improvements at the RWWTP and will be implemented in conjunction with those projects. Installation of the fifth influent lift pump in the Influent Lift Station is independent of other work and can proceed at any time.

Blower Piping and Site Valve Improvements (4.1.13) - As the RWWTP facilities continue to age, it is anticipated that blower piping may require improvements and that site valves will need to be repaired or replaced to maintain functionality. The estimated probable project costs of the blower piping and site valve improvements are \$861,000.

For the purposes of this WWTP MP, it is recommended that the blower piping and site valve improvements be included in the Phase 2 Capital Improvements in the 10-Year category.

The proposed improvements to improve the blower piping and site valves will be required as a result of facility aging. These improvements can be implemented in conjunction with other planned work that removes these facilities from service in order to facilitate the piping and valve improvement work.

Corrosion Protective Coatings Improvements (4.1.14) - Wastewater treatment facilities are subject to harsh environments, and it is critical that the substrate be protected from degradation by maintaining adequate protective coatings. It is recommended that the coatings be rehabilitated at a future date. The estimated probable project costs to improve the protective coatings are \$1,702,000.

It is recommended that protective coatings improvements be included in the Phase 3 Capital Improvements in the 20-Year category.

The proposed improvements to replace / rehabilitate the protective coatings will be required as a result of facility aging. These improvements can be implemented in conjunction with other planned work that removes these facilities from service in order to facilitate the coating work.

Joint Use Interceptor Upgrades (4.1.15) - The Wastewater Collection System Master Plan being developed concurrently with this WWTP Master Plan identified several interceptor upgrades, including three segments of the Joint Use Interceptor. The interceptor segments identified as having capacity limitations during the planning period and their estimated probable project costs are listed below:

- Manhole (MH) 8004 to the RWWTP                      \$ 257,000
- MH 8084 to MH 8080                                      \$1,032,000
- MH 8070 to MH 8050                                      \$3,386,000

Based on the wastewater flow projections in the Wastewater Collection System Master Plan, the recommended upgrades to the Joint Use Interceptor are included in Phase 2 of the Capital Improvements in the 10-Year category.

The proposed improvements to the Joint Use Interceptor do not affect other unit processes at the WWTP. These improvements can be implemented once funding is allocated for the work.

Variable Frequency Drive (VFD) Replacements (4.1.16) - As indicated in Section 2.8.1.7 of the WWTP Master Plan, it is recommended that the VFDs at the RWWTP be replaced proactively each year over the planning period to maintain the operation of these critical electrical components. If these VFDs are replaced over the planning period, the estimated construction cost, considering the estimated cost markups for each year would average \$71,600 per year.

For the purposes of this WWTP MP, these costs are included as annual costs for each of the three phases described in previous project component descriptions. The estimated probable project costs for VFD replacements in Phase 1 and Phase 2 are \$358,000 for each phase and are \$714,000 for Phase 3.

As indicated above, it is recommended that a VFD replacement program be implemented to replace selected VFDs each year. If the VFD replacement program does not keep pace with failing VFDs, it may be necessary to implement a capital project to replace multiple years' worth of VFDs in a single project.



Possible Improvements for Reuse Opportunities (4.1.17) - The Village of Ruidoso and City of Ruidoso Downs Regional Wastewater Treatment Plant (WWTP) Joint Use Board (JUB) commissioned a study, the Reclaimed Wastewater Reuse Strategy, September 2020 (MC), to evaluate possible reclaimed wastewater reuse strategies to reduce the quantity of reclaimed wastewater discharged to the Rio Ruidoso.

Since this Study was prepared just 2 years ago, the context, alternatives, and recommendations are still valid and need not be reiterated in this WWTP MP. The costs presented in the Study are in 2020 dollars, so the substantial cost escalation observed since that time must be accounted for if any of the recommendations are pursued within the planning period of this WWTP MP.

Since the scope of reuse is not currently defined, it is not included in any of the proposed implementation phases. The need to implement reuse will likely be triggered by events that take several years to unfold. As such, there should be adequate time to plan and budget for these facilities once the need is identified.

Composting Facility (4.1.18) - SMA prepared an analysis of the facilities required to produce a Class A biosolids product from the sludge generated at the WWTP, as presented in Appendix L of the WWTP Master Plan. The estimated cost for these facilities is \$2,635,000.

Construction of the Class A biosolids treatments facilities is critical to the successful operation of the RWWTP, since biosolids currently tend to be difficult to dispose of at locations other than the landfill. As such, these facilities are recommended to be included in Phase 1 of the Capital Improvements in the 5-Year category.

There are no other unit processes that are dependent upon the work proposed for implementing the Class A biosolids facilities. As such, the implementation of these facilities can proceed as soon as practical once the land for the facility has been identified.

Annual WWTP Operating Budget (4.3) – Annual operating costs for the WWTP consist of labor, power / utilities, maintenance materials, and chemicals. The current budget for these annual operating costs based on data from the Village are summarized below, along with estimated annual operating costs for the expanded facilities as recommended in the RWWTP Master Plan.

Labor (4.3.1) - The current annual budget for labor for all RWWTP employees is \$1,010,940. With the additional two staff members as recommended in Section 6.4 of the RWWTP MP, the labor cost for the RWWTP is expected to increase by 20% to \$1,213,128 per year.

Power/Utilities (4.3.2) - The current amount budgeted for power and utilities at the RWWTP is \$550,000 per year. Adding the fourth MBR train and equipping the fourth aerobic digester cell is projected to add approximately \$133,000 per year in power costs for a total annual cost of \$683,000.

Maintenance Materials / Chemicals (4.3.3) - Currently, \$384,000 is budgeted annually for plant maintenance at the WWTP and \$200,000 is budgeted per year for chemicals. By increasing the capacity of the WWTP from 2.70 mgd to 3.60 mgd with the recommended improvements identified in this WWTP Master Plan, it is reasonable to estimate the costs for maintenance materials and chemicals will increase proportionately by 33% to \$512,000 per year for maintenance materials and \$267,000 for chemicals.

Summary of Annual Operating Costs (4.3.4) - The current budgeted annual operating costs and the projected annual operating costs for the RWWTP are summarized in Table 4-1.

**TABLE 4-1  
 REGIONAL WASTEWATER TREATMENT PLANT (RWWTP)  
 CURRENT AND PROJECTED ANNUAL OPERATING COSTS**

DESCRIPTION	CURRENT BUDGET	PROJECTED ANNUAL OPERATING COST
Labor	\$ 1,010,940	\$ 1,213,128
Power / Utilities	\$ 550,000	\$ 683,000
Maintenance Materials	\$ 384,000	\$ 512,000
Chemicals	\$ 200,000	\$ 267,000
<b>TOTALS</b>	<b>\$ 2,144,940</b>	<b>\$ 2,675,128</b>

**Summary of Total Project Costs, Recommended Phasing, and Implementation Over Time (4.4)** – A summary of the probable construction costs for the various proposed improvements at the WWTP is shown in Table 4-2, including grouping of the project elements into three phases being, Phase 1 – Improvements for First 5 Years; Phase 2 – 10-Year Improvements; and Phase 3 – 20-Year Improvements.

The proposed projects listed in Table 4-2 are shown in a conceptual timeline by year over the planning period in Figure 4-1. The estimated project costs are broken down by year with conceptual summations of costs by year in 2022 dollars for planning purposes. In an attempt to account for inflation over the planning period, a line item is included at the bottom of Figure 4-1 showing escalating costs using an annual escalation rate of 4.0%.

**TABLE 4-2  
SUMMARY OF PROBABLE PROJECT COSTS FOR REGIONAL WASTEWATER  
TREATMENT PLANT (RWWTP) IMPROVEMENTS BY PHASE**

PHASE	PROBABLE PROJECT COST <sup>(1)</sup>
<b>Phase 1 – Improvements For First 5 Years</b>	
Fine Screen Improvements	\$ 4,235,000
Storage Building	\$ 2,582,000
Equip Fourth MBR Train	\$ 10,644,000
RAS Screening	\$ 1,454,000
Recycle Pump Improvements	\$ 1,139,000
UV Equipment Replacement	\$ 1,505,000
General Site Improvements and Building Demolition	\$ 1,459,000
Process Piping and Upgrades / Influent Lift Station	\$ 1,076,000
Entrance Works Coarse Screen Replacement	\$ 1,143,000
VFD Replacements – Years 1-5	\$ 358,000
Composting Facility for Class A Biosolids <sup>(3)</sup>	\$ 2,635,000
<b>Subtotal 5-Year Improvements:</b>	<b>\$ 28,230,000</b>
<b>Phase 2 – 10-Year Improvements</b>	
RAS Pump Reliability Improvements	\$ 379,000
Membrane Replacement	\$ 7,962,000
Equip Fourth Digester Cell	\$ 2,294,000
General Site Improvements and Building Demolition	\$ 3,605,000
Blower Piping and Site Valve Improvements	\$ 861,000
Joint Use Interceptor Upgrades <sup>(2)</sup>	
• MH 8004 to WWTP	\$ 257,000
• MH 8084 to MH 8080	\$ 1,032,000
• MH 8070 to MH 8050	\$ 3,386,000
VFD Replacements – Years 6-10	\$ 358,000
<b>Subtotal 10-Year Improvements:</b>	<b>\$ 20,134,000</b>
<b>Phase 3 – 20-Year Improvements</b>	
General Site Improvements and Building Demolition	\$ 5,910,000
Corrosion Protective Coatings Improvements	\$ 1,702,000
VFD Replacements – Years 11-20	\$ 714,000
<b>Subtotal 20-Year Improvements:</b>	<b>\$ 8,326,000</b>
<b>TOTAL RECOMMENDED CAPITAL IMPROVEMENTS:</b>	<b>\$ 56,690,000</b>

<sup>(1)</sup> Project costs include professional services at 18% and NMGRT at 8.3125%.

<sup>(2)</sup> Refer to the Wastewater Collection System MP for details.

<sup>(3)</sup> Refer to Appendix L, prepared by Souder Miller & Associates.

Village of Ruidoso, NM  
2023 Combined Enterprise Utility Master Plan and Rate Study Summary Report

CIP Elements	Estimated Duration	Estimated Total Cost <sup>(1)</sup>	Schedule and Allocation of Costs by Fiscal Year																								
			2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044				
<b>Phase 1 - Improvements for First 5 Years</b>																											
Fine Screen Improvements	24 months	\$4,235,000																									
Storage Building	18 months	\$2,582,000	\$1,694,000	\$3,541,000																							
Equip Fourth MBR Train	30 months	\$10,644,000		\$4,233,000	\$4,233,000	\$2,128,000																					
RAS Screening	24 months	\$1,454,000		\$582,000	\$872,000																						
Biocycle Pump Improvements	18 months	\$1,139,000			\$797,000	\$342,000																					
UV Equipment Replacement	18 months	\$1,505,000	\$802,000																								
General Site Improvement and Building Demolition <sup>(1)</sup>	24 months	\$1,459,000			\$292,000	\$875,000	\$292,000																				
Process Piping and Upgrades	18 months	\$1,076,000				\$323,000	\$753,000																				
Coarse Bar Screen Improvements	18 months	\$1,143,000	\$800,000	\$343,000																							
VFD Replacements - Year 1-5	60 months	\$338,000	\$72,000	\$72,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	
Composting Facility for Class A Biosolids <sup>(1)</sup>	12 months	\$3,653,000			\$1,318,000	\$1,317,000																					
<b>Phase 2 - 10-Year Improvements</b>																											
RAS Pump Reliability Improvements	18 months	\$379,000				\$114,000	\$265,000																				
Membrane Replacement	30 months	\$7,982,000				\$1,392,000	\$3,981,000	\$2,389,000																			
Equip Fourth Digester Cell	18 months	\$2,394,000				\$1,605,000	\$888,000																				
General Site Improvements and Building Demolition <sup>(1)</sup>	24 months	\$3,665,000				\$721,000	\$2,165,000	\$721,000																			
Blower Piping and Site Improvements	18 months	\$861,000				\$317,000	\$544,000																				
Joint Use Interceptor Upgrades (MER004)	12 months	\$257,000				\$129,000	\$128,000																				
Joint Use Interceptor Upgrades (MER084)	12 months	\$1,052,000				\$516,000	\$516,000																				
Joint Use Interceptor Upgrades (MER070)	18 months	\$3,386,000				\$1,018,000	\$2,370,000																				
VFD Replacements - Year 6-10	60 months	\$358,000				\$72,000	\$72,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	
<b>Phase 3 - 20-Year Improvements</b>																											
General Site Improvements and Building Demolition <sup>(1)</sup>	48 months	\$5,910,000				\$887,000	\$1,478,000	\$2,364,000	\$1,181,000																		
Corrosion Protective Coatings Improvements	24 months	\$1,702,000																									
VFD Replacements - Year 11-20	120 months	\$714,000																									
TOTALS in 2022 Dollars		\$56,690,000	\$5,018,000	\$4,774,640	\$5,212,819	\$5,651,548	\$5,387,199	\$5,656,219	\$5,450,994	\$6,633,612	\$6,451,435	\$6,551,594	\$2,465,530	\$2,384,614	\$3,898,513	\$2,084,673	\$1,222,949	\$1,048,149	\$2,367,702	\$138,301	\$148,833	\$158,014					
<b>TOTALS AT ANNUAL ESCALATION RATE OF: 4.0%</b>																											

CAPITAL IMPROVEMENT PLAN - CONCEPTUAL IMPLEMENTATION SCHEDULE  
FIGURE 4-1

### **Funding Opportunities (4.5)**

The funding opportunities for CIP improvements are the same for the WWTP as for the Wastewater Collection System with one exception. The WWTP can also apply for funding through the Water Trust Board. Please refer to the Funding Opportunities section under the Wastewater Collection System for a description of funding opportunities that apply to both the Wastewater Collection System and the WWTP. Funding through the Water Trust Board is described below as it pertains to the WWTP CIP improvements. As mentioned in the Wastewater Collection System Funding Opportunities section, the VOR believes it is reasonable to expect a 15% grant funding package for the recommended overall CIP improvements.

#### **NMFA Water Trust Board - Water Project Fund (WPF) (4.5.5)**

Water Trust Board applications for the WPF open between July-September and are a loan/grant combination (loan component 10-40%). Minimum match is determined by project type (storage or conservation) and community MHI. Grants for design only projects are eligible for up to \$500,000.

The WPF prioritizes smaller systems and shovel ready projects, but this is not required. The WPF may be an option for smaller elements/phases of the project but could not fulfill the cost needed unless applied for multiple times over the course of the project. The UV Equipment Replacement project component (at an estimated cost of \$1,505,000) may be a possible project to apply for WPF funding.

**WWTP CIP Conclusions and Other Considerations (4.5)** – Based on the investigations and analyses conducted for the development of this WWTP Master Plan, it is evident that the WWTP is well operated and maintained, and the operations staff routinely optimize the process to efficiently product high quality effluent.

A number of improvements are recommended in the WWTP Master Plan, as follows.

- Improvements to address aging equipment or changed conditions - Fine screens, Coarse screen improvements, UV equipment replacement, RAS screening, Replacement of existing membranes, VFD replacements, Recycle pump improvements, and Class A Biosolids production facilities.
- Growth-related improvements - Equip fourth MBR train, Equip fourth digester cell, and Joint Use Interceptor upgrades.
- Site and Ongoing Improvements - Storage building, General site improvements, Building demolition, Process piping and upgrades, Blower piping and site improvements, and Corrosion protective coatings improvements

**Solid Waste System**

Five-Year Capital Improvement Plan (4.a) – Each Solid Waste Department asset was evaluated to determine a realistic estimated life projection. Scheduled rehabilitation for each asset was also considered to determine if rehabilitation would cost-effectively provide the level of service performance required of the equipment to continue high performance through the term of its service life. For those assets where mid-life rehabilitation was found to be cost-effective, the rehabilitation costs have been included in the following 5, 10, and 20-year CIP Plans.

SMA used this information and created a Capital Improvement Planning Tool (CIPT) to project the remaining life of an asset and to show which year the asset needs to be rehabilitated or replaced.

The Solid Waste CIPT includes the asset data collected from the Village solid waste staff and provides the rolling 20-year cost projection for asset rehabilitation and replacement. A link to access the CIP Planning Tool document is included in Appendix G of the Solid Waste Master Plan.

In addition to the projected solid waste asset rehabilitation and replacement costs from the CIPT, additional CIP costs were added to address other capital improvement needs identified within the Solid Waste Department.

During discussions with the Solid Waste Department staff, they identified some key purchases that are proposed for purchase in Fiscal Year 2023. These purchases are shown in the following table for information purposes along with the Five-Year CIP purchases:

Table 8 – Five-Year Solid Waste Capital Improvement Plan (cont. next page)

Capital Item	Veh. #	Year Purch	FY 23-24	FY 24-25	FY 25-26	FY26-27	FY 27-28
110 CY Walk. Flr Trailer	5359	2007	110,000		140,608		
110 CY Walk. Flr Trailer	8721	2017				39,370	
4WD Dumpster Truck	9204	1999	100,000				
Dumpster Trailer	DT0001	1998	75,000				
Semi Haul Truck	9627	2008	240,000				
Grapple Truck	1373	2011					
Bear Mess Truck	2567	2013					87,739
Bear Mess Truck	5223	2013					87,739
Bear Mess Truck	1337	2013					87,739
Bear Mess Truck	6209	2013					87,739
300 - 3CY Dumpsters		2007					
Collection Truck	4992	2002	325,000				
64 - 3CY Dumpsters		2008	50,000				
Restroom and Office		New	90,000				
Reloc. FH and Hose		2015	10,000				
Pit Scale Replacement		1999		104,000			
300 - 3CY Dumpsters		2009		194,688			
Collection Truck	0301	2015			43,264		
300 - 3CY Dumpsters		2010			202,475		

Capital Item	Veh. #	Year Purch	FY 23-24	FY 24-25	FY 25-26	FY26-27	FY 27-28
Maint. Bldg. Improvements		1999			137,363		
Grapple Truck	9629	2007					321,711
Grapple Truck	1744	2017					29,247
300 - 3CY Dumpsters		2011				210,574	
Semi Haul Truck	3058	2018					
300 - 3CY Dumpsters		2012					218,998
New Conv. Center		2025		1,288,000			
Roll-off Haul Trucks (2)		2025		550,000			
30 CY Roll-offs (8)		2025		72,000			
New Ropax Compactor		2025		90,000			
<b>TOTAL</b>			1,000,000	2,298,688	523,711	249,944	920,912

Twenty-Year Capital Improvement Plan (4.b) – As noted earlier, the Solid Waste CIPT includes the asset data collected from the Village Solid Waste Department staff and provides the rolling 20-year cost projection for asset rehabilitation and replacement along with additional CIP costs that were added to address other capital improvement needs identified within the Solid Waste Department. The Twenty-Year CIP is shown in reduced size as follows. The full-size Twenty-Year CIP is included in Appendix G of the Solid Waste Master Plan.





### Funding and Grant Opportunities (4.c)

#### **Recycling and Illegal Dumping Fund**

The Recycling and Illegal Dumping (RAID) grant provides funding for the prevention and abatement of illegal dumpsites and the promotion of environmentally sound methods for reuse and recycling.

Grants are available to:

- Municipalities
- Counties
- Solid waste authorities
- Pueblos, tribes, and nations
- Land grant communities
- Cooperative associations (as defined in the Recycling and Illegal Dumping Act)

Ineligible entities are encouraged to partner with eligible entities.

About \$800,000 is available annually for:

- Offsetting the cost of scrap tire collection and recycling
- Abating illegal dumpsites
- Establishing recycling facilities
- Developing recycling infrastructure
- Purchasing equipment for recycling and scrap tire management
- Performing marketing regarding recycling and scrap tire management
- Providing educational outreach regarding scrap tire management, recycling, and illegal dumping
- Purchasing products produced by a recycling facility
- Contracting with vendors to promote recycling

At least two-thirds of budgeted grant money in each fiscal year is allocated to scrap tire abatement and recycling programs, and one-third is allocated to abatement of illegal dumping and recycling of other solid wastes. Matching funds and in-kind contributions are not required but are encouraged.

Projects are funded on a fiscal year cycle, July 1 to June 30. Funded projects must be completed within the fiscal year. A list of previously funded projects is available on the New Mexico Environment Department – Solid Waste Bureau website: <https://www.env.nm.gov/funding-opportunities>. For additional information, contact the Solid Waste Bureau at: [SWB.inbox@state.nm.us](mailto:SWB.inbox@state.nm.us) or (505) 827-0197.

#### **Solid Waste Facility Grant Fund**

The goal of the Solid Waste Facility Grant Fund is to enable New Mexico solid waste facilities to implement projects that will help protect the health of the environment and residents of New Mexico now and for future generations. Funding for the Solid Waste Facility Grant is made available by revenues from penalties associated with Solid Waste Bureau enforcement actions.

The grant program is authorized by the New Mexico Solid Waste Act, Section 74-9-40.C NMSA 1978, and Solid Waste Rules, 20.9.25 NMAC. The purpose of this grant is to enable the development, engineering, construction and operation of solid waste facilities and systems throughout the state.

Only the following entities may apply for Solid Waste Facility Grant funding:

- Counties
- Municipalities
- Solid waste authorities

Examples of eligible projects include:

- Environmental monitoring wells (groundwater, methane)
- Final closure design and certifications; purchase of materials for final cover
- Traffic flow improvements at landfills, transfer stations, collection centers
- Weather stations
- Equipment purchases
- Litter control mechanisms
- Site surveys, engineering plans

Prioritization of awards is based on criteria described in 20.9.25.10 NMAC. Multiple eligible entities may submit a grant application jointly. Ineligible entities may partner with an eligible entity.

Please contact the NMED Solid Waste Bureau to discuss how expenses associated with the proposed project may fit within eligible expenses. Eligible expenses are described in 20.9.25.9(C)(1) NMAC and include, but are not limited to:

- Planning for the development of a regional solid waste disposal facility or for regional disposal services
- Costs of engineering feasibility reports, contracted engineering design, inspection of construction, special engineering services which includes, but is not limited to, the preparation of operation and maintenance manuals
- Contracted facility construction, operation, or system operation

Projects are funded on a fiscal year cycle, July 1 to June 30. Funded projects must be completed within the fiscal year. Contact the Solid Waste Bureau at: [SWB.inbox@state.nm.us](mailto:SWB.inbox@state.nm.us) or (505) 827-0197.

### **Legislative Funding**

The most common option for solid waste funding is to have new solid waste projects and programs added to the Village Infrastructure Capital Improvement Plan (ICIP) and then pursued for NM Legislative Funding through a Legislator.

Another potential option is pursuing funding when there is the possibility of a junior bill with the Legislature. This doesn't happen very often. Last year there was an exceptionally large surplus, so the Senate passed a junior bill to distribute those dollars. The village's local Senator could put in the request and wait for approval and signature from the Governor.

A regional entity requested their Senator to ask for projects that would be within his allocated amount to fund. The entity asked for \$100,000 for utility upgrades (primarily solar). The Senator put the request in the bill, and it was approved and signed by the Governor.

### **EPA Solid Waste Funding**

Under the new Environment Infrastructure Investment and Jobs Act (IIJA), the EPA has established a five-year grant program of approximately \$40,000,000 per year named the Solid Waste Infrastructure for Recycling (SWIFR) Grant program. This program for communities and counties is focused on reducing the amount of solid waste going to landfills while increasing the amount and management of post-consumer materials.

This funding provides for both construction and operation costs of a solid waste project that meets the funding requirements. This competitive funding program has a minimum award of \$500,000 and a maximum award of \$4,000,000. Approximately 25 awards are proposed for the \$40,000,000 program, so the average funding amount will be in the \$1.5 to \$2 million range. The funds are required to be expended over a two-to-three-year time period. No matching funds are required, but if a community can leverage the grant with local funds, additional points can be awarded in the competitive process.

The program has stringent reporting requirements to identify and report the tonnage of materials diverted from the landfill and transformed into post-consumer materials. With these requirements, the project that is most applicable for this funding is the composting program. Since this is a nationwide competitive grant, it would most likely be necessary to aggressively compost both the WWTP biosolids and other organics (food waste, etc.) identified in the Waste Characterization section of the Solid Waste Master Plan to achieve competitive volumes to rank highly in the scoring process.

With the additional composting of food waste and other organics, additional complexity to the composting process would be added, along with a potential odor component to the process. However, with the compost being processed to a Class A level, the resulting compost could become a valuable product that could be sold under a NMDOT process. This type of “circular” recycling is a key goal of the funding and would help achieve a better competitive score for the application.

Since this is a nationwide grant program, it will be a very competitive application process. However, the EPA has agreed to fund at least one application in each EPA region. The grant application process is accessed under grants.gov and ordinarily begins in November and closes in February or March of the next year. If approved, the projects could begin in the fall of that year. For additional information, please see the following link: [Solid Waste Infrastructure for Recycling Grant Program | US EPA](#)

### **Funding Strategy**

Since the largest share of potential funding would be for the composting program that is operated and funded under the WWTP budget, it would be an extreme challenge to acquire a 30% funding level for the remaining Solid Waste CIP expenditures. If a coordinated effort was made to annually pursue legislative grants and NMED grant funds each year in approximate \$100,000 amounts, there is a chance that approximately \$2,000,000 could be acquired, which would equate to a funding level of approximately 12.6%.

Risk and Consequence of Failure Analyses with the Critical Asset List (4.d)

During the initial facility inspection of the Solid Waste Department facilities, SMA and the Village staff discussed each vehicle and major equipment asset. The following table is based on those discussions and lists the Solid Waste Department assets and associated information including the year purchased, quantity, condition, and criticality for each asset. The condition of the asset is used in determining the probability of failure (PoF) and the Consequence of Failure (CoF).

This information was used to calculate the Critical Asset Rating for each asset, which is also known as Business Risk Exposure (BRE). After the table, the Critical Asset Rating Matrix is also shown to present the data in graphic format. The BRE should be considered each year during the budget planning process along with the CIP asset rehabilitation and replacement projections to make sure key assets are precluded from failure.

Table 10 – Solid Waste Critical Asset List (cont. next page)

Year	Asset Type	Quantity	Condition (PoF)	Consequence of Failure (CoF)	Criticality (BRE)
1999	Transfer Sta. Pit Scale	1	4	4	16
2013	Transfer Sta. Blower	1	4	4	16
2013	Transfer Sta. Fire Hose relocation	1	4	4	16
1999	4WD Dumpster Truck	1	4	4	16
1998	Dumpster Lift Trailer	1	4	4	16
2007	3 CY Dumpsters	234	5	3	15
2008	3 CY Dumpsters	234	5	3	15
2008	Semi Haul Truck	1	3	4	12
2007	Grapple Truck	1	3	4	12
2011	Grapple Truck	1	3	4	12
2009	3 CY Dumpsters	234	4	3	12
1999	Shop Backhoe	1	3	4	12
2010	3 CY Dumpsters	234	4	3	12
2011	3 CY Dumpsters	234	4	3	12
1999	Transfer Sta. Bldg.	1	3	4	12
2013	Transfer Sta. Interior and Exterior lighting	16	4	3	12
1970	Maintenance Bldg. Restroom/Office	1	4	3	12
2013	Maint. Bldg. Lighting	16	4	3	12
1977	Maint. Bldg. Walls Replacement	1	5	2	10
2017	Maint. Bldg. Blower	1	5	2	10

Year	Asset Type	Quantity	Condition (PoF)	Consequence of Failure (CoF)	Criticality (BRE)
1997	Maint. Bldg. Roof Insul.	1	5	2	10
2012	3 CY Dumpsters	234	3	3	9
2013	3 CY Dumpsters	234	3	3	9
2014	3 CY Dumpsters	234	3	3	9
2015	3 CY Dumpsters	234	3	3	9
2016	3 CY Dumpsters	234	3	3	9
2017	3 CY Dumpsters	234	3	3	9
2008	Transfer Sta. Heaters	1	3	3	9
2010	Transfer Sta. Heaters	1	3	3	9
2015	Sideloader Collection Truck	1	2	4	8
2020	Sideloader Collection Truck	1	2	4	8
2002	Sideloader Collection Truck	1	2	4	8
2018	Semi Haul Truck	1	2	4	8
2007	Walking Floor Trailer	1	2	4	8
2017	Walking Floor Trailer	1	2	4	8
2017	Grapple Truck	1	2	4	8
2013	Bear Mess Truck		2	4	8
2013	Bear Mess Truck		2	4	8
2013	Bear Mess Truck		2	4	8
2013	Bear Mess Truck		2	4	8
2013	Transfer Sta. Gate/Fencing	1	2	4	8
2018	3 CY Dumpsters	234	2	3	6
2019	3 CY Dumpsters	234	2	3	6
2020	3 CY Dumpsters	234	2	3	6
2021	3 CY Dumpsters	234	2	3	6
2019	Transfer Sta. Floor Drains	1	1	4	4
2020	70 Ton Equipment Lift	1	1	4	4
2021	4WD Shop Truck	234	1	4	4

The

Condition rating (also Probability of Failure – PoF) is a 1-5 rating with 1 being “new”, 5 being “failing” and 3 being “average”. The Consequence of Failure (CoF) Rating is a 1-5 rating with 1 being “minimal consequences”, 5 being “catastrophic consequences”, and 3 being “significant consequences”. The 4 rating correlates to “major consequences”.

Figure 25 shown following, provides a graphical representation of the Critical Asset BRE Ratings as calculated above.

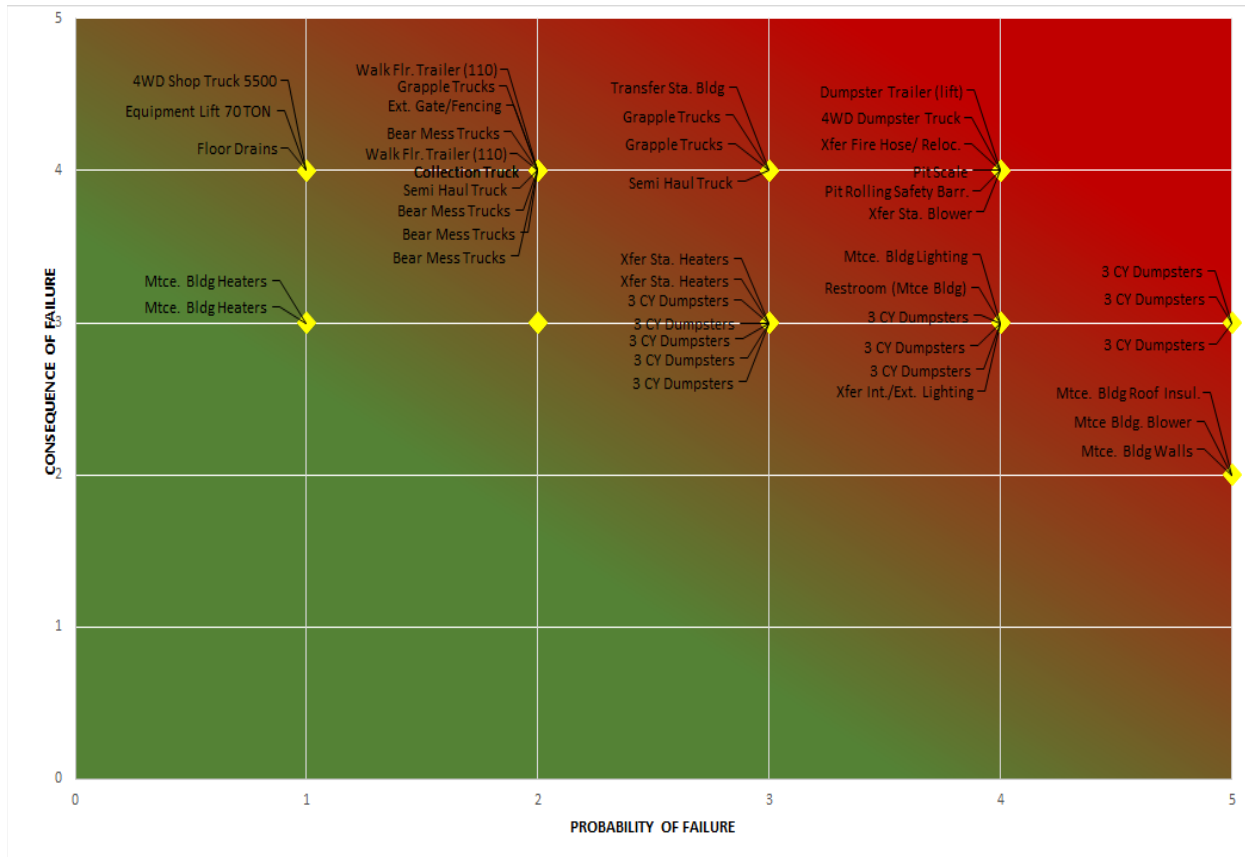


Figure 4 - Critical Asset Graph

Please note the consultant was not contracted to perform a complete inspection of the vehicles. The “Condition” and “Consequence of Failure” ratings above were provided by the Solid Waste Department staff.

Prioritized Phase Approach with Planning Level Costs (4.e)

A key tenet to keep in mind during capital improvement planning is to attempt to schedule asset rehabilitation and replacement on a phased basis so the costs can be spread out as evenly as possible through future fiscal years.

For example, although many dumpsters were purchased in previous years in varying amounts, the plan for replacement provides a consistent number of dumpsters to be replaced each year including planning level costs adjusted by an inflation factor to spread the replacement cost evenly and accurately over the planning period.

As the CIPT and resulting 20-Year CIP are reviewed, the overall asset rehabilitation and replacement costs are distributed well throughout the entire period.

#### Future CIP Prioritization Process Recommendations (4.f)

In order to assist communities with the annual CIP prioritization process, SMA has prepared the Capital Improvement Planning Tool (CIPT). The CIPT is a sophisticated tool that uses several asset variables to project when assets need to be replaced or rehabilitated.

In addition to estimated life, the CIPT uses information on asset installation date, condition, replacement costs, rehabilitation costs (if applicable), rehabilitation frequency, maximum allowable rehabilitations, and other information to provide a rolling 20-year projection of the rehabilitation and replacement costs for each asset.

#### **Actual Condition Rating Data**

It is understood that when a community begins asset management, many assets do not have inspected condition rating information. For this reason, asset rehabilitation and replacement in the CIPT is initially based upon the asset installation date and the expected life.

However, for communities that have digital work order systems that allow condition data to be included for an asset, each time the asset is maintained or repaired, actual condition data can be entered with the work order. This process fills and updates the database with the actual conditions of the assets. After condition data is imported into the CIPT, replacement or rehabilitation projections can then be shown in the CIPT for actual asset conditions rather than just an age-based projection.

The CIPT also contains two additional tools for communities that have digital work orders and the ability to track work order maintenance and repair costs including labor, material, and equipment costs. These additional tools can assist a supervisor by identifying which, if any, of the many hundreds of assets are deteriorating more rapidly than they should be and may need to be replaced well before the estimated asset life has been reached. The additional tools are discussed below.

#### **Unusual Asset Maintenance & Repair Cost Increases by Year**

The first of these CIPT tools compares the total asset maintenance and repair costs from the present year to the previous year. If the present year cost exceeds the previous year cost by more than 50%, a red flag shows up on that asset line. The supervisor is then alerted to check that asset and find out why the red flag appeared. If an asset is deteriorating more rapidly than expected, the asset may need additional monitoring, maintenance, rehabilitation, or plans for replacement.

#### **Total Cost/Year of Asset Operation**

The second of the CIPT tools is configured to calculate each initial asset cost divided by the number of years in operation to determine the average cost per year of operation. This number is added to the corresponding annual maintenance and repair costs to determine the total cost per year of operation. Shown below is a graph showing an example of these costs plotted over time for an asset.

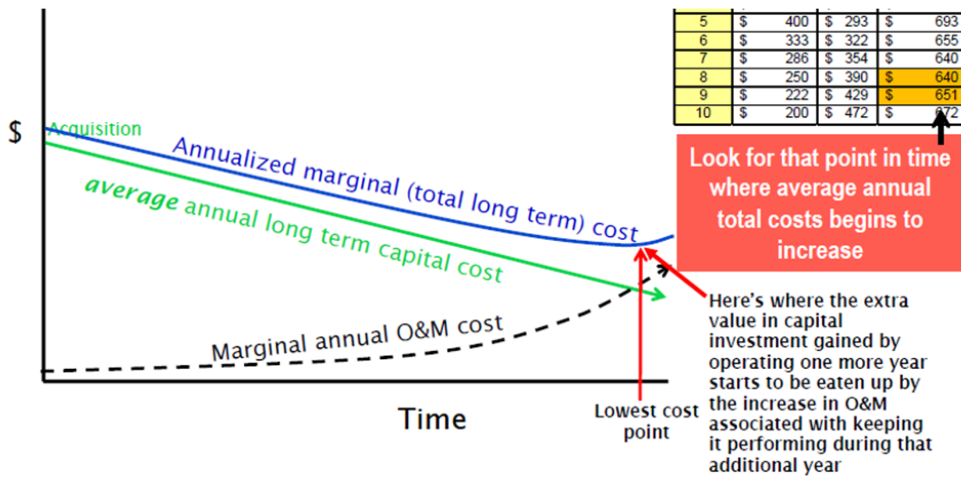


Figure 26 - Life Cycle Costing Asset Replacement Time Indicator

The increase in the total cost of asset operation is an indication that an asset needs to be evaluated for potential repair, rehabilitation, or replacement. This function is built into the CIPT, and a “red flag” will identify assets with increased year over year total costs.

The goal is to use the work order software, the CIPT, and the CityWorks® asset database to manage the asset data. In time, there will be enough maintenance and repair data available to enable the system to identify where total asset costs are increasing and flag when it is potentially more cost effective to rehabilitate or replace a prematurely deteriorating asset.

### CIPT Annual Update

As noted earlier, the CIPT provides a 20-year rolling cost projection for asset rehabilitation and replacement costs. Each year, asset condition, maintenance and repair costs can be uploaded from the database to the CIPT in January and updated for the new year.

The CIPT will then provide the 20-year asset rehabilitation and repair costs by year, provide the updated Critical Asset BRE matrix and ratings, and will also show red flagged assets that may be prematurely deteriorating.

### CIP and Budget Process Recommendations

First, the red-flagged assets should be checked out to see if additional asset rehabilitation, repair or replacement is needed. Second, the updated Critical Asset List matrix and BRE data should be reviewed to determine if there are any critical assets that need additional asset rehabilitation, repair, or replacement. And finally, the first-year asset rehabilitation and repair costs shown in the CIPT can be evaluated for inclusion into the spring budget, as needed. These CIPT annually updated results can also be used to prepare the Village Five-Year CIP each fall.

If this process were followed for each enterprise utility each year, you would have a common process that could be compared directly to set priorities. With actual asset condition data updated every year in January, you would have an accurate critical asset list and accurate asset rehabilitation and replacement recommendations in the CIPT 20-year cost projection.



## Municipal Code Review and Recommendations

### Water System Chapter 10

SMA reviewed the Village's Water Ordinances Chapter 86 Articles I and II. The following recommendations are based on the review of the Village's cross-connection control program and water conservation program discussed above.

- SMA recommends that Sec.86-31.f.2 be revised to include backflow prevention for connections to fire hydrants in addition to the metering requirements. Below is an example from the Lower Rio Grande Public Water Works Authority (LRGPWWA) Cross Connection Prevention and Control Policy:

*All fire hydrants used for drawing water for filling tanks and tank trucks and for temporary irrigation systems must have an air-gap or approved reduced pressure principle backflow prevention assembly installed by the Authority at the Customer's expense.*

- SMA recommends that Sec.86-31.j be revised to increase water volume restrictions to improve the Village's water conservation efforts. Specific recommendations would include increasing faucet restrictions to 1.3 gallons per flush and urinals to 0.5 gallons of water per flush based on the City of Santa Rosa, New Mexico Ordinances. Below is an example from the City of Santa Rosa Water Conservation Ordinances:

*Metered faucets. Self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in but not limited to public institutions, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver not more than 0.25 gallons (0.9 liters) of water per use. New construction must install infrared sensor hands-free faucets in all buildings with public access.*

- SMA recommends that Sec.86-31 be revised to include cross connection control policies. Below is an example from the LRGPWWA Cross Connection Prevention and Control Policy:

*Effective the date of adoption of this policy, all new commercial premises must have a reduced pressure principal backflow prevention assembly installed by the Authority at each service connection to the customer's water system or at a location approved by the Authority.*

*Effective the date of adoption of this policy, all existing commercial service connections that do not have a backflow prevention assembly shall have one installed by the Authority at the Customer's expense at each commercial service connection or at a location approved by the Authority. All non-residential irrigation water systems connected to the Authority's system must have a reduced pressure principle backflow prevention assembly installed by the Authority at Customer's expense at the service connection on the public water system.*

*All customers connected to a non-potable water system and the public water system shall have a reduced pressure principal backflow prevention assembly installed by the Authority at the Customer's expense at the potable service connection.*

## Wastewater System

**Municipal Code Review (5.1)** – For this Masterplan a review of the Village of Ruidoso *Code of Ordinances Village of Ruidoso, New Mexico, Chapter 86 – Utilities, Article III – Sewers, 1998* (Village of Ruidoso) for the collection system was conducted. The current code includes the following main sections:

- Sewer availability; connection with public system.
- Rates and charges.
- Sewer use regulations.

More detailed information is available at [https://library.municode.com/nm/ruidoso/codes/ code of ordinances](https://library.municode.com/nm/ruidoso/codes/code_of_ordinances) (website available as of September 2, 2022).

The sewer availability (connection with public system) code expresses that all occupied property in the Village used for human habitation or occupancy which is capable of being served by the public sewer system within 200 feet shall be connected with the public sewer system; and no person shall maintain, use or operate a privy, cesspool or septic tank located on property which can be served by the public sewer system; provided that no person shall be required to cross the private property of any person to make such sewer connection or tie into any private sewer line; and provided further that, in lieu of a public sewer connection where no public sewer line is accessible, an approved septic tank and seepage facilities shall be installed.

The rates and charges are divided by categories that detail the different rate structure and charges within in the Village municipal code. In the municipal code sections, listed below, the code identifies the different type of utility charges from new connections to monthly charges; these municipal code sections include water usage in additional to the collection system usage.

- New taps and extension.
- Mandatory charges.
- Minimum monthly charges.
- Commodity charge.
- Sewer customers without municipal water service.
- Sewer connections serving multiple residential units.
- Tank truck discharge.
- Standby charge imposed.
- Application of standby charge.
- Adjustment of charges.

The municipal code sections identify explicitly the regulations of sewer connections and uses; however, there is not a new construction or utility Village of Ruidoso-specific design document.

Sec. 86-64 – Sewer use regulations, identifies the different regulations in effect regarding the sewer usage for residential, commercial, and industrial users. The regulations include the following:

“(b) *Discharge of runoff or groundwater.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the village.

I *Prohibited discharges.* No person shall discharge or cause to be discharged any of the following described liquids or wastes into any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any plants, create a public nuisance, or create any hazard in the receiving waters or the wastewater treatment works, including but not limited to cyanide in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Any persistent pesticides or herbicides, such as dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane and BAC or other toxic refractory organic chemicals.”

Maximum concentrations of heavy metals is summarized from Sec. 86-64 – Sewer use regulations, in Table 5-1, shown following.

**TABLE 5-1  
 MAXIMUM CONCENTRATIONS OF HEAVY METALS BASED ON EXISTING  
 ORDINANCES FOR THE VILLAGE OF RUIDOSO, NEW MEXICO –  
 CHAPTER 86, ARTICLE III, SECTION 86-64**

<b>HEAVY METALS (SEC. 86-64, D)</b>			
Any liquid or wastes from nonresidential point source discharges to the VOR’s sewerage system shall not exceed the following concentrations for the listed heavy metals, if attainable by the best practicable control technology available (milligrams per liter [mg/L]):			
Arsenic	0.05	Manganese	1.0
Barium	5.0	Mercury	0.005
Boron	1.0	Nickel	1.0
Cadmium	0.02	Selenium	0.02
Chromium	5.0	Silver	0.02
Copper	1.0	Zinc	5.0
Lead	0.1		

If the Environmental Protection Agency (EPA) develops heavy metal limitations for a discharger into a publicly owned treatment works, the limitations established in this subsection shall correspond to that revised EPA heavy metal limitation.

“(e) *Restricted discharges*. No person shall discharge or cause to be discharged the following described substances, waters or wastes into the sewerage system if it appears likely, in the opinion of the water and sewer department, that such wastes can harm the wastewater treatment works, can have an adverse effect on the receiving stream, or can otherwise endanger life, limb or public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the water and sewer department will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature and capacity of the wastewater treatment plant and other pertinent factors. The substances which must be considered include but are not limited to the items listed in Municipal code section 86-64 Sewer Use Regulations subsect I (e) items 1-11.”

“(f) *Acceptance of restricted wastes*. If any liquid waste is discharged in the system, as listed in the subsection (4) restricted discharges, the liquid waste division may:

- (1) Reject the water/liquid waste; or
- (2) Require pretreatment to an acceptable condition for discharge into the public sewer; or
- (3) Require control over the quantities and rates of discharge into the public sewer system.

(g) *Grease, oil, and sand traps*. Grease, oil and sand traps shall be provided and properly maintained by the owner when, in the opinion of the building inspection division or wastewater department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. These are subject to the following additional regulations:

- (1) Such traps shall not be required for private living quarters or dwelling units.
- (2) All traps installed shall be sized as required in subsection 22-31(a) the Ruidoso Code as adopted by the village.
- (3) All traps shall be located so as to be readily and easily accessible for cleaning and inspection.
- (4) All traps shall be cleaned sufficiently often so as to prevent any discharge of grease, oil or sand into the village sewer system, and the owner of the premises shall keep records of the cleaning of all traps on the premises. These records shall be available for inspection by an authorized representative of the building inspection division or wastewater department during normal business hours.”

#### Wastewater System Improvement Recommendations (5.2) – 2.1.3

**Fats, Oil, and Grease (FOG)** - FOG is created during food preparation and also comes from butter, gravy, and food products such as salad dressings, sour cream, and mayonnaise. If these products are improperly disposed or poured down the drain, FOG can cause several issues for the collection system and the wastewater treatment plant (WWTP). There are six ways FOG damages municipal sewer systems, this does include the effects it can have on the WWTP:

- Fatbergs - Large accumulations of FOG form when they latch on to inorganic materials that have been flushed into the sewer from “flushable” wipes to napkins. Their appearance is similar to icebergs.

- Accumulation Overflows – Sanitary sewer overflows are caused by the accumulation of FOG in the sewer systems causing backing up and blockages. Also, incrementing premature aging sewer infrastructure. The EPA estimates 23,000-75,000 sanitary sewer overflows each year.
- Sags or Bellies – Sags or bellies developed in areas with heavy accumulation of fatbergs. The added weight of FOG can result in accumulated wastewater exerting pressure on pipelines. This problem can result in leaks, backups and burst of pipes which will require a pipe replacement which often ends up in expensive lateral rehabilitation or excavations.
- Corrosion – As FOG materials solidify, they become highly corrosive especially when allowed to build up. They will also eat away protective coatings and linings making pipes susceptible to corrosive water damage and attracting microbes and chemicals that will corrode even more the pipelines.
- Offset Joints – FOG accumulation and blockages redirect the flow and force of wastewater making pipelines joints unstable. Gradually, they can decouple or shift entirely causing leaks and pressure differentials that decreases the efficiency of the sewer main. This will result in leaks of contaminant water into the environment and the repairs require the restoration of the damaged joint.
- Hydrogen Sulfide – FOG is one of the biggest contributors to sewer gas buildups. A major safety hazard for the municipal workers are the sewer gases like hydrogen sulfide. This gas is extremely flammable which is a big risk to any repair scenario that requires cutting or that needs any spark-generating technique.

Section 6.0 details the FOG program currently in operation. The Village is working diligently to reduce the amount of FOG being discharged into the system, educating restaurant and hotel owners as well as residents in how to properly dispose of FOG, and by conducting inspections for existing and new businesses.

In order to make the FOG program more effective, it is suggested to include in the ordinance more stringent policies regarding inability to meet regulations, point source testing, and additional education for all hotels, restaurants, and business that may include printed material and posters in all public kitchens. This includes:

- Restaurant mandates within Village ordinance.
- A 3-year limited grandfather clause on all existing restaurants.
- Village point source testing facilities (port) with 5-year grandfather limitations for commercial and industrial.
- Third party of facility inspections to verify system is in good working order.

Lastly, it is recommended to the Village to adopt or develop construction standards for all new construction or renovations pertaining, pertaining to the collection system. While the Village does review and go through an approval process for new construction or utility extensions, a design standard would allow for the Village to ensure all necessary standards are met and likely decrease the review times for these items.

**Sanitary Towels and Products** - Disposable sanitary towels, baby-wipes, personal hygiene products, makeup removing wipes, disinfection wipes, paper towels, and similar product are not suitable to be discharged in the collection systems; however, a vast majority of individuals flush these items down the toilet regularly. Flushing these items combined with FOG is one of the biggest causes of sewer blockage, excessive wear on pump stations, and excessive wear and issues at the WWTP. These issues are serious and a large contributor to operation and maintenance and rehabilitation costs for various components of the collection system and WWTP.

The Village, as a vacation town with a large number of hotels, recreational vehicle (RV) parks, and other short-term rentals has a larger than average appearance of these problems. It is typical for those on vacation to not use sustainable multi-use products and to not think about where these products go once they are flushed down the toilet.

As a means to combat this issue, a large public outreach campaign is suggested to reach all residents and visitors. This should include educational components regarding flushing these products and what it can do the system via the Village of Ruidoso website, radio commercials, and literature at all hotels, RV parks, and short-term rentals. Legal consideration should be evaluated to ban the sale of flushable as well as non-flushable wipes. Alternatively, all wipes should have a “DO NOT FLUSH” sticker on the product as mandated by Village ordinance.

## WWTP System

### Review of Existing Municipal Code Provisions (5.1) -

Currently, the discharge of sewage into the Village of Ruidoso sewer system is regulated under the *Code of Ordinances Village of Ruidoso, New Mexico, Chapter 86 – Utilities, Article III – Sewers, 1998* (Village of Ruidoso). Specifically, Sec. 86-64 – Sewer use regulations, refers to the “*general sewer use requirements and with the rules and regulations promulgated under Public Law 92-500 relative to industrial wastes*”, which is summarized in Table 5-1 on the following page.

A copy of *Chapter 86 – Utilities, Article III – Sewers* is included in Appendix I of the WWTP Master Plan for reference. More detailed information is available at:

[https://library.municode.com/nm/ruidoso/codes/code\\_of\\_ordinances](https://library.municode.com/nm/ruidoso/codes/code_of_ordinances) (website available as of September 2, 2022).

Grease, oil and sand traps shall be provided and properly maintained by the owner when, in the opinion of the building inspection division or wastewater department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients.

Currently, the parameters regulated under the existing National Pollutant Discharge Elimination System (NPDES) Permit are: 5-day Biochemical oxygen demand (BOD5), Total suspended solids (TSS), Escherichia coli (E. coli) bacteria, Total residual chlorine (TRC), pH, Total phosphorus (TP), and Total nitrogen (TN).

**TABLE 5-1  
 SEWER REGULATIONS BASED ON EXISTING ORDINANCES FOR  
 THE VILLAGE OF RUIDOSO, NEW MEXICO – CHAPTER 86, ARTICLE III, SECTION 86-64**

PROHIBITED DISCHARGES (SEC. 86-64, C)	HEAVY METALS (SEC. 86-64, D)	RESTRICTED DISCHARGES (SEC. 86-64, E)																																																						
<p>Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.</p> <p>Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity to injure or interfere with any plants, create a public nuisance, or create any hazard in the receiving waters or the wastewater treatment works.</p> <p>Cyanide (CN<sup>-</sup>) in excess of two milligrams per liter as CN<sup>-</sup> in the wastes as discharged to the public sewer.</p> <p>Any waters or wastes having a pH lower than 5.5 or having any other corrosive property.</p> <p>Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.</p> <p>Any persistent pesticides or herbicides, such as dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane and BAC or other toxic refractory organic chemicals.</p>	<p>Any liquid or wastes from nonresidential point source discharges to the village's sewerage system shall not exceed the following concentrations for the listed heavy metals, if attainable by the best practicable control technology available (milligrams per liter [mg/L]):</p> <table border="0" data-bbox="690 556 893 882"> <tr><td>Arsenic</td><td>0.05</td></tr> <tr><td>Barium</td><td>5.0</td></tr> <tr><td>Boron</td><td>1.0</td></tr> <tr><td>Cadmium</td><td>0.02</td></tr> <tr><td>Chromium</td><td>5.0</td></tr> <tr><td>Copper</td><td>1.0</td></tr> <tr><td>Lead</td><td>0.1</td></tr> <tr><td>Manganese</td><td>1.0</td></tr> <tr><td>Mercury</td><td>0.005</td></tr> <tr><td>Nickel</td><td>1.0</td></tr> <tr><td>Selenium</td><td>0.02</td></tr> <tr><td>Silver</td><td>0.02</td></tr> <tr><td>Zinc</td><td>5.0</td></tr> </table> <p>If the Environmental Protection Agency (EPA) develops heavy metal limitations for a discharger into a publicly owned treatment works, the limitations established in this subsection shall correspond to that revised EPA heavy metal limitation.</p>	Arsenic	0.05	Barium	5.0	Boron	1.0	Cadmium	0.02	Chromium	5.0	Copper	1.0	Lead	0.1	Manganese	1.0	Mercury	0.005	Nickel	1.0	Selenium	0.02	Silver	0.02	Zinc	5.0	<p>Any liquid or vapor having a temperature higher than 140°F or 60°C at the service connection.</p> <p>Any water or waste containing fats, grease, wax or oils in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32°F and 140°F (0 C to 60°C).</p> <p>Any garbage that has not been properly shredded.</p> <p>Any whole blood, paunch manure, hair, fleshings or entrails.</p> <p>Any waters or wastes containing strong acid, iron pickling wastes, or concentrated lathing solutions.</p> <p>Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand.</p> <p>Any waters or wastes containing phenols or other taste- or odor-producing substances.</p> <p>Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the water and sewer department in compliance with applicable state and federal regulations.</p> <p>Any water or waste discharge that, collectively with other discharges, contains concentrations of metals which cause the treated effluent discharge from the VOR's wastewater treatment plant (WWTP) to exceed the values listed in subsection (d) of this section. Maximum concentrations (mg/L):</p> <table border="0" data-bbox="1071 1459 1291 1806"> <tr><td>Arsenic</td><td>0.05</td></tr> <tr><td>Barium</td><td>1.0</td></tr> <tr><td>Boron</td><td>0.75</td></tr> <tr><td>Cadmium</td><td>0.01</td></tr> <tr><td>Chromium (total)</td><td>0.01</td></tr> <tr><td>Copper</td><td>0.1</td></tr> <tr><td>Lead</td><td>0.05</td></tr> <tr><td>Manganese</td><td>0.01</td></tr> <tr><td>Mercury</td><td>0.001</td></tr> <tr><td>Molybdenum</td><td>0.01</td></tr> <tr><td>Nickel</td><td>0.1</td></tr> <tr><td>Selenium</td><td>0.01</td></tr> <tr><td>Silver</td><td>0.05</td></tr> <tr><td>Zinc</td><td>0.5</td></tr> </table>	Arsenic	0.05	Barium	1.0	Boron	0.75	Cadmium	0.01	Chromium (total)	0.01	Copper	0.1	Lead	0.05	Manganese	0.01	Mercury	0.001	Molybdenum	0.01	Nickel	0.1	Selenium	0.01	Silver	0.05	Zinc	0.5
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Boron	0.75																																																							
Cadmium	0.01																																																							
Chromium (total)	0.01																																																							
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Nickel	0.1																																																							
Selenium	0.01																																																							
Silver	0.05																																																							
Zinc	0.5																																																							

Additionally, the United States EPA has issued a list of 126 Priority Pollutants (Appendix J of the WWTP Master Plan) which reads as follows: *“These are not the only pollutants regulated in Clean Water Act programs. The list is an important starting point for EPA to consider, for example, in developing national discharge standards (such as Effluent Guidelines) or in national permitting programs (such as NPDES)”*.

Also, as part of the NPDES Permit renewal process, these parameters, as well as an extended list of heavy metals and organic compounds (Appendix K of the WWTP Master Plan), and conventional pollutants such total dissolved solids (TDS) not specifically included in the NPDES, must be analyzed in a minimum of three effluent samples from the Village WWTP. Therefore, it is important to consider that any of these pollutants can be added to the NPDES permit in the future for monitoring and reporting purposes.

Wastewater Treatment Plan System Improvement Recommendations (5.2) – The parameters known as Priority Pollutants, as defined by the EPA, are chemical substances associated mainly to human activities and industrial operations (Appendix J of the WWTP Master Plan).

Examples of such operations are discharges from metal cleaning operations, cooling towers, etc. They are not typically found in domestic or residential sewage. Based on the last 3 years of effluent sampling, all the metals and organic compounds included under the Priority Pollutants list, except for copper (total recoverable) and zinc (total recoverable), have been reported as “not detected” by the analytical methods used for their analysis.

Therefore, to protect both the operation of the existing wastewater treatment process, as well as the receiving waters of the treated effluent, monitoring of discharges of such pollutants and other constituents which may contribute to a non-compliance risk for the WWTP or a risk to the treated effluent receiving waters is highly recommended. The following is a list of recommendations:

- Currently, pH is a parameter regulated under the existing NPDES Permit with limits established at 6.6 minimum and 8.8 maximum. Under the existing Sewer Regulations, discharges having a pH lower than 5.5 or having any other corrosive property are prohibited. However, there is not specific restriction for alkaline pH. Therefore, the recommendation is to include as “Prohibited discharges” those with pH higher than 9.0.
- Fats, grease, wax and oils are all pollutants which have a negative impact on the sanitary sewer collection system as well as the WWTP.

It is recommended that the Village revise the sewer ordinance to provide a more stringent concentration limit of 75 mg/L.

Further define expectations of maintenance, such as: “Traps shall be frequently maintained to facilitate satisfactory and effective operation at the customer’s expense. Proper maintenance includes pumping before the total amount of floatable grease and solids constitute 25% of the vertical water column of the trap as measured in the field. Adequate maintenance also includes maintaining baffles and tees to prevent corrosion”.



Consider adding requirements in the ordinance for any “grandfathered” customers who do not currently have a trap installed: “Existing food service establishments not equipped with a grease interceptor shall install an adequately sized grease interceptor in accordance with this ordinance when the kitchen is remodeled involving structural renovations in their food preparation area including the sewer system or if the discharge causes excessive grease accumulation in the sanitary sewer. An existing food service establishments changing from one class of facility to another shall be required to install an approved grease interceptor”.

The Village may wish to institute a monetary fine or penalty structure within the ordinance if repeat violations of the fats, grease, wax, and oils occur in order to mitigate problems within the sanitary sewer collection and treatment system.

- Some pollutants included in the Priority Pollutants list are already included as Prohibited or Restricted discharges (see Table 5-1), but most of them are not. It is recommended that a reference to the complete list of Priority Pollutants (the current list is included in Appendix J) be incorporated into the existing “Sections 86-64 – Sewer use regulations”.
- In addition to Priority Pollutants, other requirements and pollutants may be established for the Regional Wastewater Treatment Plant (RWWTP) based on New Mexico’s Water Quality Standards applicable to specific designated uses. Because these parameters are subject to change, the recommendation would be to include a reference to the general Standards and State Regulation and not specific pollutants.
- As previously mentioned, most of the nonconventional pollutants that could potentially be added to the NPDES Permit, or compromise the performance and compliance of the WWTP, are linked to anthropogenic and industrial activities. Therefore, it is recommended that when new users intend to discharge to the sanitary sewer system, they provide a comprehensive list of any chemicals and pollutants which may be present in their discharge to identify potential risks and/or pretreatment requirements prior to discharge into the system.

Beneficial reuse of the treated effluent from the WWTP also has limitations due to pollutant concentrations which are likely originating from customers of the sewer system. Information regarding these impacts is presented in the Reclaimed Water Reuse Strategy Report, 2020 (Molzen Corbin). The most likely culprit contributing to elevated TDS and chlorides is ion-exchange based water softeners.

As the water supply for the Village has elevated hardness, many customers are likely using these systems for aesthetic purposes, including residents, hotels, car washes, etc. The Village may wish to consider banning ion-exchange based water softeners and implementing a monetary incentive-based program for replacing with cartridge style water softeners which do not discharge problematic concentrations of TDS and chlorides to the collection system.

## Solid Waste System

**Current/Proposed Legislation Impacts on Local, State, and Federal Levels (2.e.vi.)** – Solid waste legislation on the local, state, and federal levels are constantly evolving and potential new regulations are considered every year. To increase the effectiveness of solid waste programs, it is important to continue to push landfill diversion activities. The Village of Ruidoso is doing an exceptionally good job with landfill diversion, but there are still some opportunities to increase the diversion rate.

California has taken the lead with aggressive landfill diversion legislation in 2022. They have passed a law that 75% of compostable items must be diverted from landfills by 2025. The emphasis on this law is keeping food waste, yard trimmings, and biosolids out of the landfill.

Food waste decomposes and creates methane gas. California is taking steps to have food waste collected in separate containers at the curbside and taken to composting locations.

The addition of composting is discussed in detail in this Master Plan. However, it is discussed primarily to reduce green waste costs. Food waste can be added, but it can create an undesirable smell component to the composting process, and it makes the composting process more variable for temperature and curing time considerations. However, new legislation for composting food waste is already in place in California and may become more widespread.

It is interesting that another of the new laws affecting solid waste diversion to landfills is not from the United States, but from Canada. The new regulation that went into effect in December 2022 bans the manufacture and import of single-use plastics, including checkout bags, cutlery, foodservice ware, ring carriers, stir sticks, and straws. To give the manufacturers time to deplete their existing stocks, the sale of those items will be prohibited as of December 2023.

The waste characterization portion of this plan found that the Other Plastics category accounted for nearly eight percent of the total waste. Other Plastics is a catch all including foil-lined chip bags, plastic straws and cup lids, plastic cutlery, and tubing. Single use lids, straws and cutlery, chip bags, and catheter tubing were noted during the waste sort.

Although some of these items would not fall under a regulation of this type, the waste characterization found that 25.6% of the waste disposed fell under the “Plastics” category. This was second only to the “Paper” category that included cardboard and accounted for 29.4% of the total waste.

It would be difficult to adopt a single-use plastics ban of that type in Ruidoso because of the high number of tourists visiting the area, but it could possibly make a significant improvement on the amount of waste diverted from disposal at the landfill.

**Solid Waste Municipal Code Review and Recommendations (5.0)** – Chapter 70 of the Village of Ruidoso Code of Ordinances applies to solid waste management. This chapter was reviewed for potential revisions. Listed below are recommendations for revisions to existing sections of the Municipal Code and recommendations for additional sections to provide direction and regulation.

- a. Sec. 70-2. Authority and duties of village manager. Recommended revision.

The village manager, in order to protect the health and safety of the people of the village, shall, pursuant to policies adopted by the council, implement and enforce the provisions of this chapter or the New Mexico Solid Waste Rules (NMAC Title 20 Chapter 9), and shall control the storage, collection and disposal of all garbage, refuse and yard waste within the village and shall have the authority to promulgate reasonable regulations to carry out the provisions of this chapter. The manager shall have the authority to recommend reasonable general sanitation fees of each owner, occupant, tenant, or lessee using or occupying any building, house, structure, or grounds.

- b. Section 70-6. Gavilan Canyon Solid Waste Transfer Station. Recommended Revision.

No party may use the Gavilan Canyon Solid Waste Transfer Station until such time as the governing body of the Village of Ruidoso approves a supply agreement between the party and the Village of Ruidoso. Any approved agency member to the Otero County/Greentree Solid Waste Authorities Landfill Joint Powers Agreement that is eligible for member rates at that landfill may use the Gavilan Canyon Solid Waste Transfer Station owned by the Village of Ruidoso. All solid waste delivered to the Gavilan Canyon Solid Waste Transfer Station shall only be delivered by a solid waste hauler approved by the New Mexico Environment Department (NMED). All vehicles delivering solid waste to the Gavilan Canyon Solid Waste Transfer Station shall be weighed for both tare weight and fully loaded weight on two separate loads, and the village shall assign a net load per delivery by the ton for billing purposes. All vehicles delivering solid waste to the Gavilan Canyon Solid Waste Transfer Station shall be weighed by the delivering party at a certified weigh station mutually agreed upon by the village and the delivering party. No vehicle will be weighed at the Gavilan Canyon Solid Waste Transfer Station. All solid waste delivered to the Gavilan Canyon Solid Waste Transfer Station shall meet all NMED requirements for allowable municipal solid waste that can be delivered to a permitted solid waste transfer station and shall be delivered prior to 1:00 p.m. on the permitted days of operation of the transfer station.

- c. 70-9. Unlawful disposal of medical or infectious waste. Recommended revision.

No person shall deposit any medical or infectious waste, including hypodermic needles or syringes, in any garbage containers or any in any other manner inconsistent with regulations promulgated by the village pursuant to this chapter or listed in the New Mexico Solid Waste Rules (NMAC Title 20 Chapter 9).

- d. Sec. 70-15. Monthly service rates. Comments.

Section (a) – It is recommended that this line be amended to state, “The monthly rates for collection of garbage, trash, refuse, and recyclables shall be set from time to time by Resolution and are listed in the fee schedule in appendix A to this Code.”

Section (b) – It is understood that Village Staff discussions are now being held regarding possible revisions to this Section regarding Forestry charges on vacant lots and other special conditions. It is recommended that those discussions be finalized and included in this section.

e. Possible New Section: Large Item Convenience Station Operation.

If Saturday afternoon disposal of large furniture items or white goods is approved at the Gavilan Canyon Transfer Station (or another location) by the Village, language will need to be added in this section, or a new section, to describe the hours of operation, who is eligible to dispose items, what documentation is required at the gate, the list of eligible and non-eligible items for disposal, and any instructions for traffic flow or disposal directions to govern the operation.

f. Possible New Section: Green Waste/Bulk Item Collection Requirements/Forestry Charges.

To allow the existing grapple truck fleet to service the green waste and bulk item pickups adequately without extensive capital and staff additions, the following procedures are recommended for consideration to "right-size" the amount of services required.

- Contractors who thin a property must haul the removed material directly to the appropriate disposal facility.
- To reduce setup and pickup time for grapple truck crews, thinned green waste material must be placed in piles by homeowners rather than spread along the property frontage.
- To reduce damage and down time for grapple trucks, tree limb pickup will be limited to 4' length or less. Limbs over this size will be red-tagged and not picked up.
- Procedures for collection of bulk materials including white goods, mattresses, etc. at the streetside. The Village will be divided into four areas and bulk material collection will be provided for a single zone one day per month on a specific day with collection rotated to a different zone each month. With this process, residents may dispose of these items on a specific day three times per year.
- All cardboard must be disposed of in cardboard recycling containers presently spread around the city.
- The non-compliant fee should be raised to \$20 per month for 1/2 acre properties or less, plus \$15 for each 1/2 acre or portion additionally.
- When a bill balance exceeds \$500 (or \$1,000), the city will file a lien on the property. Use funds to clear key properties.

g. Possible New Section: Recycling

The Village of Ruidoso has extensive recycling operations, requirements, and agreements. In addition, new requirements could be added if new recycling or composting operations are implemented. It is recommended that a recycling section be added to clarify recycling operations and requirements. Included below is an example of recycling sections from the City of Las Cruces Municipal Code that could be edited for inclusion.

**Sec. 25-141. - Collection of residential recyclable materials.**

(a) The collection of approved recyclable materials from residential properties is performed via a partnership with the City of Las Cruces (CLC) and South-Central Solid Waste Authority (SCSWA) or contracted service provider. Collection of recyclables by any person other than SCSWA or their designated contractor is prohibited.

(b) Participation in the residential recycling program is optional and further described in section 25-143. The recycling program costs shall be paid by all city residential customers whether participating in the recycling program or not.

(c) For residential properties wishing to participate in the recycling program, one or more recycling containers will be provided in which to place specified residential recyclable materials. The containers will be clearly marked as "recycling containers" and remain the property of CLC/SCSWA or designated contractor.

(d) The specified recyclable materials that can be placed in these containers and collected as part of the recycling program may change periodically. Changes in the recyclable materials collected will only occur after notification has been given to all residential customers and such changes have been approved by SCSWA. No person shall deposit or cause to be deposited, in any recycling container, anything other than the approved recyclable materials.

(e) Residential recyclable materials placed inside a recycling container must be loose and shall not be bagged or contained and should conform to all residential recycling program guidelines developed consistent with this article.

(f) For the purpose of convenience, the billing and collecting of the charges levied for residential recycling services and all such charges shall be payable at the office and in the same manner as other utility services are billed and collected by the city.

**Sec. 25-142. - Frequency of recyclable material collection; hours.**

(a) The frequency of contained recyclable collection shall at a minimum be in accordance with state and/or county regulations, but in no case shall be less than once every other week.

(b) Hours of collection of recyclable material shall be regulated by SCSWA. SCSWA will designate specific collection days, including holidays.

**Sec. 25-143. - Recycling program non-participants.**

(a) A residential customer who chooses not to participate in the recycling program shall not receive nor retain any recycling containers, program costs will still be assessed monthly.

(b) Residential customers who fail to comply with the requirements of this article will be notified in writing by SCSWA of their non-compliance. After a minimum of two such notifications have been given to the residential customer, the recycling container will be removed by SCSWA and additional charges may be assessed.

*(c) SCSWA may make such notification based upon a determination that a violation of this article has occurred, including any of the following actions:*

- (1) Placing anything other than the approved residential recyclable materials into a recycling container.*
- (2) Placing dangerous or hazardous waste in a recycling container.*

g. Appendix A - Fines, Fees, and Penalties for the Solid Waste Section.

The solid waste fees listed in this Appendix section do not appear to agree with the solid waste rates listed under the Water Rate Schedule under the Utility Billing Village web page. It is recommended that this be rectified so the correct fees are listed. It is also recommended that the utility and solid waste rate setting process be revised to allow rates to be set by resolution rather than by ordinance, thus avoiding the lengthy and detailed process required for ordinance adoption.

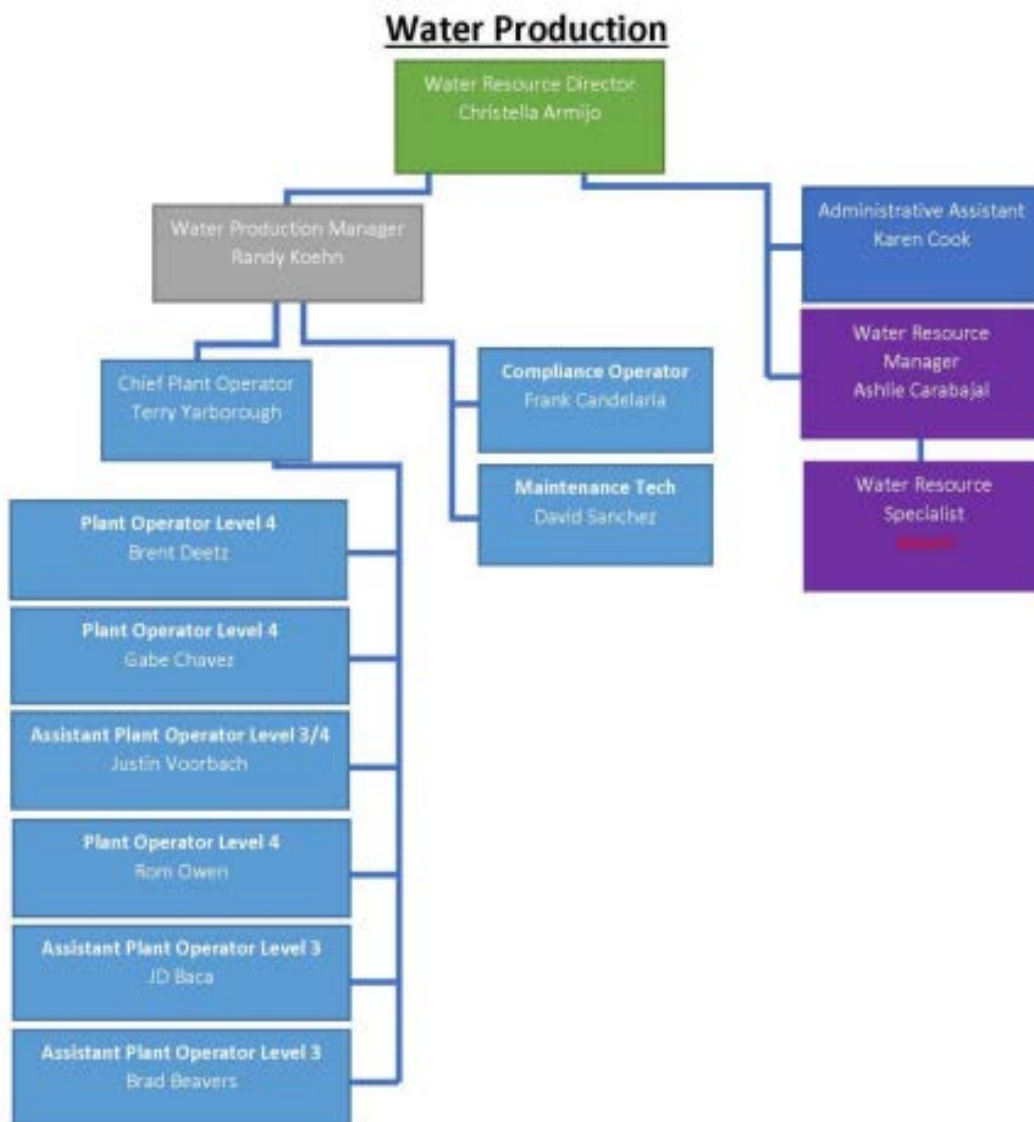
## Utility System Staffing Level/Qualifications Review and Recommendations

### Water System Staffing

**Evaluation of Current Staffing Levels (7.1)** – The Village provides staff necessary for the production and distribution of water for the Village. The water system services are provided by two departments.

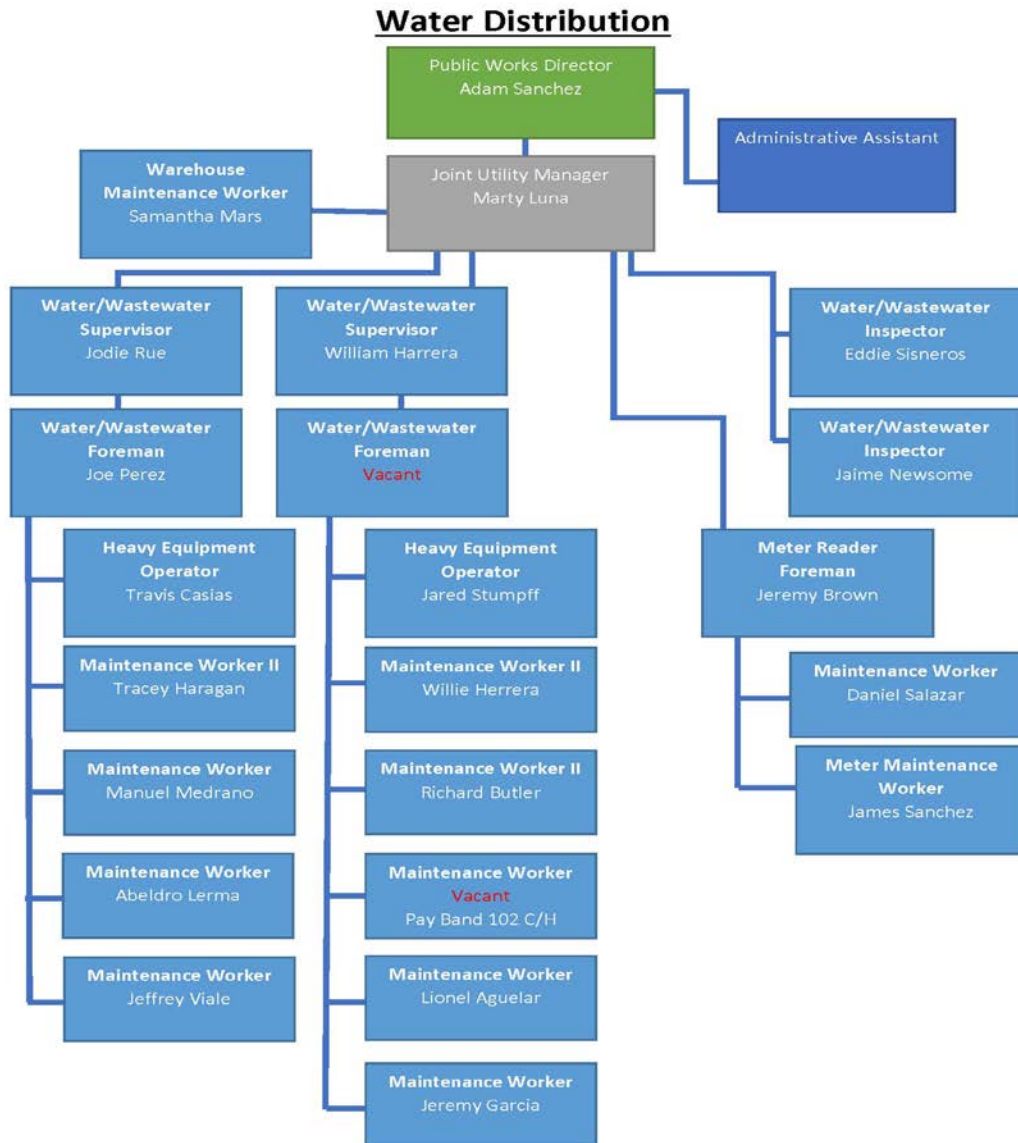
Water production services are performed under the Water Resource Department under the direction of the Water Resource Director. Other services provided under this department include AM/GIS/Mapping and the Wastewater Treatment Plant operation. A copy of the Water Production Organization Chart is shown below in Chart 14 of the Water System Master Plan. Wastewater staffing services is evaluated under the Wastewater System Master Plan staffing analysis.

Chart 14: Water Production Organization Chart



The Public Works Department provides field crews to operate, repair and maintain the water distribution system under the direction of the Public Works Director. Other services provided under this department include water meter reading, operation, and maintenance; the village warehouse; operation, repair, and maintenance of the wastewater collection system; and the inspection of water and wastewater construction projects to ensure proper construction. A copy of the Water Distribution Chart is shown below in Chart 15 of the Water System Master Plan.

Chart 15: Water Distribution Organization Chart





As shown on the organization charts above, the Village has separate crews for wastewater and water maintenance. Although wastewater crews will not be evaluated under this staffing analysis, Wastewater crews also have a very heavy workload. Staffing the water and wastewater field crews in the same department provides flexibility, and capacity is available during emergencies or major facility failures.

There are seven total water distribution field personnel that include one Supervisor, one Foreman, one Heavy Equipment Operator, one Maintenance Worker II, and three Maintenance Workers. This group splits into a variety of crew sizes based on the size of projects. Some concerns about the ability to keep up with the required workload were raised during discussions with the staff. These will be evaluated in the next section.

The other water system personnel included in the Public Works Organization Chart include one Warehouse Maintenance Worker, two Water/Wastewater Inspectors, one Meter Reader Foreman and two Meter Maintenance Workers.

It is not unusual for one person to staff the utility supply warehouse, and no concerns were noted about this position during discussions with the water system staff. With the volume of new water and wastewater improvement projects being constructed, it is also not unusual to have two inspectors to oversee that work. No concerns were noted from the staff regarding the need for additional inspectors.

Regarding the water meter crew, the Village has a fixed base automated meter reading system, so all residential and commercial meter readings are automatically uploaded to the automated system each month. The water meter crew is responsible for callouts regarding water meter malfunctions, connection leaks, or meter repair/replacement. No concerns were noted about these positions during discussions with the water system staff, and this number of water meter personnel is appropriate for the size of the system.

When reviewing the Water Resource Organization Chart, the personnel breakdown includes eight total Water Production Field Personnel and one Water Resource Specialist that manages the GIS mapping/database, GPS asset locating, and Asset Management data. The organization chart shows a second Water Resource Specialist is proposed to be added in the near future. With the workload presently being experienced by the Water Resource Specialist, additional help is greatly needed.

For consideration during the financial analysis of the Village's rates, the Water Resource Manager, the GIS/Mapping personnel, and the water billing department personnel are funded by the Water and Sewer Collections Fund. The WWTP staffing and operations are funded from Wastewater Fees rather than Joint Utility Income. Finally, the WWTP and Solid Waste Departments do not pay any share of the billing costs. The Financial Analysis and Rate Recommendations Study will review and address these items.

Water production field personnel include one Water Production Manager, one Chief Plant Operator, three Level Four Plant Operators, and three Level Three Assistant Plant Operators. The Water Production Manager also supervises the Maintenance Tech and a Compliance Operator position that is presently vacant.

The water production field personnel split into a variety of crew sizes as needed. Some concerns about the ability to keep up with the required workload were raised during discussions with the staff. These will be evaluated in the next section.

**Identification of Water System Staffing Deficiencies (7.2)** – As noted in the previous section, the water system services are provided by the Water Resource Department and the Public Works Department. Consequently, both departments will be evaluated for staffing needs.

Ruidoso is very different from most other New Mexico communities in that it has extreme elevation differences within the community. This requires 45 separate water pressure zones with 30 active PRVs to separate each pressure zone. The topography also requires placement of booster stations throughout the community to achieve additional water pressure where needed. Finally, the Village uses both surface water and groundwater sources. By using both water sources, the Village must operate and maintain surface water intake/storage facilities, water treatment facilities, and water wells. Operation and maintenance of these facilities requires more personnel per mile of waterline than would be required in other NM communities with little topography and single water sources.

During conversations with the supervisors and field personnel, SMA noted that the crews are keeping up with important asset maintenance and repairs, but medium priority work is delayed and low priority work, though still important, is sometimes not accomplished in a timely manner.

The Village has several older booster pump stations to provide additional pressure to specific development areas. Because the developments sprang up in sporadic locations, small booster pump stations were added to serve those developments. In some cases, the booster pumps were installed in small wood frame buildings with very small pumps and pipe sizes. Since some of the older pump stations were constructed with substandard pipe materials and pipe sizes, these pump stations are prone to breakdowns and require frequent repairs.

During the initial water system field inspection, Village staff noted that some of the pump stations were difficult to improve because the isolation water valve for the pump station was inoperable and prevented the pump station from easily being taken offline.

Several of those pump station valves in the street are inoperable and currently cannot be repaired or replaced, due to the shortage in manpower in the Water Distribution Section. Valve repairs, valve replacement, and valve exercising are low priority work tasks that are routinely preempted by the need to perform higher priority work.

In addition to valve repair and replacement, a valve exercising program is important for system reliability. When valves are not exercised regularly, mineral scale and internal valve deposits can make the valves difficult to operate. If a valve is not operated for a long time, the valve stem can break if someone applies a lot of torque while trying to close the valve. For this reason, six-inch valves and larger should be exercised every six or twelve months, at minimum.

Valves that are not routinely exercised and become stuck cannot be operated to isolate waterlines when needed to accomplish repairs. Waterline breaks take longer to repair when operators need to find other valves to isolate the area, and the area of isolation becomes larger. These delays result in additional lost water and more residents being out of water due to a single waterline break. Fire hydrant valves should also be exercised to ensure the fire hydrants are available when needed.

The water model also identified a problem with water age in the system that can be addressed with a fire hydrant exercising program. The water model evaluation indicated 18 percent of the system exceeded the maximum water age (240 hours) and indicated the average water age for the system is 157 hours. Village staff perform monthly flushing on dead end lines to reduce water age concerns. Fire hydrant flushing has been delayed due to insufficient manpower. Consideration should be given to providing additional personnel to implement valve and fire hydrant exercise programs.

As noted earlier, the Village has 45 pressure zones that are controlled by 30 active PRVs. Some of the PRVs are very large and old and require additional time to operate and maintain. PRV malfunctions can cause a pressure surge that causes adjacent waterlines to burst, depriving residents of water service during repairs.

Presently, the PRVs are maintained by water production personnel, but those crews have multiple priorities that prevent them from spending sufficient time on PRV work. Since the PRVs work in conjunction with the booster stations to provide the needed pressure to customers, the water production staff requested a crew to focus on booster station and PRV operation, maintenance, and repair needs while being available for other water production work.

Because the PRVs are in vaults and many are in high traffic areas, the PRV crew would need to include three persons rather than two. Three persons are required to implement the required OSHA confined space entry procedures each time a below ground PRV vault is accessed. The additional person could also provide additional safety functions in high traffic areas.

When reviewing the recommended standards for maintenance persons per mile of water and sewer lines, the recommended range is 10 to 15 miles per field employee. The water distribution field crew has seven personnel including the crew supervisor and foreman. The water production field crew has eight personnel including the crew supervisor and foreman. Since the Village of Ruidoso has a total of 221 miles of waterline, the Village has a ratio of 14.73 miles of waterline per field employee.

While the current staffing falls within the 10-15 miles of line per field employee, the complexity of the Village's water system with the myriad of pressure zones and PRVs, multiple water sources, and booster pump stations requires more maintenance than most systems.

Adding a two-person crew for valve exercising and a three-person crew for booster station and PRV work would increase the total field crew personnel for the water system to twenty positions. The proposed additional crew would result in a ratio of 11 miles of waterline per field employee which is within the lower portion of the recommended range.

This analysis of staff levels did not account for difficulties encountered with emergencies, sick days, and vacations. When considering the additional personnel identified in this section, the Crew Supervisors would benefit from additional personnel to share the work when those situations arise.

Water Mapping Concerns (7.2.1) - The Village records indicate that the water system includes approximately 221 miles of waterline. However, the model validation process indicated that the waterline records are incomplete and there may be additional miles of waterline in the system. If this is true, these staff projection numbers would be conservative and would further increase the level of justification for the proposed staffing increases. The Village staff noted that actions are being taken to identify the actual mileage of waterline in the system, but it may take time to obtain a fully accurate map.

Operator Certifications (7.2.2) - The water production personnel include six NMED Level Four Certified Water Operators, two Level Three Certified Water Operators, and one Level One Certified Water Operator.

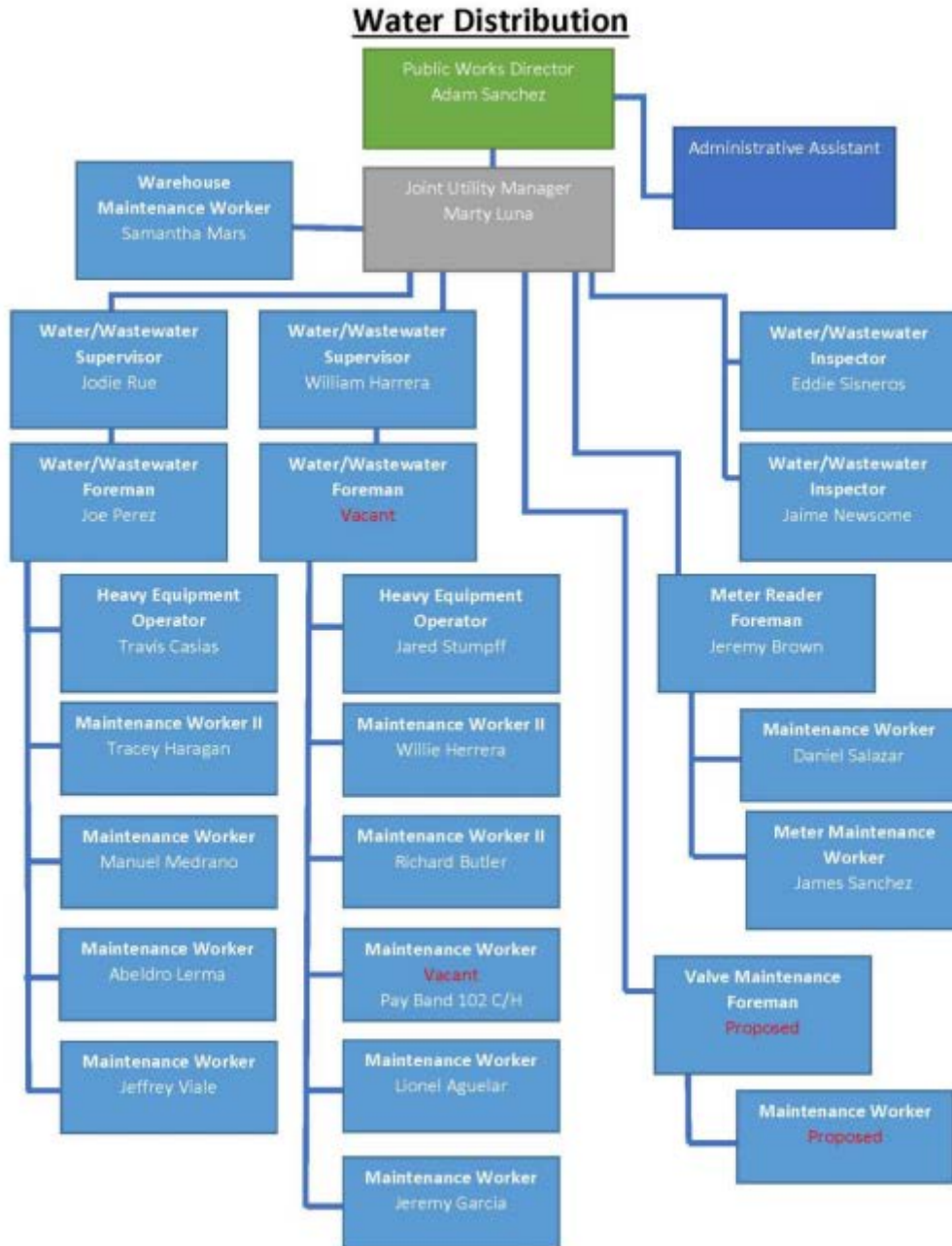
The water production department should have a minimum of two Level Four Water Operators to provide full coverage for operation of the water treatment plants during vacation and sick time. The Village's current Level Four operators are very experienced, and some may be nearing retirement. The certification levels for the department are appropriate, and no changes are recommended.

The water production and distribution departments have struggled to hire certified operators to fill vacant positions. SMA recommends implementing an aggressive internal training program to help existing staff obtain higher level certifications and be promoted to fill vacant positions.

**Water System Staffing Recommendations (7.3)** – The Water System services are provided by the Water Resource Department and the Public Works Department. Three staffing needs were identified in the previous section to improve water system operation, maintenance, and repair deficiencies.

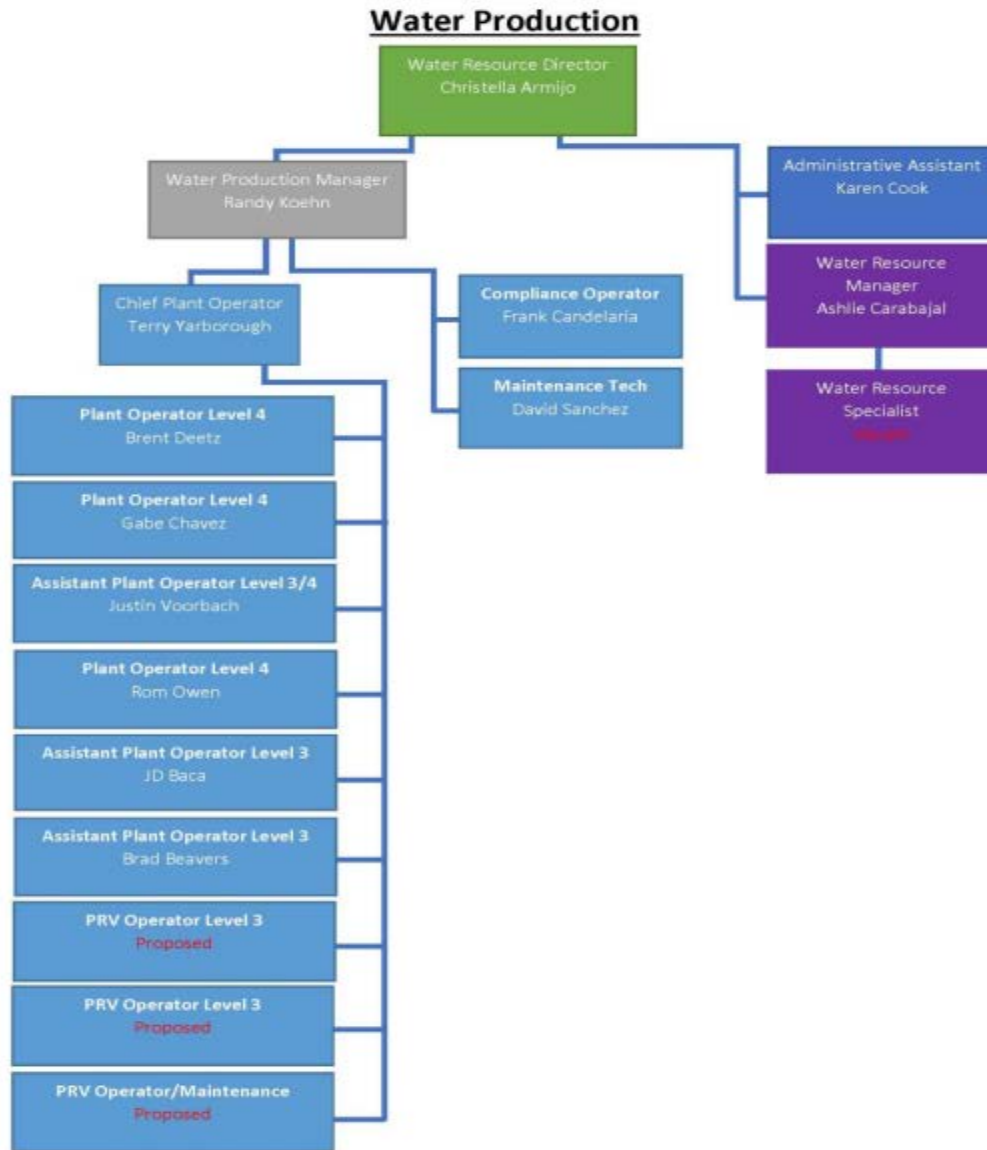
SMA recommends that a two-man crew be added to the Water Distribution Department in Fiscal Year 2025 to focus on valve repairs, valve replacement, valve exercising, fire hydrant flushing, and fire hydrant valve exercising. Adding these positions would increase the total field crew personnel to nine, as presented in the recommended Water Distribution Organization Chart shown following in Chart 16.

Chart 16: Recommended Water Distribution Organization Chart



SMA also recommends adding a three-man crew to the water production department in Fiscal Year 2025-26 to focus on booster station and PRV operation, maintenance, and repair needs. This would increase their field crew number to eleven. These recommendations are included in the recommended Water Production Organization Chart shown below in Chart 17.

Chart 17: Recommended Water Production Organization Chart



Staffing Considerations for Future Growth (7.3.1) - When considering the proposed growth areas shown on Figure 1 of the Water System Master Plan, the areas are primarily within or immediately adjacent to areas presently served with water lines. The master plan indicates that no additional new water production facilities are required to serve the proposed 20-year population growth increase of 50 percent.

However, to serve the additional development associated with the 50 percent 20-year growth increase, new distribution lines will be required, with potential additional pump stations, pressure zones, and PRVs.

The production waterline mileage in the water system makes up approximately 10 percent of the system, with the distribution waterline mileage comprising approximately 90 percent of the system. With approximately 221 miles of waterline in the system, the distribution waterline mileage would be approximately 199 miles.

The proposed new development would not result in a 50 percent increase in distribution lines (100 miles) because most of the development would be in infill areas. However, if the expected 81 percent (2,866 additional lots) new development infill would be fully realized, the new water distribution lines could increase up to 30 miles.

If the low range of ten miles of water/sewer line per employee were used, future growth would require six new personnel. Three additional field crew personnel could be added in 2030 and three more field crew personnel in 2040 to address the system growth. These personnel would be shared between the two departments as needed. SMA recommends that the staff funding projections include these additional personnel as noted.

## **Wastewater System Staffing**

**Wastewater Collection System Staffing Level/Qualifications Review and Recommendations (6.0)** – The Village Water and Sewer Department oversees the water distribution and sewer collection system O&M. There are six staff members dedicated to the O&M of the wastewater collection system. Within the last 3 years, several of the collection system operators were promoted to the WWTP.

Due to these promotions, the collection system is now short staffed, with many operators who do not hold certifications and need additional training. Currently, one staff member has a Level I and two staff members hold a Level II Wastewater Certification; the remaining staff do not have certifications. During emergency situations, additional staff members from the WWTP and Water Department are available.

In order to determine the level of staff certifications and training required, the current and future O&M requirements and planned proactive measures need to be understood. Current O&M activities conducted by the collection system operational staff are:

- Lift station maintenance of 16 large facilities and two small facilities.
- Sewer line maintenance of 63 miles of interceptor.
- Manhole maintenance.
- Customer requests for sewer blockages and smells.
- Dye test for connection status.
- Fats, oil, and grease (FOG) program.
- Connection Status Program (temporary program to determine legal and illegal connections within the Village). As of July 2022, progress is estimated at 46% completion.

Among the main issues in the collection system that have been identified as a source of problems, which can also potentially affect the performance of equipment at the WWTP, is the presence of FOG as well as other types of waste such as disposable wet wipes deposited in toilets.

Therefore, based on the current operational staff available, the number of lift stations, the extent of the collection system, and existing monitoring programs, it can be said that the current staffing level is insufficient to perform all the routine O&M activities required by the system. Furthermore, implementation of proactive measures is not possible due to the already limited staff onboard.

Proactive maintenance of a collection system is an important part of identifying and preventing major failures such as pipe leaks or manhole overflows. It is less expensive to repair a damaged pipe or manhole rather than reactively repairing a failure that must be dealt with on an emergency basis.

Surveillance of grease traps and disposal of special waste generated by commercial activities is of great importance. Currently, there is one employee at the WWTP dedicated to this program, who also assists with other WWTP work as required. The duties for this program include routine inspections for existing restaurants 1 to 2 days a week; inspection and documentation of grease traps; checking inspection and pumping reports submitted by restaurant owners; and coordination and inspection of new restaurant grease traps (though this still requires pre-approval by the Collection System Supervisor).

While the FOG program is currently in operation, increasing its effectiveness is desirable and this can be done through education for restaurant owners, educational flyers, increasing testing procedures to ensure restaurant compliance, and potentially increasing the strictness of the sewer ordinance. While this program is under the WWTP, it heavily impacts the collection system and is an item that is crucial to be coordinated properly between both groups.

Implementation of a routine cleaning program of the wastewater collection system would be advantageous in identifying risks such as sewer leaks or manhole failures. The pipes or manholes to be inspected and cleaned would be selected based on staff's knowledge of recurring issues in selected areas.

The desirable personnel requirements to implement this rodding/line maintenance program is three full-time workers. A second Vactor<sup>®</sup> truck (currently there is only one) would also be required for operation of the program and is included in Section 4.6.2 of the Wastewater System Master Plan.

Once basic maintenance operations are performed, further inspection of pipelines using closed circuit television (CCTV) technology would be needed to identify site-specific conditions such as broken pipes, damaged joints, root intrusion, and blockages in the lines due to rock and sand or other type of inorganic deposits. To perform this work, the Village would need to contract with a pipe maintenance company or purchase the equipment to perform the CCTV inspection.

Regarding O&M of lift stations, it is currently conducted on an as needed basis. With the addition of a supervisory control and data acquisition (SCADA) system, the O&M requirements would be further simplified by allowing staff to centrally monitor the condition of their lift station equipment.

In conclusion, the collection system staff is currently composed of six members who perform O&M of the system and oversee programs such as inspection of grease traps and the temporary Connection Status Program, among others. However, the last two activities are performed only as time allows.

Therefore, in accordance with conversations with the Wastewater Collection System Supervisor, ideally the collection system staff should include:

- Collection System: Eight full-time members of the WWCS staff.
- FOG Program: One full-time member of the WWCS staff.
- Rodding / Line Cleaning Program: Three full-time members of the WWCS staff.



Lastly, it is also desirable that current and future staff gets the necessary training to acquire, at a minimum, Level 1 Utility Operator Certification in New Mexico.

It is recommended that the Village look into incorporating at least four non-certified maintenance workers to be shared by all departments and work on a rotating schedule. This would allow for a large base of knowledge and experience for these workers to assist during emergencies and other similar situations.

Incorporating non-certified workers would also allow growth for the maintenance workers and operators wishing to obtain certifications and further their careers in the department of their choosing. Additionally, incorporating incentive-based programs, and ensuring competitive pay would increase the likelihood of filling all necessary positions and decrease the likelihood of turnover as experienced and certified operators are becoming scarce resources.

### WWTP System Staffing

#### Wastewater Treatment Plant Staffing Level/Qualifications Review and Recommendations (6.0)

**Existing Staffing (6.1)** – Currently, the plant is operated with nine full-time employees (FTE) including two supervisory level personnel. The plant is staffed 365 days a year with a minimum of two operators from Monday through Saturday, 7:00 a.m. – 3:30 p.m. (local time). One Level 4-certified operator observes the operation each night from 8:00 p.m. – 9:00 p.m. (local time). During the peak season holidays, an operator is scheduled, if needed, to be at the site.

Table 6-1 summarizes the existing FTE with their certification levels and tasks they are performing:

**TABLE 6-1  
 SUMMARY OF EXISTING STAFFING AT THE  
 REGIONAL WASTEWATER TREATMENT PLANT (RWWTP)**

CERTIFICATE CLASSIFICATION <sup>(1)</sup>	NUMBER OF FTE	TASK / DESIGNATION / EFFORTS LEVEL
Level 4 (Wastewater Systems 4 [WW4])	3	Director, Supervisor, Operator
Level 3 (Wastewater Systems 3 [WW3])	2	Operator, Lab Tech, Fats, Oils, and Grease (FOG) Program
Level 2 (Wastewater Systems 2 [WW2])	2	Operator, Maintenance, Lab Tech
Level 1 (Wastewater Systems 1 [WW1])	1	Operator, Maintenance, yard work
Not Certified	1	Operator in Training, yard work

<sup>1</sup> Per New Mexico Administrative Code (NMAC) 20.7.4.10.

Two senior operators with Level 4 certifications could retire within 2 to 5 years. The Collection Department collection department operators are separate from the WWTP operators. The operators do not need to go out for collection system support, except for the FOG program, as described below.

Two laboratory technicians perform routine in-house lab analysis for biochemical oxygen demand (BOD), total suspended solids (TSS), residual chlorine, and Escherichia coli (E. Coli.). Other lab work orders are sent to an outside laboratory. Routine and preventive maintenances are tracked in Cityworks® maintenance software. Mostly, director or supervisor level personnel update Cityworks® with the data.

Surveillance of grease traps and disposal of special waste generated by commercial activities is of great importance. Currently, there is one employee at the WWTP dedicated to this program, who also assists with other WWTP work as required.

The duties for this program include routine inspections for existing restaurants 1 to 2 days a week; inspection and documentation of grease traps; checking inspection and pumping reports submitted by restaurant owners; coordination and inspection of new restaurant grease traps, Collection System Supervisor as well as collection system supervisor approval.

While the FOG program is currently in operation, increasing its effectiveness is desirable, and this can be done through education for restaurant owners, educational flyers, increasing testing procedures to ensure restaurant compliance, and potentially increasing the strictness of the sewer ordinance. Even though this program is under the WWTP, it heavily impacts the collection system and is an item that is crucial to be coordinated properly between both groups.

**WWTP Staffing Estimation (6.2)** – The United States Environmental Protection Agency (EPA) guidance on staffing estimates was published in 1973. “Estimating Staffing for Municipal Wastewater Treatment Facilities,” March 1973 (EPA), is still used widely to calculate the ballpark number of FTE needed for a WWTP. This report also describes the job tasks and how many hours are required for each unit.

Further development of the EPA report has been prepared by New England Interstate Water Pollution Control Commission (NEIWPC) for the states in the northeast United States. They published the “Northeast Guide for Estimating Staffing at Publicly and Privately Owned Wastewater Treatment Plants,” November 2008 (NEIWPC).

This guide includes modern technologies (i.e., membranes) and includes the hours required for tertiary treatment and SCADA. The NEIWPC guide includes three groups of charts for estimating staffing requirements based on how the plant is staffed each week, as summarized below:

- One Shift Plant charts apply to publicly and privately owned wastewater treatment facilities where operators are present only one shift a day, 5 days a week
- One-Plus Shift Plant charts apply to publicly and privately owned wastewater treatment facilities where operators are present for more than one shift a day, 5 days a week, but less than 24 hours a day, 7 days a week. These plants, for example, may have one shift a day, 7 days a week, or perhaps one shift a day, 5 days a week, supplemented by shorter shifts on weekends.
- 24/7 Plant charts apply to publicly and privately owned wastewater treatment facilities where operators are present 7 days a week, 24 hours a day.

The RWWTP is currently staffed each week somewhere between the first two types of charts described above. As such, the estimated staffing requirement is developed in Table 6-2 by averaging the staffing requirements derived from the One Shift Plant charts and the One-Plus Shift Plant charts.

**TABLE 6-2  
 STAFFING GUIDE FOR PLANTS LIKE THE  
 REGIONAL WASTEWATER TREATMENT PLANT (RWWTP)**

CHART # PER NEIWPC GUIDE	ANNUAL HOURS			FTE
	ONE SHIFT PLANT	ONE-PLUS SHIFT PLANT	AVERAGE OF HOURS	
1 – Basic and Advanced Operations and Processes	3,016	3,712	3,364	-
2 – Maintenance	3,188	3,866	3,527	-
3 – Laboratory Operations	2,119	2,119	2,119	-
4 – Biosolids / Sludge handling	2,860	3,620	3,240	-
5 – Yard Work	430	430	430	-
Estimated Annual Hours Subtotal:	-	-	12,680	-
Estimated Staff:	-	-	12,680 / 1,500	8.5
Estimated Additional Staffing from Chart 6:	-	-	-	1
Estimated Additional Staffing from Chart 7:	-	-	-	1.5
<b>TOTAL STAFFING ESTIMATE (WITHIN 3 YEARS):</b>				<b>11</b>

The estimation from the various charts in the NEIWPC Guide assumed the following:

- Chart 1 hours are for preliminary treatment, activated sludge with biological nutrient removal, chemical phosphorus removal, membrane process, and ultraviolet (UV) disinfection.
- Chart 2 hours are for mechanically cleaned screens, fine screens with washer / compactors, vortex grit removal, chemical addition, pumps, aeration blowers, membranes, aerobic digesters, gravity belt thickener, belt filter press (BFP), UV and probes / instrumentation / calibration.
- Chart 3 hours are for alkalinity (1/week), BOD, chlorine, TSS, Coliforms, E. Coli, quality assurance / quality control (QA/QC) and sampling for outside labs, 5 days a week, 52 weeks per year.
- Chart 4 hours are for BFP, gravity belt thickening, aerobic digestion, and composting.
- Chart 5 hours are for custodial, snow removal, mowing, vehicle (two), painting and rust removal works in a small plant.
- Chart 6 includes additional staff estimation for computerized management, preventive maintenance, recordkeeping, and SCADA.
- Chart 7 considers management responsibilities, the allocation of a WWTP staff member to the FOG program, the anticipation that composting to produce a Class A biosolids product will be staffed from the WWTP group, and age of plant and equipment that will reach over 15 years of age within 3 years.

- Each FTE is equivalent to 1,500 hours per year, assuming a 5-day work week, 6.5 hours of productive work per day, and an average of 29 days for vacation, sick leave, and holidays.

This WWTP would require eleven FTE considering each is “fully trained” in performing tasks conducted by operators.

**WWTP Staffing Regulatory Requirements (6.3)** – According to NMAC §20.7.4.13, a plant that serves a population of 10,001 to 20,000 and has advanced treatment and phosphorus and nitrogen removal processes, will need to be operated by Level 4 Operators. Level 3 Operators can operate sludge handling. Level 2 Operators can operate the headworks (screens, grit removal, compactor, etc.).

The laboratory works require Level 2 Laboratory Technician Wastewater Lab Tech 2 (WWLT2) certification to perform BOD, TSS, E. Coli, and chlorine testing. Lab technician certification is different than the operator certification program. A WW3 or above certificate holder could perform WWLT2 tasks.

**WWTP Staffing Recommendation (6.4)** – The organization chart for the Village of Ruidoso Water Resources Department is illustrated in Figure 6-1. This chart is based on the proposed organization chart developed after the resignation of the Water Resource Director in December 2022. This chart shows nine FTE positions at the RWWTP (not including the Administrative Assistant II position).

With the eleven FTE requirement to operate this MBR plant from Table 6-2 and considering that there are currently nine FTEs as presented in Table 6-1 and Figure 6-1, this plant is currently understaffed by two staff members. The plant needs more Levels 3 and 4 (WW3 and WW4) staff to operate membrane, aeration, sludge handling and laboratory operations. Additional staff would help to cover emergency or urgent conditions in the plant including peak flows during holidays.

In the context of the Village and New Mexico economics and labor market conditions, the availability of certified operators is scarce. The Village has tried to hire new operators for the last few years; however, it was unsuccessful in hiring even uncertified operators with the provision of assisting them in obtaining certification.

The plant can provide incentives and paid training hours to encourage staff to increase the level of their certifications. Higher wages for certified operators may also attract new operators in the Village. It is imperative that the plant continues its efforts to hire operators as a few existing operators are nearing retirement.

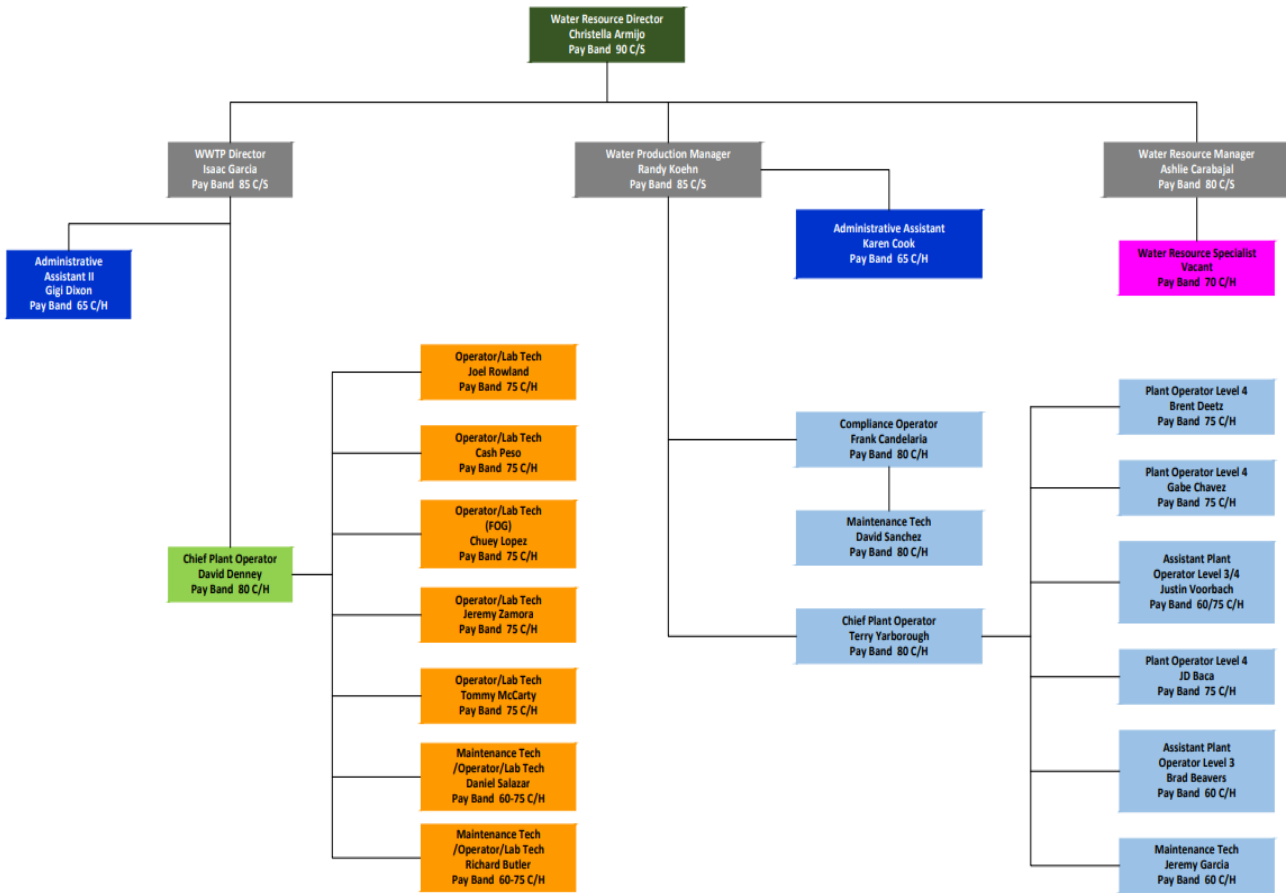


Figure 6.1 – Water Resources Department Organization Chart

### Solid Waste System Staffing

#### Solid Waste System Staffing Level/Qualifications Review and Recommendations (6.0) –

Evaluation of Current Staffing Levels (6.a.) - The Village has the staff necessary to provide the collection and transportation of solid waste within the Village. The Solid Waste Manager is currently Mr. Jerry Parsons. The manager is responsible for oversight of all solid waste operations within the Village limits, including services provided by GSWA and the green waste processing contractor. Oversight of GSWA and the green waste processing contractor is only related to services identified in the agreement with each of these contractors. Job positions include administrative, collection/transport drivers, heavy equipment operators, mechanics, and laborers.

The following Figure 26 is an organizational chart showing the nineteen (19) current personnel assigned to the Village of Ruidoso Solid Waste Department with title and pay range information. All personnel work 40 hours per week and have full-time status.

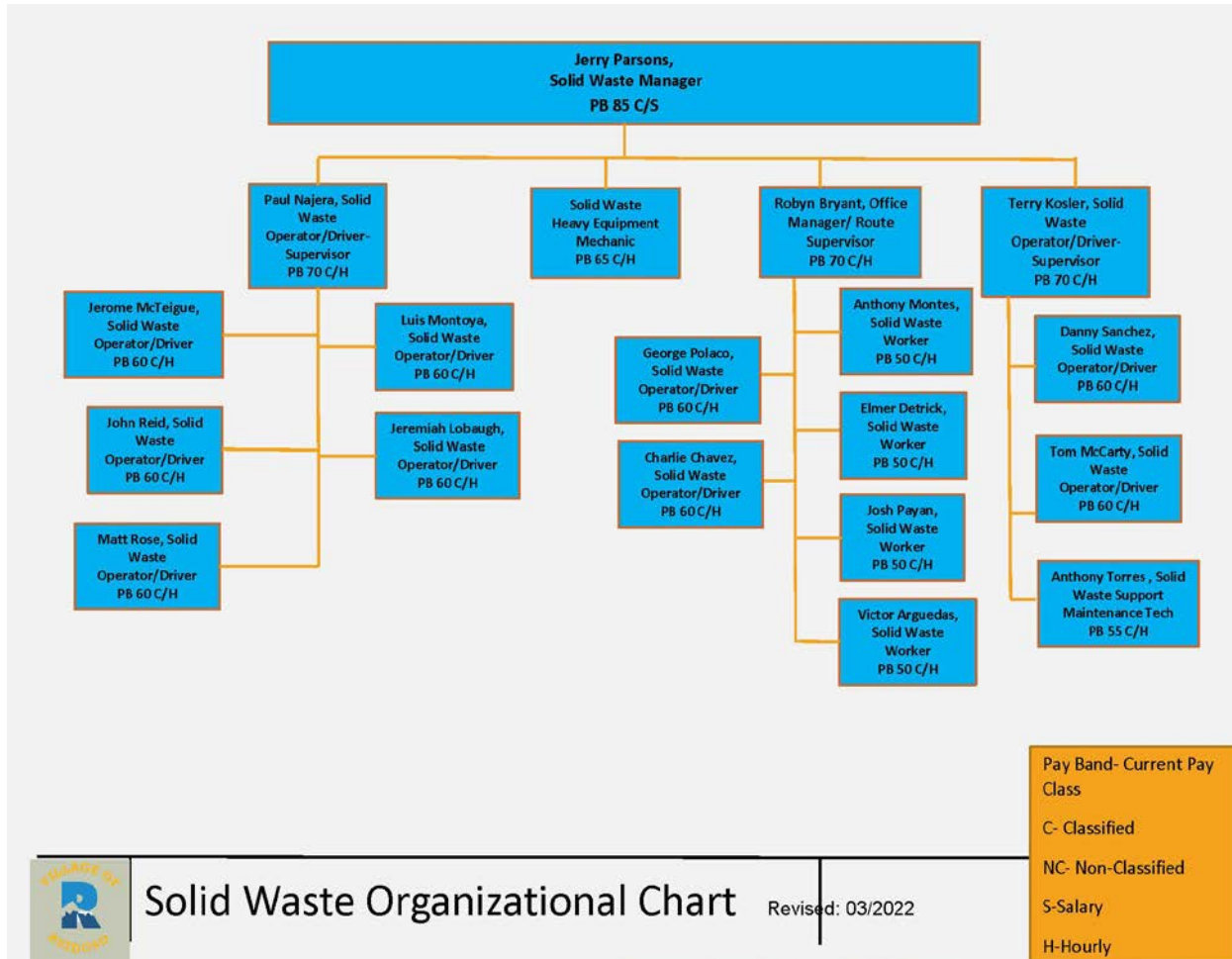


Figure 26 – Village of Ruidoso Solid Waste Department Organization Chart

Additional Financial Analysis and Recommendations

Table 27 shown below provides some of the above information in tabular form along with additional information including a general description of duties for each of the Solid Waste Department personnel.

Table 27 – Solid Waste Department Personnel Breakdown

<b>JOB TITLE</b>	<b>PAY RANGE</b>	<b># OF PERSONS</b>	<b>DESCRIPTION OF DUTIES</b>
Superintendent	PB 85 Salaried	1	Under limited supervision, directs the collection and transport of solid waste from residences and businesses to the transfer station and haul to the landfill.
Operator/Driver Supervisor	PB 70 Hourly	2	Under general supervision, assists in the direction of the collection and transport of solid waste from residences and businesses to the transfer station and landfill including Driver/Operator Supervision.
Office Manager/Route Supervisor	PB 70 Hourly	1	Under general supervision, provides assistance to the Solid Waste Department with purchasing and budget operations, training records, reviews and surveys, code enforcement, public relations, Route Supervision and tracking of Solid Waste Programs.
SW Heavy Equipment Mechanic	PB 65 Hourly	1	Under general supervision, provides vehicle and equipment maintenance and repair services to the Village Solid Waste Department Fleet.
SW Automated Refuse Collection Operator/Driver	PB 60 Hourly	9	Under general supervision, operates an automated refuse collection truck or grapple truck to collect solid waste in an assigned area and haul to the transfer station or operate the haul truck/trailer to take solid waste to the regional landfill.
Waste Support Container Maintenance Technician	PB 55 Hourly	1	Under general supervision, maintains and/or repairs solid waste containers and places them in appropriate locations to provide efficient, effective refuse removal service to the citizens of Ruidoso.
Solid Waste Worker	PB 50 Hourly	4	Under general supervision, provides general labor assistance, moves solid waste containers, and provides other solid waste collection services to the citizens of Ruidoso.

Identification of Solid Waste Staffing Deficiencies (6.b.) - The organization chart shows 19 Solid Waste Department personnel. The personnel consist of 1 manager, 1 office manager/route supervisor, 1 mechanic, 1 container repair person, 2 CDL Truck Driver/truck driver/supervisors, 9 CDL truck drivers, and 4 non-CDL collection staff. After review of the chart and the operation, there appears to be adequate staffing for daily operations.

However, during discussions with the Solid Waste Department manager, he noted they are having difficulties performing the full amount of required work during emergencies, sick days, and vacations. He noted to provide the necessary work crew coverage during absences and to have additional help during emergencies, like the recent fire, the hiring of one CDL truck driver and one non-CDL collection staff worker would allow for a more optimized operation.

During this study, the Solid Waste Department also lost their one truck mechanic. With the high level of mechanic skills needed to work on collection trucks, that position is extremely hard to replace. The fleet of Solid Waste Department trucks that the mechanic is required to repair is extensive.

A discussion was held with the Solid Waste Manager about having one mechanic for the more technical work and a second position for a Preventative Maintenance Technician (PM Tech), who could take some of the load off the mechanic. The PM Tech would handle the light maintenance services, such as oils and greasing along with minor repairs such as light bulb replacement and items like loose wiring/hoses.

The collection truck drivers do a daily inspection before they drive, but the PM Tech could also do vehicle inspections regularly to identify items that the driver may not be able to easily see. The PM Tech would be at a lower rate, so the higher paid mechanic could focus on the more technical issues. The PM Tech could also be available for miscellaneous duties as needed.

Another benefit of having a PM tech would be to begin to train him so he could be partially or fully ready to be the mechanic in case the main mechanic leaves. The PM Tech could step in as the interim mechanic until a replacement is found. That would be better than having no mechanic at all. If the PM Tech proves capable of becoming the main mechanic, then you could work to replace the PM Tech which would be easier than replacing a highly skilled mechanic.

The Solid Waste Manager reviewed this information and then noted that the amount of work available for the potential PM Tech would not be sufficient to keep him busy, and this would not be an efficient use of personnel at the present time.

A discussion was also held with the Solid Waste Manager about driver licensing qualifications. He noted that all their drivers for collection trucks, grapple trucks and heavy equipment presently have Class A CDL licenses. The Village is very fortunate to have a full staff of CDL drivers as there is an extreme shortage of CDL drivers in southeast New Mexico.

The CDL driver retention issue rose drastically when the oil fields started their boom, taking away a lot of the drivers or at a minimum requiring pay hikes to retain them. Carlsbad had to raise pay up to the \$28 to \$30 range just to retain their drivers. These are positions that normally pay in the \$16 to \$18 range.

The value of the high wage to retain a driver is easily offset by the expense to have a vacancy, locate, and hire a “good” driver that will be dependable and use care in operating Village equipment. All solid waste operations are now realizing that issue.



The Solid Waste Manager agreed that it is difficult to hire and retain the Class A CDL drivers required for operation of the Solid Waste Department. He noted in the past he has hired some Class B CDL drivers initially when Class A CDL drivers could not be found, but then worked with them to obtain their Class A CDL license as soon as possible.

Solid Waste Department Staffing Recommendations (6.c.) - When considering the entire Village solid waste operation, a few items are of concern. The first is that it is difficult to hire and retain CDL drivers in this area. The second is that the number of emergencies experienced by the Village in the last few years has increased. Between fires and floods, it seems like there is a significant emergency that occurs every year. These emergencies significantly (or drastically) affect the operation of the Solid Waste Department. The third is that it is difficult to hire and retain a skilled mechanic.

It was discussed in the previous section that there are not sufficient CDL drivers on staff to perform the full amount of required work during emergencies, sick days, and vacations. **It is recommended that an additional Class A CDL Truck Driver be hired in FY 24-25 to provide the necessary work crew coverage during absences and to have additional help during emergencies.** If the Village pursues the development of a new convenience center, this driver could also help drive the roll-off trucks to the landfill from the convenience station as they are filled.

The solid waste manager is losing a CDL Driver to retirement in January 2024. He is requesting a CDL Driver be hired in April 2023 to allow him to be trained to take the retiree's place in 2024. Then the additional CDL Driver could be hired in July 2024, as proposed.

In addition, the four present solid waste workers are fully occupied with their duties, and they are having difficulties performing the full amount of required work during emergencies, sick days, and vacations. **It would be recommended that an additional non-CDL solid waste worker be hired in FY 24-25 to have sufficient personnel to cover the workload when those situations arise.**

However, **if the Village pursues the development and operation of a convenience center, then two additional solid waste workers would be needed to provide the three total workers to operate the new site.** If these workers are used at a new convenience center on Fridays and Saturdays from 8:00 to 4:00, and Sundays from 1:00 to 5:00, the three solid waste workers would be needed twenty hours per week for those duties.

These additional solid waste workers would then be available to supplement bear mess pickup services when other crew members are missing due to emergencies, sick days and vacations, or when additional pickups are needed.

Although it is very difficult to hire a skilled mechanic, the Solid Waste Manager wants to pursue the process to hire this position. He noted that he would like to continue to operate with one skilled mechanic to optimize his fleet repair operation. When additional equipment is obtained and the workload increases significantly, possibly by the end of the 20-year planning period, consideration should be given to hiring a PM Tech as discussed earlier.

The initial hiring of one Class A CDL collection truck driver and one non-CDL solid waste worker would allow for a more optimized operation. The addition of these two positions is shown in the Solid Waste Organizational Chart below.

In addition, **in 2040, when an additional collection truck is needed to handle the increased amount of solid waste due to growth, an additional collection truck driver will also be needed.**

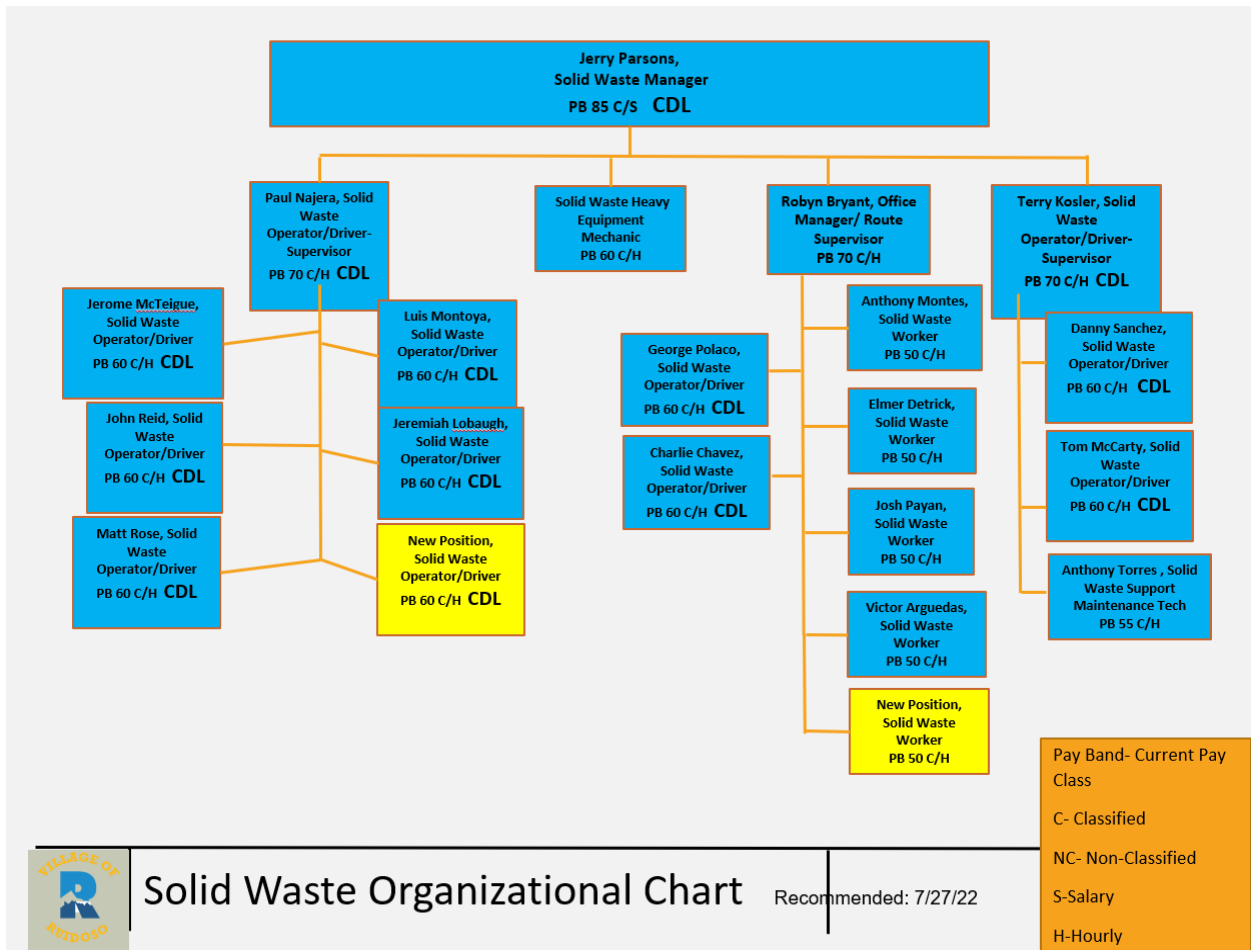


Figure 27 – Solid Waste Organization Chart Recommended Revisions

## Enterprise Utility Rate Recommendations Summary

The Village of Ruidoso, New Mexico (Village or Ruidoso) retained SMA, Molzen and Corbin, and Raftelis Financial Consultants, Inc. (Raftelis) to complete an Enterprise Utility Master Plan and Rate Study (Study). The Study consisted of a water, sewer collection, wastewater, and solid waste and forestry utility master plan and rate study. Raftelis led the rate study portion of the Study evaluating the water, sewer collection, wastewater, solid waste, and forestry utility funds from Fiscal Year (FY<sup>1</sup>) 2022-23 through FY 2031-32 (Study Period). During the course of the Study, the Village requested that Raftelis complete the following major objectives:

- » Develop financial plans for the 10-year Study Period for each utility fund.
- » Evaluate rate revenue adjustments for the Study Period necessary to fund annual revenue requirements, maintain adequate cash reserves, and provide appropriate debt service coverage.
- » Propose rates by utility and customer class for FY 2024-25 effective July 1, 2024.
- » Further evaluate residential and commercial customer rate structures and revenue recovery by customer class and/or type of end user and develop rates and rate alternatives for FY 2025-26 effective July 1, 2025.

The multi-year financial plan, supporting worksheets and calculations, revenue projections, and assumptions are detailed in the respective utility Appendix. Annual prioritized capital costs detailed by project for each separate utility are also summarized with the projected annual capital funding sources from external sources as well as dedicated non-rate funding sources. The separate utility financial plans evaluate the adequacy of system user charge revenues (adjusted for customer growth) to:

- » Fund annual O&M expenses, debt service and capital expenditures, and
- » Maintain the following financial performance thresholds or targets:
  - Exceed debt service coverage (DSC) ratio of at least 1.20 times annual debt service<sup>2</sup>.
  - Exceed water fund cash reserve targets of:
    - 25% (90 days) of annual O&M expenses PLUS
    - Capital reserve targets for each utility phased-in over multiple years.

The drivers for the increases vary for each utility, although there are common themes.

1. Increased costs due to inflation and price escalation affecting operating costs, interest rates for future debt, and most significantly, the cost of planned capital facilities.
2. Prioritized capital improvements reflecting:
  - Age of the facilities and increased repair and replacement requirements
  - Increased regulatory requirements
  - Need to increase capacity and/or extend facilities to serve new customers
  - Complexity of the Village system due to geography and location of the Village

<sup>1</sup> Refers to the year at the end of the fiscal year (e.g., FY 2023-24 is the period ending June 30, 2024).

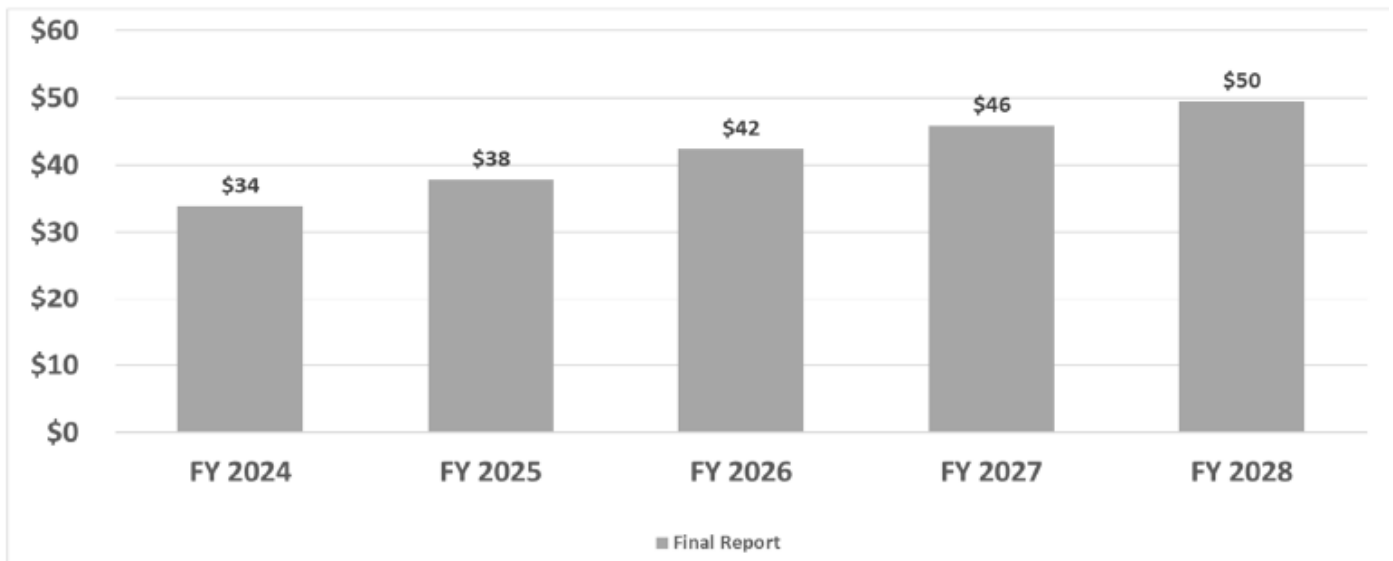
<sup>2</sup> Existing Village loan covenants do not formally require a DSC, but a 1.00 DSC indicates that the utility has just enough revenue after O&M to pay debt service without additional revenues to fund capital projects.

3. Size of the system and relatively lower water use per customer to share in the unit costs.

Raftelis proposes annual rate revenue increases for each utility fund. Figures 1-1 through 1-5 summarize the impact to a typical residential customer of projected annual rate revenue adjustments over the five-year period of FY 2023-24 through FY 2027-28.

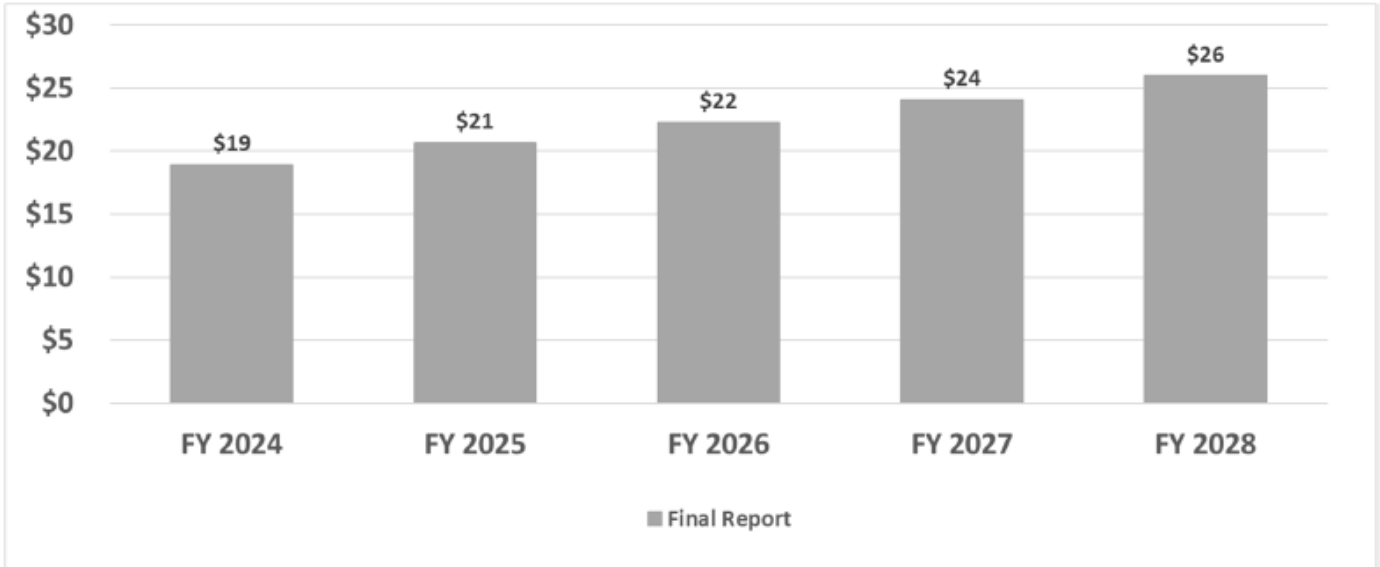
The typical residential monthly water bill is projected to increase approximately \$4 per month in FY 2024-25 and \$3 to \$4 per month over the four-year period if projected rates increases are implemented.

**Figure 1-1: Typical Residential Monthly Water Bill**



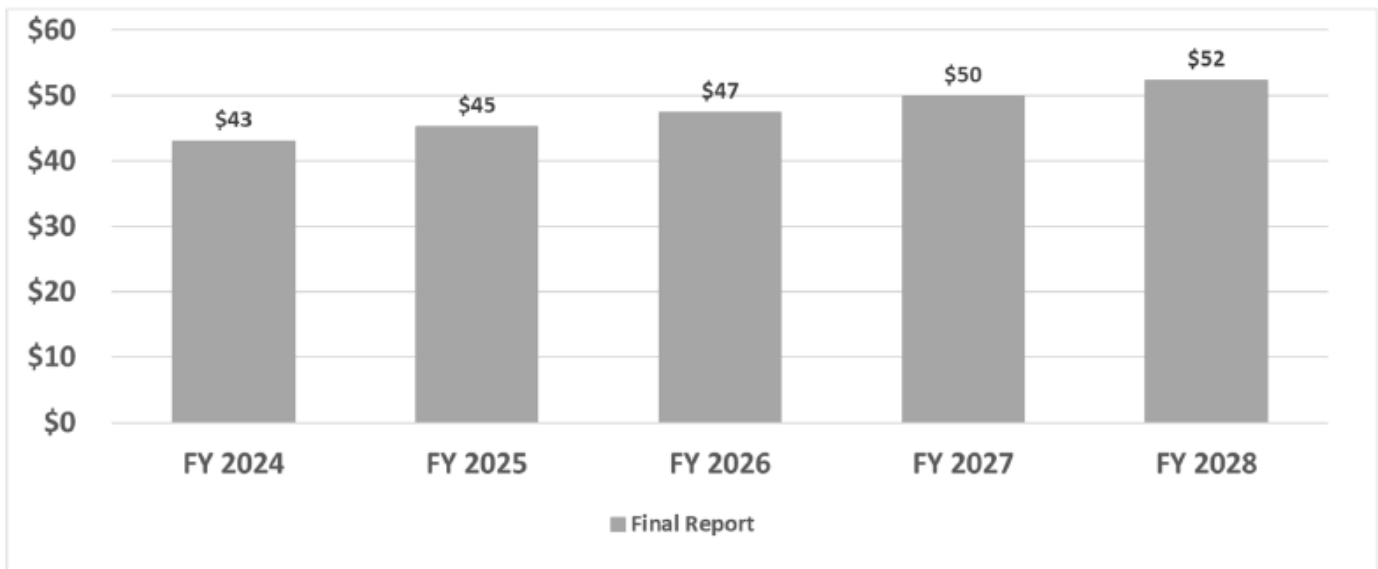
The typical residential monthly sewer bill is projected to increase approximately \$1.50 per month in FY 2024-25 and approximately \$2 per month over the four-year period if projected rates increases are implemented.

**Figure 1-2: Typical Residential Monthly Sewer Bill**



The typical residential wastewater bill is projected to increase approximately \$2 per month in FY 2024-25 and over the four-year period if projected rates increases are implemented.

**Figure 1-3: Typical Residential Monthly Wastewater Bill**



The typical residential solid waste and forestry bill is projected to increase approximately \$8.25 per month in FY 2024-25 and average \$5.50 per month over the 4-year period if projected rates increases are implemented.

**Figure 1-4: Typical Residential Monthly Solid Waste and Forestry Bill**

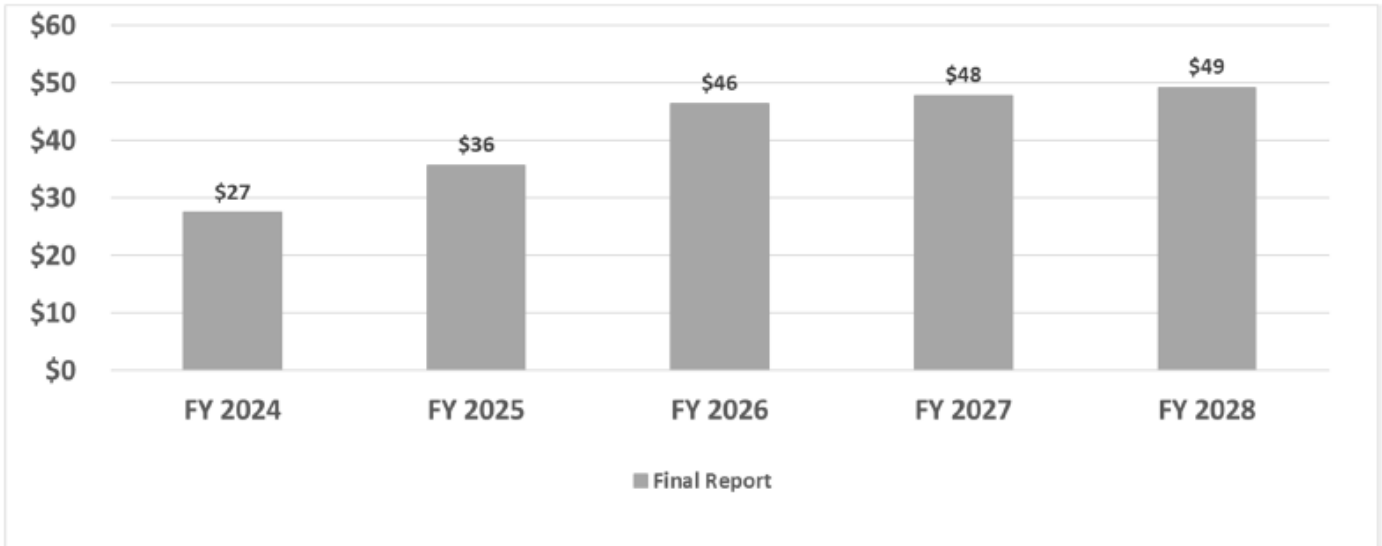
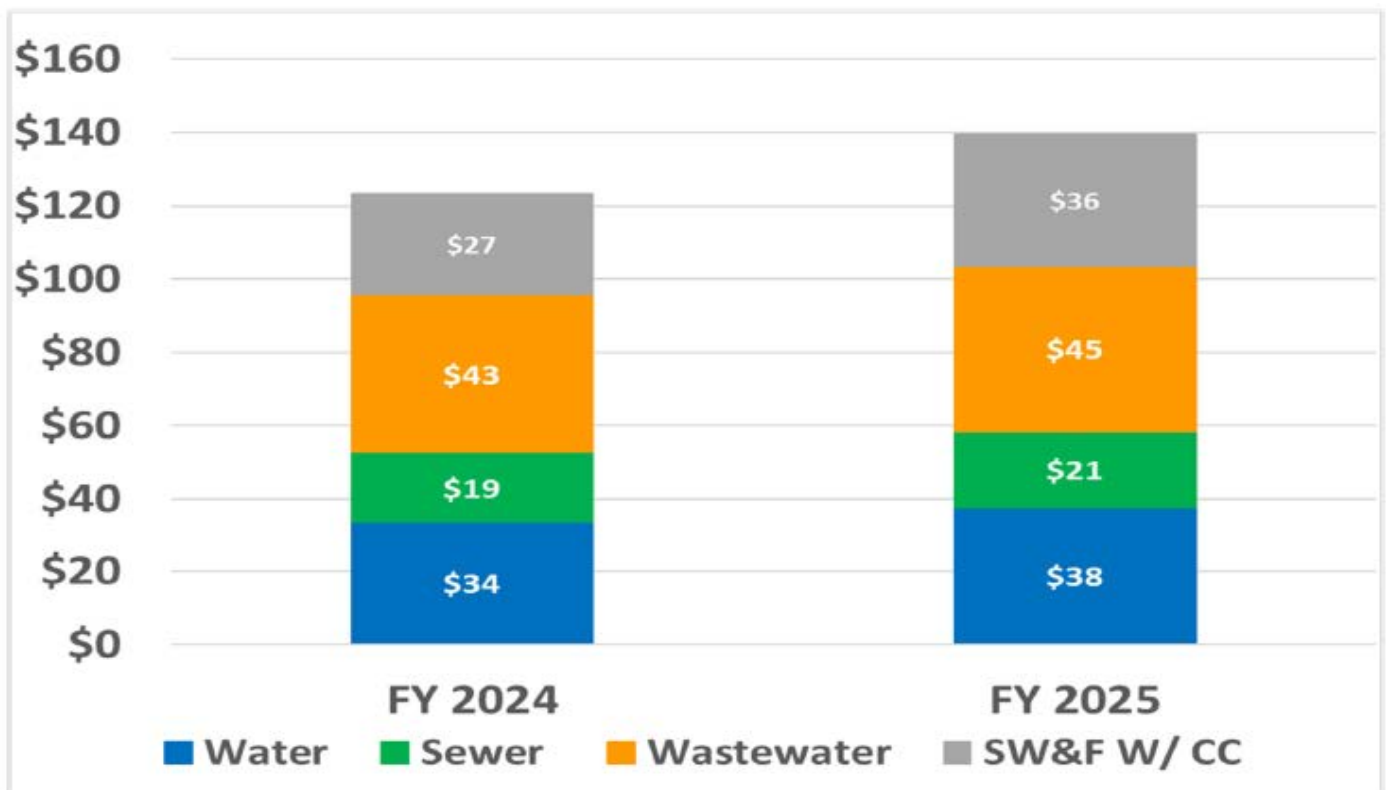


Figure 1-5 shows the typical residential monthly bill under current and proposed FY 2024-25 rates. The current typical residential bill is \$123 per month. The proposed FY 2024-25 rates will increase this monthly bill by an approximate \$16 increasing it to over \$139 per month if adopted.

**Figure 1-5: Typical Residential Monthly Bill Comparison Current and FY 24-25**



Proposed FY 2024-25 base / fixed and volume rates for each utility service are shown in Tables 1-1 through 1-9.

**Table 1-1: Current and Proposed FY 2024-25 Base Water Rates**

Customer Type	Location	Current Base Rate	Proposed Base Rate
Residential	Inside	\$33.84	\$37.90
Residential	Outside	67.68	75.80
Commercial	Inside	33.84	37.90
Commercial	Outside	67.68	75.80

**Table 1-2: Current and Proposed FY 2024-25 Residential Volume Water Rates**

Description	Water Allocation	Current Rate per 1,000 gals.	Proposed Rate per 1,000 gals.
Tier 1	0 – 3,000	\$0.00	\$0.00
Tier 2	3,001 – 5,000	6.00	6.72
Tier 3	5,001 – 7,000	7.00	7.84
Tier 4	7,001 – 11,000	14.00	15.68
Tier 5	11,001 – 15,000	20.00	22.40
Tier 6	15,001 – 20,000	30.00	33.60
Tier 7	> 20,000	42.00	47.04

**Table 1-3: Current and Proposed FY 2024-25 Commercial Volume Water Rates**

Description	Water Allocation	Current Rate per 1,000 gals.	Proposed Rate per 1,000 gals.
Tier 1	0 – 3,000	\$0.00	\$0.00
Tier 2	3,001 – 50,000	6.00	6.72
Tier 3	5,001 – 250,000	7.00	7.84
Tier 4	> 250,000	8.50	9.52

**Table 1-4: Current and Proposed FY 2024-25 Base Sewer Rates**

Customer Type	Location	Water Service	Current Base Rate	Proposed Base Rate
Residential	Inside	With	\$18.92	\$20.63
Residential	Inside	Without	22.71	24.76
Residential	Outside	With	22.96	25.03
Residential	Outside	Without	28.37	30.93
Commercial	Inside	With	29.15	31.78
Commercial	Inside	Without	35.37	38.56
Commercial	Outside	With	34.96	38.11
Commercial	Outside	Without	43.69	47.63

**Table 1-5: Current and Proposed FY 2024-25 Volume Sewer Rates**

Customer Class	Description	Water Allocation	Current Rate per 1,000 gals.	Proposed Rate per 1,000 gals.
All Customers	Tier 1	0 – 4,000	\$0.00	\$0.00

All Customers Tier 2 > 4,000 1.15 1.26

**Table 1-6: Current and Proposed FY 2024-25 Base Wastewater Rates**

Customer Type	Location	Water Service	Current Base Rate	Proposed Base Rate
Residential	Inside	With	\$43.04	\$45.20
Residential	Inside	Without	51.64	54.23
Residential	Outside	With	53.79	56.48
Commercial	Inside	With	59.34	62.31
Commercial	Inside	Without	71.19	74.75
Commercial	Outside	With	89.03	93.49

**Table 1-7: Current and Proposed FY 2024-25 Volume Wastewater Rates**

Customer Class	Description	Water Allocation	Current Rate per 1,000 gals.	Proposed Rate per 1,000 gals.
All Customers	Tier 1	0 – 4,000	\$0.00	\$0.00

All Customers Tier 2 > 4,000 2.88 3.03

**Table 1-8: Current and Proposed FY 2024-25 Solid Waste Rates**

Customer Type	Service	Frequency	Current Rate	Proposed Rate
Residential	Trash	Monthly	\$14.24	\$18.51
Residential	Recycling	Monthly	0.90	1.17
Commercial	Light	Per Pickup	38.99	50.69
Commercial	Medium	Per Pickup	44.88	58.34
Commercial	Heavy	Per Pickup	55.91	72.68
Commercial	Dumpster	Per Pickup	21.37	21.37

**Table 1-9: Current and Proposed FY 2024-25 Forestry Service Fee**

Status	Current Monthly Fee	Proposed Monthly Fee
Non-Compliant	\$12.00	\$15.60
Compliant	4.00	5.20



## Water Conservation Rate Considerations for 2025

During Village Manager discussions with Raftelis and Souder Miller regarding the Enterprise Utility Rate Recommendations, a question was asked if something could be done with water rates that could encourage additional water conservation in Ruidoso.

It was noted that Souder Miller and Raftelis have worked on a few water rate studies in New Mexico where the inclining block rate structure was used to effectively incentivize customers to decrease their water usage.

Following a review of the present Ruidoso rate structure, it was noted that Ruidoso presently has an inclining block rate structure, but the residential rates only have six inclining blocks, and the commercial rates only have three inclining blocks.

Additionally, it was found that Ruidoso has extremely low water use for Residential customers and there is very little additional opportunity for water conservation for residential customers.

However, it was noted that the present commercial rate structure has almost no water conservation incentive. Modification of the inclining block rate structure for commercial customers was discussed as being needed to incentivize commercial customer water conservation.

The present Ruidoso Commercial rate structure is listed below. The lowest rate category allows businesses to use up to 50,000 gallons of water at the same cost per 1,000 gallons that the residential customers are charged for 3,000 to 5,000 gallons of water.

3,000-50,000 gallons	\$ 6.00/1,000 gallons
50,001-250,000 gallons	\$ 7.00/1,000 gallons
Over 250,000 gallons	\$ 8.50/1,000 gallons

The next rate category allows businesses to use up to 250,000 gallons of water at the same cost per 1,000 gallons that the residential customers are charged for 5,000 to 7,000 gallons of water.

The highest commercial rate category is for use over 250,000 gallons per month and the rate is only about 17% higher than the rate for the next lower rate category.

If a company is using over 250,000 gallons per month, they would need to reduce their use down to 50,000 gallons per month to receive an approximate 29% rate decrease for just the water they used under the 50,000-gallon amount. Most companies would not make the effort to reduce their water consumption for that small amount of benefit.

For commercial businesses to make a serious effort to reduce water consumption, they would need to have a rate structure that allowed them to save money for each category that they reached as they took action to use less water. Conversely, if they used more water, the cost for the additional water would be significantly more expensive so they would not want to continue to use the additional water at the higher category cost. This would require more rate categories.

Listed below are some commercial rate categories that have been used successfully by another New Mexico Community with less than 10,000 population. If appropriate rates are set for each category, it would incentivize reduced water use and discourage increased water use.

2,000-5,000 gallons

5,001-20,000 gallons

20,001-50,000 gallons

50,001-100,000 gallons

100,001 - 150,000 gallons

150,001-200,000 gallons

200,001-250,000 gallons

250,001-400,000 gallons

400,001-600,000 gallons

over 600,000 gallons

Raftelis stated that Ruidoso residential customers presently use 69% of the water and pay 84% of the water system cost. Commercial customers presently use 31% of the water and pay 16% of the water system cost.

When it was discussed that many communities have rate structures that result in the residential and commercial customers each paying for their fair share of the total water system costs, it was noted that when the previous rate structure was approved in 2014, the Village Council voted to have residential customers subsidize the commercial customer water cost.

It is interesting that some other communities want their commercial customers to subsidize lower residential customer costs, since businesses can pass along water costs to their customers, but residential customers must pay the rates on their own.

After additional discussion at the Village Manager meetings, it appeared there is support for the Ruidoso Rates to be set so the residential and commercial customers each pay for their fair share of the total water system cost at some time in the future.

However, to create this new inclining block structure with additional categories while balancing the commercial revenue and residential revenue so each pay their fair share of the total water system cost would take additional study. This study could not be completed before the rates identified in the rate study recommendations could be adopted in July 2024, as desired.

It was agreed by the Village that the inclining block rate structure with additional commercial categories and rates to incentivize water conservation receive additional study in the next fiscal year so they could potentially be adopted in July 2025.

# AGENDA MEMORANDUM

## Village of Ruidoso

Regular Items - 2.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Randy Koehn, Water Production Manager

**Meeting Date:** January 14, 2025

**Re:** Discussion and Possible Action on Change Order No.2 with D&R Tank for Water Storage Tank Rehabilitation Re-Bid ITB #2024-001B, Requesting Quantity Adjustments and Decreasing the Contract Amount by \$137,782.19, Including NMGRT.

---

### **Item Summary:**

Discussion and Possible Action on Change Order No.2 with D&R Tank for Water Storage Tank Rehabilitation Re-Bid ITB #2024-001B, Requesting Quantity Adjustments and Decreasing the Contract Amount by \$137,782.19, Including NMGRT.

### **Financial Impact:**

Funding is Available in Account 202-211-53030 (Water System Projects).

Original Contract Price:	\$ 1,960,903.85 Including NMGRT
CO No.1:	\$ 2,106,478.78 Including NMGRT
Contract Price with CO No.1:	\$ 4,067,382.63 Including NMGRT
Decrease with CO No. 2:	\$ 137,782.19 Including NMGRT
Total Contract Cost:	\$ 3,929,600.44 Including NMGRT

### **Item Discussion:**

Remove Bid Item No. 12 From Contract - Remove and Replace all Vault Components of the Alto Crest Tank, Resulting in a Contract Price Decrease of \$143,750.00.

Remove Bid Item No. GA-3 from Contract - Remove and Replace Wet Subgrade of the Gavilan Tank, Resulting in a Contract Price Decrease of \$130,000.00.

Add Item No. GA-9 to Contract - Repair Pitting on Interior Shell of the Gavilan Tank, Resulting in a Price Increase of \$146,395.00.

### **Recommendations:**

To Approve Change Order No.2 with D&R Tank for Water Storage Tank Rehabilitation Re-Bid ITB #2024-001B, Requesting Quantity Adjustments and Decreasing the Contract Amount by \$137,782.19, Including NMGRT.

**ATTACHMENTS:**

Description

VILLAGE OF RUIDOSO WATER STORAGE TANK REHABILITATION PROJECT  
CHANGE ORDER NO. 2

D&R Tank Signed Contract itb#2024-001 Water Storage Tank Rehab



December 30, 2024

#6331008

Mr. Randy Koehn  
Water Production Manager  
313 Cree Meadows Drive  
Ruidoso, NM 88345  
Phone: (575) 973-5866

**RE: VILLAGE OF RUIDOSO WATER STORAGE TANK REHABILITATION PROJECT  
CHANGE ORDER NO. 2**

Dear Mr. Koehn,

Souder, Miller and Associates (SMA) is recommending approval of Change Order No. 2 for the Village of Ruidoso Water Storage Tank Rehabilitation Project. The change order is being implemented to include quantity adjustments for project completion. This includes the following changes:

**Revised Bid Items:**

- **(Bid Item No. 12)**  
Remove and replace all vault components of the Alto Crest Tank has been removed, resulting in a contract price decrease of \$143,750.00.
- **(Bid Item No. GA-3)**  
Remove and replace wet subgrade of the Gavilan Tank has been removed, resulting in a contract price decrease of \$130,000.00.
- **(Bid Item No. GA-9)**  
Repair pitting on interior shell of the Gavilan Tank has been added, resulting in a price increase of \$146,395.00

The contract price between the Contractor and the Village of Ruidoso after Change Order No. 1 was \$3,759,568.00 (\$4,067,382.63 w/NMGRT). The revised contract price between the Contractor and the Village of Ruidoso after incorporating Change Order No.2 is \$3,632,213.00 (\$3,929,600.44 w/NMGRT), summarized below:

Please feel free to contact either of the undersigned if you have any comments and/or questions.

Sincerely,  
**MILLER ENGINEERS, INC. D/B/A  
SOUDER, MILLER AND ASSOCIATES**

Edgar Dominguez  
Staff Civil Designer  
edgar.dominguez@soudermiller.com

Marty Howell, P.E.  
Senior Engineer  
marty.howell@soudermiller.com

Enc: Change Order No. 2  
Progress Estimate – Unit Price Work  
Supplier’s Quote

**CHANGE ORDER NO. 2**

Date of Issuance: 30-Dec-24	Effective Date: 30-Dec-24
Owner: Village of Ruidoso	Owner's Contract No.: N/A
Contractor: D&R Tank Company	Contractor's Project No.: N/A
Engineer: Souder, Miller & Associates	Engineer's Project No.: 6331008
Project: Village of Ruidoso Water Storage Tank Rehabilitation Project	Contract Name: Village of Ruidoso Water Storage Tank Rehabilitation Project

The Contract is modified as follows upon execution of this Change Order:

**(Bid Item No. 12)**

Remove and replace all vault components of the Alto Crest Tank has been removed, resulting in a contract price decrease of \$143,750.00.

**(Bid Item No. GA-3)**


Remove and replace wet subgrade of the Gavilan Tank has been removed, resulting in a contract price decrease of \$130,000.00.

**(Bid Item No. GA: 9)**

Repair pitting on interior shell of the Gavilan Tank has been added, resulting in a contract price increase of \$146,395.00.

Attachments: *Unit Price Worksheet, Supplier's Quote*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>1,812,505.00 (\$1,960,903.85 w/ NMGRT)</u>	Original Contract Times: Substantial Completion: <u>December 11<sup>th</sup>, 2024 (365 days)</u> Ready for Final Payment: <u>January 10<sup>th</sup>, 2025 (395 days)</u> days or dates
Increase from previously approved Change Orders: \$ <u>1,947,063.00 (\$2,106,478.78 w/ NMGRT)</u>	Increase from previously approved Change Orders: Substantial Completion: <u>175</u> Ready for Final Payment: <u>175</u> days
Contract Price prior to this Change Order: \$ <u>3,759,568.00 (\$4,067,382.63 w/ NMGRT)</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 4<sup>th</sup>, 2025 (540 days)</u> Ready for Final Payment: <u>July 4<sup>th</sup>, 2025 (570 days)</u> days or dates
Decrease of this Change Order: \$ <u>127,355.00 (\$137,782.19 w/ NMGRT)</u>	Increase of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days or dates
Contract Price incorporating this Change Order: \$ <u>3,632,213.00 (\$3,929,600.44 w/ NMGRT)</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 4<sup>th</sup>, 2025 (540 days)</u> Ready for Final Payment: <u>July 4<sup>th</sup>, 2025 (570 days)</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: <u></u>	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized)	Owner (Authorized)	Contractor (Authorized)	Contractor (Authorized)	Contractor (Authorized)
Title: <u>Senior Engineer</u>	Title: _____	Title: _____	Title: _____	Title: _____	Title: _____
Date: <u>12/30/2024</u>	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____





## WATER STORAGE SOLUTIONS

December 17, 2024

Robert Storey  
Souder Miller  
3500 Sedona Hills Parkway  
Las Cruces, NM 88011  
O: 575-647-0799, M: 575-449-3214 email: [robert.storey@soudermiller.com](mailto:robert.storey@soudermiller.com)

Re: Lower Heights Water Storage Tank Interior Pitting

Mr. Storey,

On December 4, 2024, D&R Tank along with representatives from Industrial Inspection Group (IIG) conducted an interior inspection of the Gavilan 1.0 MG, 74 ft diameter by 33 ft high potable water storage tank. 2/3 of the blasting of the interior shell was prior to the inspection. The shell wall conditions were found to be unsatisfactory and in very poor shape. The amount of pitting and metal thickness loss requires mitigation.

Our recommendations are to add the following work:

- IIG will mark all pits that need to be filled with weld material
- D&R Tank will fill selected pits by welding
- D&R Tank will hand roll on a full Prime coat of Tnemec Series 22, 10-14 mils

**LUMP SUM PRICE REPAIR PITTING ON INTERIOR SHELL \$ 146,395.00**

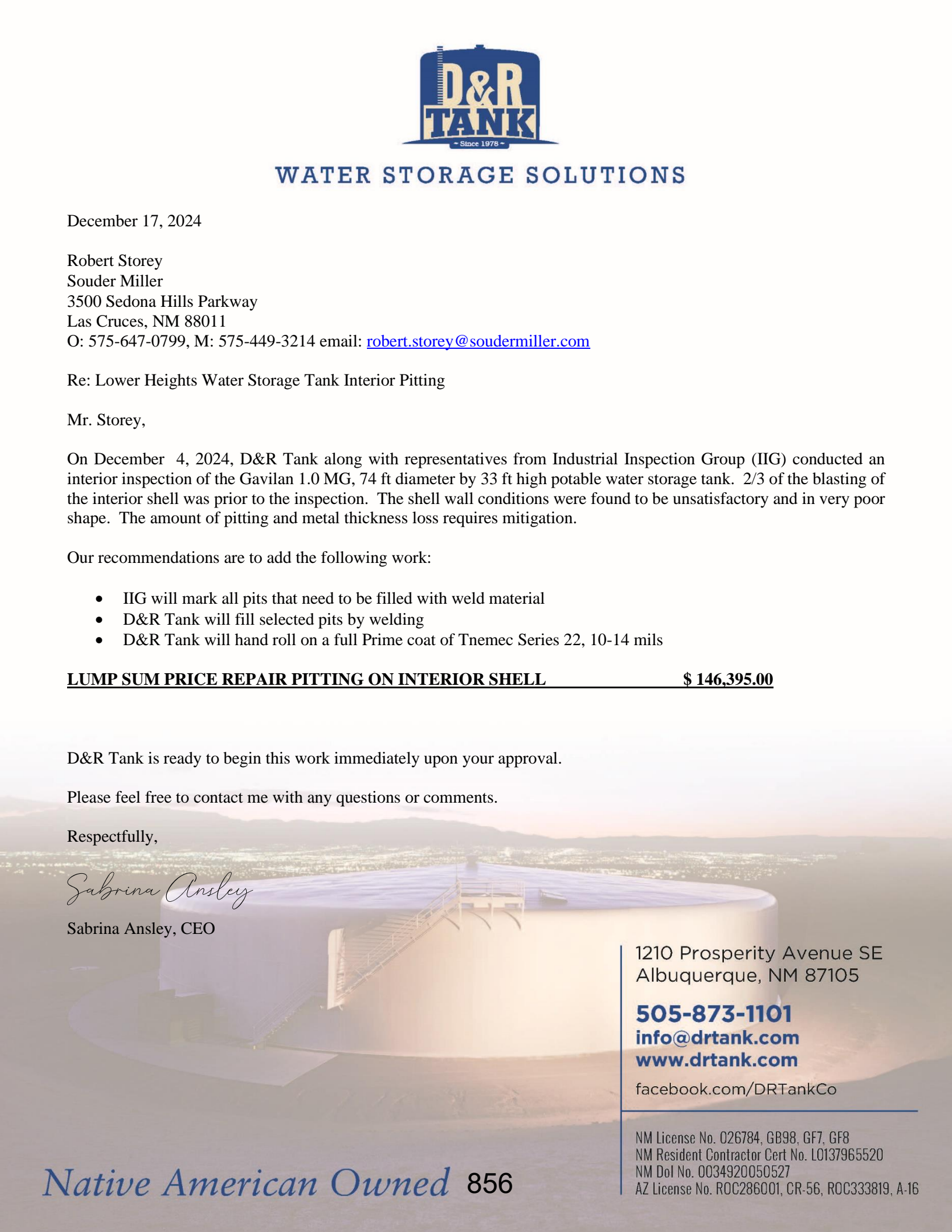
D&R Tank is ready to begin this work immediately upon your approval.

Please feel free to contact me with any questions or comments.

Respectfully,



Sabrina Ansley, CEO



1210 Prosperity Avenue SE  
Albuquerque, NM 87105

**505-873-1101**  
**[info@drtank.com](mailto:info@drtank.com)**  
**[www.drtank.com](http://www.drtank.com)**

[facebook.com/DRTankCo](https://facebook.com/DRTankCo)



**AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)**

THIS AGREEMENT is by and between Village of Ruidoso ("Owner") and  
D&R Tank Company ("Contractor").

Owner and Contractor hereby agree as follows:

**ARTICLE 1 – WORK**

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The project includes the rehabilitation of the Alto Crest Tank, Grindstone Tank, and Gavilan Tank.

**ARTICLE 2 – THE PROJECT**

2.01 The Project, of which the Work under the Contract Documents is a part, is described as follows:

Village of Ruidoso Water Tank Rehabilitation Project

**ARTICLE 3 – ENGINEER**

3.01 The Project has been designed by Miller Engineers, Inc. d/b/a Souder, Miller & Associates ("Engineer") who will act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

**ARTICLE 4 – CONTRACT TIMES**

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Days*

A. The Work will be substantially completed within 365 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 395 calendar days after the date when the Contract Times commence to run.

4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of

requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner \$1,505 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.
2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner \$1,505 for each day that expires after such time until the Work is completed and ready for final payment.
3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

---

## ARTICLE 5 – CONTRACT PRICE

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:
- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit, with an estimated total of all unit price work equivalent to \$1,812,505.00 + NMGRT (8.1875%) \$148,398.85 = \$1,960,903.85.

The extended prices for Unit Price Work set forth as of the Effective Date of the Contract are based on estimated quantities. As provided in Paragraph 13.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer.

In the event that lead is detected during the interior lead testing of the tanks, Additive Alternative A2, A3, and A4 will be incorporated in the contract award. The contract amounts are as follows:

Additive Alternative A2: \$75,259.00 + NMGRT (8.1875%) \$6,161.83 = **\$81,420.83**

Additive Alternative A3: \$207,160.00 + NMGRT (8.1875%) \$16,961.23 = **\$224,121.23**

Additive Alternative A4: \$76,194.00 + NMGRT (8.1875%) \$6,238.38 = **\$82,432.38**

## ARTICLE 6 – PAYMENT PROCEDURES

### 6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

### 6.02 *Progress Payments*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the first day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based

on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract.
  - a. 100 percent of Work completed; and
  - b. 100 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 100 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

#### 6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

### ARTICLE 7 – INTEREST

- 7.01 All amounts not paid when due shall bear interest at the rate of 1.5% per month, or other rate mutually agreed between the Owner and Contractor prior to presentation of corresponding Application for Payment.

### ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:
  - A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
  - B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
  - C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
  - D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
  - E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related

reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor's safety precautions and programs.

- F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

## **ARTICLE 9 – CONTRACT DOCUMENTS**

### **9.01 Contents**

- A. The Contract Documents consist of the following:
  - 1. This Agreement (pages 1 to 7, inclusive).
  - 2. Performance bond (pages 1 to 3, inclusive).
  - 3. Payment bond (pages 1 to 3, inclusive).
  - 4. Contractor's Bid Form [EJCDC C-410] (pages 1 to 6, inclusive).
  - 5. General Conditions (pages 1 to 65, inclusive).
  - 6. Supplementary Conditions (pages 1 to 9, inclusive).
  - 7. Appendices as listed in the Index to Appendices of the Project Manual.
  - 8. Technical Specifications as listed in the table of contents of the Project Manual.
  - 9. Drawings as listed in the table of contents of the Project Manual.
  - 10. The following, which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
    - a. Notice to Proceed.
    - b. Work Change Directives.
    - c. Change Orders.
    - d. Field Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).

- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

## ARTICLE 10 – MISCELLANEOUS

### 10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

### 10.02 *Assignment of Contract*

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

### 10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

### 10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

### 10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
  1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
  2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 *Other Provisions*

- A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor in the Supplementary Conditions.
- B. Non-Appropriations Clause: The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, the Owner may immediately terminate this Agreement by giving the Contractor written notice of such termination. The Owner's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. Contractor hereby waives any rights to assert an impairment of contract claim against the Owner or the State of New Mexico in the event of immediate or Early Termination of this Agreement by the Owner or the Department.
- C. Termination Clause: This contract is funded in whole or in part by funds made available under a NMED Grant Agreement. Should NMED early terminate the grant agreement, the Owner may early terminate this contract by providing Contractor written notice of such termination. In the event of termination pursuant to this paragraph, the Owner's only liability shall be to pay Contractor or Vendor for acceptable goods delivered and services rendered before the termination date.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on 8/8/23 (which is the Effective Date of the Contract).

OWNER:

CONTRACTOR:

Village of Ruidoso

D&R Tank Company

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Lynn D. Crawford - Mayor

*(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)*

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Theresa S. Turri - Clerk



Address for giving notices:

Address for giving notices:

313 Cree Meadows Drive

1210 Prosperity Ave SE

Ruidoso, NM 88345

Albuquerque, NM 87105

License No.: 26784

*(where applicable)*

*(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)*

Agency Concurrence:

Agency Concurrence:

As lender or insurer of funds to defray the costs of this Contract, and without liability for any payments thereunder, the Agency hereby concurs in the form, content, and execution of this Agreement.

Agency: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

**D&R Tank Company's Bid Package**



**BID FORM**

**Village of Ruidoso Water Storage Tank Rehabilitation Project**

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**ARTICLE 1 – BID RECIPIENT**

1.01 This Bid is submitted to:

**Souder, Miller & Associates**  
Attn: Robert Storey, P.E.  
3500 Sedona Hills Parkway  
Las Cruces, NM 88011

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

**ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS**

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

**ARTICLE 3 – BIDDER’S REPRESENTATIONS**

3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

Addendum No.	Addendum Date	Addendum No.	Addendum Date
<u>None</u>			

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder’s safety precautions and programs.
- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the

Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

**ARTICLE 4 – BIDDER’S CERTIFICATION**

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
  - 1. “corrupt practice” means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
  - 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  - 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
  - 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

**ARTICLE 5 – BASIS OF BID**

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

**Note: Gross receipts tax not included.**

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL PRICE
1	Pre-construction and post-construction video documentation	LS	1	3,458.00	3,458.00
2	Mobilization (75%) and demobilization (25%), including removal of all debris from storage sites and delivery of O&M manuals, also as-builts; not to exceed 5% of total bid	LS	1	33,360.00	33,360.00
3	Material Testing Allowance	ALLOW	1	\$5,000.00	\$5,000.00
4	Interior Lead Testing	EA	3	140.00	420.00
5	AMPP (NACE) Tank Testing	LS	1	196,648.00	196,648.00
<b>Alto Crest Tank Rehabilitation</b>					
6	Sandblast and re-coat Interior of existing steel tank (incl. all labor, material, and all other appurtenances as required for a complete operating installation), CIP.	LS	1	477,584.00	477,584.00

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL PRICE
7	Overcoat Exterior of existing steel tank (incl. all labor, material, and all other appurtenances as required for a complete operating installation), CIP.	LS	1	137,232.00	137,232.00
8	Remove and replace existing roof vent (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	10,011.00	10,011.00
9	Remove and replace existing liquid level indicator (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	5,986.00	5,986.00
10	Furnish and install gasket on existing manway (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	175.00	175.00
11	Furnish and install screen on overflow line near the flap valve (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	1,907.00	1,907.00
12	Remove and replace all vault components per sheet DT-4 (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	143,750.00	143,750.00
13	Remove and replace existing 14-inch gate valve, (incl. exploratory digging to locate existing valve, all material, labor, valve, valve box, lid, site restoration and all related appurtenances not separately listed on the bid form), CIP.	EA	2	27,025.00	54,050.00
<b>Grindstone Tank Rehabilitation</b>					
14	Sandblast and re-coat Interior of existing steel tank (incl. all labor, material, and all other appurtenances as required for a complete operating installation), CIP.	LS	1	192,658.00	192,658.00
15	Overcoat Exterior of existing steel tank (incl. all labor, material, and all other appurtenances as required for a complete operating installation), CIP.	LS	1	79,954.00	79,954.00
16	Furnish and install new impressed current cathodic protection (incl. all labor, material, inspections as required to meet the project requirements), CIP.	LS	1	21,221.00	21,221.00
17	Remove and replace existing roof vent (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	10,011.00	10,011.00
18	Remove and replace existing liquid level indicator (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	5,479.00	5,479.00
19	Remove and replace interior ladder (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	6,206.00	6,206.00
20	Furnish and install screen on overflow line near the flap valve (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	1,907.00	1,907.00
<b>Gavilan Tank Rehabilitation</b>					
21	Sandblast and re-coat interior of existing steel tank (incl. all labor, material, and all other appurtenances as required for a complete operating installation), CIP.	LS	1	191,862.00	191,862.00

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL PRICE
22	Overcoat Exterior of existing steel tank (incl. all labor, material, and all other appurtenances as required for a complete operating installation), CIP.	LS	1	80,380.00	80,380.00
23	Furnish and install manway (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	7,196.00	7,196.00
24	Remove and replace existing roof vent (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	10,011.00	10,011.00
25	Furnish and install gasket on existing roof manway (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	175.00	175.00
26	Furnish and install handrail near roof hatch (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	6,304.00	6,304.00
27	Remove and replace exterior ladder (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	6,903.00	6,903.00
28	Furnish and install screen on overflow line near the flap valve (incl. labor, material, and all related appurtenances not included on bid form), CIP.	LS	1	1,907.00	1,907.00
29	Remove and replace existing 6-inch gate valve, (incl. exploratory digging to locate existing valve, all material, labor, valve, valve box, lid, site restoration and all related appurtenances not separately listed on the bid form), CIP.	EA	3	10,925.00	32,775.00
30	Remove and replace existing 8-inch gate valve, (incl. exploratory digging to locate existing valve, all material, labor, valve, valve box, lid, site restoration and all related appurtenances not separately listed on the bid form), CIP.	EA	3	12,650.00	37,950.00
31	Remove and replace existing 12-inch gate valve, (incl. exploratory digging to locate existing valve, all material, labor, valve, valve box, lid, site restoration and all related appurtenances not separately listed on the bid form), CIP.	EA	3	16,675.00	50,025.00

**TOTAL OF BASE BID: \$** 1,812,505.00

**IN WORDS:** One million eight hundred twelve thousand five hundred five dollars and zero cents

<b>Additive Alternative A1: Gavilan Tank Waterline Removal</b>					
A1-1	Remove and dispose existing 8-inch waterline from cap to fence line (incl. labor, material, disposal, and all related appurtenances not included on bid form), CIP.	LF	100	92.00	9,200.00

**TOTAL OF ADDITIVE ALTERNATIVE A1: \$** 9,200.00

**IN WORDS:** Nine thousand two hundred dollars and zero cents

<b>Additive Alternative A2: Gavilan Tank Lead Abatement</b>					
A2-1	Interior lead abatement with lead suitable basting material for the Gavilan tank.	LS	1	72,259.00	72,259.00

TOTAL OF ADDITIVE ALTERNATIVE A2: \$ 75,259.00

IN WORDS: Seventy five thousand two hundred fifty nine dollars and zero cents

Additive Alternative A3: Alto Tank Lead Abatement					
A3-1	Interior lead abatement with lead suitable basting material for the Alto tank.	LS	1	207,160.00	207,160.00

TOTAL OF ADDITIVE ALTERNATIVE A3: \$ 207,160.00

IN WORDS: Two hundred seven thousand one hundred sixty dollars and zero cents

Additive Alternative A4: Grindstone Tank Lead Abatement					
A4-1	Interior lead abatement with lead suitable basting material for the Grindstone tank.	LS	1	76,194.00	76,194.00

TOTAL OF ADDITIVE ALTERNATIVE A4: \$ 76,194.00

IN WORDS: Seventy six thousand one hundred ninety four dollars and zero cents

Bidder acknowledges that (1) each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and (2) estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

#### ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

#### ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security;
  - B. List of Proposed Subcontractors;
  - C. Required Bidder Qualification Statement with supporting data;
  - D. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;
  - E. New Mexico Contractor's License No.: 26784;
  - F. Copy of Registration with the Labor Relations Division, New Mexico Department of Workforce Solutions, Public Works Bureau;
  - G. Copy of a valid resident business certificate or valid resident contractor certificate issued by the taxation and revenue department of the State of New Mexico (if applicable);
  - H. Copy of a valid resident veteran business certificate or valid resident veteran contractor certificate issued by the taxation and revenue department of the State of New Mexico (if applicable);

I. Campaign Contribution Disclosure Form.

ARTICLE 8 – DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

By: \_\_\_\_\_  
*[Signature]* Sabrina Ansley

*[Printed name]* Sabrina Ansley  
*(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)*

Attest: \_\_\_\_\_  
*[Signature]* Brandon L. Detrick

*[Printed name]* Brandon L. Detrick

Title: Project Manager

Submittal Date: 7/25/2023

Address for giving notices:  
1210 Prosperity Ave SE  
Albuquerque, NM 87105

Telephone Number: 505-873-1101

Fax Number: 505-877-6548

Contact Name and e-mail address: Sabrina Ansley sabrina@drtank.com

New Mexico Department of Workforce Solutions Registration No. 0034920050527



Is Bidder eligible for Resident Contractor Preference or Resident Veteran Contractor Preference as defined in the Instructions to Bidders?

Yes  Circle one: Resident Contractor Resident Veteran Contractor  
No  Preference Preference

If yes, attach documentation of Resident Contractor or Resident Veteran Contractor eligibility.

Is Bidder eligible for Indian Preference as defined in the Instructions to Bidders? Yes   
No

If yes, attach documentation of Indian Preference eligibility.



**BID BOND**

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

**BIDDER (Name and Address):** D & R Tank Company  
 1210 Prosperity SE  
 Albuquerque, NM 87105

**SURETY (Name, and Address of Principal Place of Business):**  
 Merchants Bonding Company (Mutual)  
 6700 Westown Parkway  
 West Des Moines, IA 50266

**OWNER (Name and Address):** Village of Ruidoso  
 313 Cree Meados Drive  
 Ruidoso, NM 88310

**BID**

Bid Due Date: July 25, 2023

Description (Project Name— Include Location): Water Storage Tank Rehabilitation Project Rebid  
 ITB #2024 - 001B

**BOND**

Bond Number:

Date: July 25, 2023

Penal sum Five Percent of Principal's Bid \$ 5%  
 (Words) (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

**BIDDER**

**SURETY**

D & R Tank Company  
 Bidder's Name and Corporate Seal

Merchants Bonding Company (Mutual) (Seal)  
 Surety's Name and Corporate Seal

By:

Signature

Signature (Attach Power of Attorney)

Sabrina Ansley

Print Name

Dick Minick

Attorney-in-Fact

Title

Title

Attest:

Signature

Attest:

Signature

Title

Title Secretary

Note: Addresses are to be used for giving any required notice.

Provide execution by any additional parties, such as joint venturers, if necessary.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
  - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
  - 3.2 All Bids are rejected by Owner, or
  - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
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9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

# MERCHANTS BONDING COMPANY,™

## POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (in California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Dick Minick

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

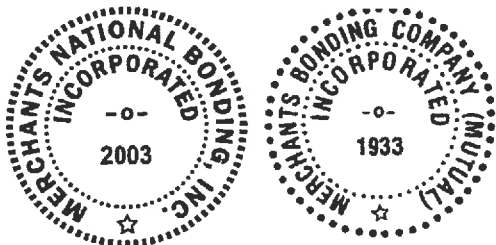
"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

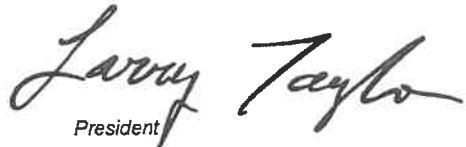
In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 8th day of December, 2022.

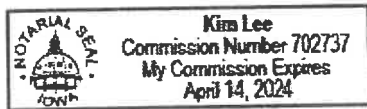



MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.  
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By   
President

STATE OF IOWA  
COUNTY OF DALLAS ss.

On this 8th day of December, 2022, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

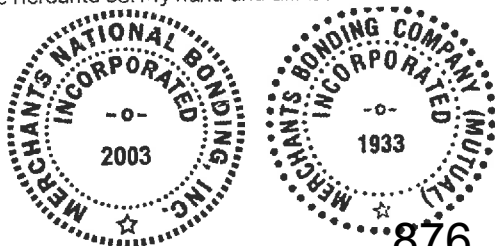


  
Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 25th day of July, 2023.



  
Secretary

## LIST OF PROPOSED SUBCONTRACTORS

The following listing must be completed and signed by the Bidder and submitted with the Bid Proposal. Bids submitted without this completed and signed listing or with more than one listed for each item may be considered non-responsive. The subcontractor listing threshold shall be as indicated in the Instructions to Bidders. If none of the work will be subcontracted, Bidder shall write "NONE", sign the sheet, and include with Bid to avoid being found non-responsive.

The General Contractor will determine categories of work that will be performed by the General Contractor, Subcontractors, and Tiers of Subcontractors. The following will be employed to perform the designated categories of work under this Contract.

Prior to award of the contract to the lowest qualified Bidder, the Contractor may be required to supply additional information regarding the Subcontractors listed below, as called for in the Instructions to Bidders, Bidder's Qualifications Statement, and in the technical specifications.

Contractor shall not substitute any person as Subcontractor in place of those identified on this form without prior approval from Owner. (§ 13-4-36)

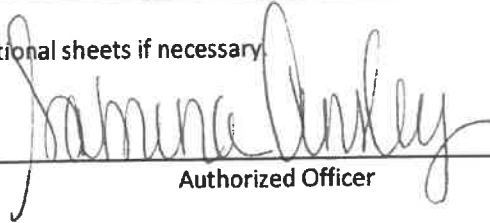
**Important Note Related to Public Works Projects:** Contractor and all tiers of Subcontractors must be in compliance with the New Mexico Public Works Minimum Wage Act. Any Subcontractor whose work is valued at greater than \$60,000 must be registered with the Labor Relations Division, New Mexico Department of Workforce Solutions, Public Works Bureau at the time of Bid [13-4-13.1 NMSA 1978], and their registration number included below. If such registration is not in place and current as of the date of Bid, the Subcontractor will be rejected and the General Contractor will be required to substitute another Subcontractor acceptable to the Owner without any increase in Bid price.

* Category of Work	Firm Name and Business Address, Phone # and License Number of Subcontractors	** Range	NM Department of Workforce Solutions Registration No. (if applicable)
NACE	Industrial Inspection Group, Inc	C	28440587262022
	4802 East Ray Road #23-116		
	Phoenix, AZ 85044		
	Ph. 602-525-0360 WSN 10056397		
Cathodic Protection	Corrosion Services, LLC	A	03055720140902
	PO Box 16197		
	Las Cruces, NM 88004		
	Ph. 575-640-9290 License #385613		
Valves, Piping, Site Work	Smithco Construction	C	002334720111003
	6 King Canyon Loop		
	Caballo, NM 87931		
	Ph. 575-894-6161 License #56580		

**List of Proposed Subcontractors - Continued**

* Category of Work	Firm Name and Business Address, Phone # and License Number of Subcontractors	** Range	NM Department of Workforce Solutions Registration No. (if applicable)

Use additional sheets if necessary.

Attest:   
 Authorized Officer

Sabrina Ansley, President  
 Name and Title

D&R Tank Company  
 Name of Firm

7/25/23  
 Date

\* Place title of subcontractor specialty.  
 \*\* Subcontractor's contract range: In the column marked "Range", enter the letter corresponding to the subcontract amount.  
 A = Equal to or greater than \$5,000 but less than \$15,000  
 B = Equal to or greater than \$15,000 but less than \$50,000  
 C = Equal to or greater than \$50,000

## BIDDER'S QUALIFICATIONS STATEMENT

**Important Note:**

***Completion of this statement is required of all Bidders and must be submitted together with the Bid, as stipulated in the Instructions to Bidders.***

PROJECT TITLE: Water Storage Tank Rehabilitation Project

SUBMITTED BY: D&R Tank Company  
(Print or Type Name of Bidder)

ADDRESS: 1210 Prosperity Avenue SE  
Albuquerque, NM 8715

The undersigned certifies the truth and correctness of all statements and of all answers to questions made hereinafter. Use additional sheets for any responses, as necessary.

1. How many years has your organization been in business as a utilities contractor? 45

2. How many years has your organization been in business under its present name? 45

3. If a corporation, answer the following:

a. Date of Incorporation: March 26, 1980

b. State of Incorporation: New Mexico

c. President's Name: Sabrina Ansley

d. Vice President's Name: Alan Chastain

c. Secretary or Clerk's Name: Carol Ansley

d. Treasurer's Name: Carol Ansley

4. If individual or partnership, answer the following:

a. Date of Organization: \_\_\_\_\_

b. Name and Address of all Partners:  
(State if general or limited partnership)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. If other than corporation or partnership, describe organization and name principals

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6. Do you plan to subcontract any part of this Project? Yes If so, briefly describe below and identify subcontractors on the List of Proposed Subcontractors form included in these Contract Documents, that meet the listing threshold.

We will be using subcontractors for NACE and Cathodic Protection. Both companies are listed on the List of Proposed Subcontractors.

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7. Has any construction contract to which you have been a party, or any subcontractor identified on the List of Proposed Subcontractors form has been a party, been terminated for convenience or for cause; have you ever been debarred from contracting with any entity, public or private; have you ever terminated work on a project prior to its completion for any reason; have you ever filed a claim for disputed work; has any owner or prime contractor to which you've provided a performance bond ever put your surety on notice of their intent to terminate; has any surety which issued a performance bond on your behalf ever completed the work in its own name or financed such completion on your behalf; has any surety expended any monies in connection with the contract for which they furnished a bond on your behalf; has any subcontractor or supplier ever placed a claim against your payment bond; have you been late in completing a project during the last five years resulting in the assessment of liquidated damages? If the answer to any portion of this question is "yes", please furnish details of all such occurrences including name of subcontractor (if applicable), owner, architect or engineer, and surety, and name and date of project.

No

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8. Has any officer or partner of your organization ever been an officer or partner of another organization that had any construction contract terminated for convenience or for cause; been debarred from contracting with any entity, public or private; terminated work on a project prior to its completion for any reason; filed a claim for disputed work; had any surety which issued a performance bond completed the work in its own name or financed such completion or ever been put on notice of intent to terminate; or had any surety expended any monies in connection with a contract for which they furnished a bond? If the answer to any portion of this question is "yes", please furnish details of all such occurrences, including name of owner, architect or engineer, and surety, and name and date of project. \_\_\_\_\_

No

9. List name of project, owner, architect or engineer, contract amount, percent complete and scheduled completion of the major construction projects your organization has in progress on this date. Include name, address and telephone number of a reference for each project listed. \_

North and South Water Storage Tanks Improvements (4 tanks) \$2,444,329 75%

Bohannon Huston, Inc., 425 S. Telshor Blvd., Suite C.103, Las Cruces, NM 88011 Ph. 575-532-8670

Claude 2022 Water Storage Improvements (2 tanks) \$1,052,344 75%

Parkhill, 800 S. Polk Street, Suite 200, Amarillo, TX 79101 Ph. 806-376-8600

Zia Water Storage Tank Renovation – Phase 1 \$238,887 45%

Indian Health Service, 801 Vassar Drive NE, Albuquerque, NM 87106 Ph. 505-248-4067

Twin Tanks Repair – Phase 1 (2 tanks) \$461,201 90%

Indian Health Service, 801 Vassar Drive NE, Albuquerque, NM 87106 Ph. 505-248-4067

Seagraves Water System Improvements (1 new, 1 reahab, 1 demo) \$622,672 10%

WTC, Inc, 405 SW 1st Street, Andrews, TX 79714 Ph. 432-523-2181

10. List name of project, owner, architect or engineer, contract amount, date of completion and percent of work with own forces of the major projects of the same general nature as this project which your organization has completed in the past five years. Include name, address and telephone number of a reference for each project listed.
- |  |              |                    |
|--|--------------|--------------------|
| Valles Caldera National Preserve Rehab   | \$29,879     | October 17, 2022   |
| Santa Clara Pueblo, 578 Kee Street, Española, NM 87532 Ph. 505-753-7326              |              |                    |
| Eldorado Area Water & Sanitation District County Waterline Extension                 | \$75,779     | November 10, 2022  |
| File Construction, 119 Industrial Ave NE, Albuquerque, NM 87107 Ph. 505-554-1780     |              |                    |
| 2021 Colonias Water System Improvements, Chloride Flats – South Tank                 | \$871,580    | July 22, 2022      |
| Stantec, 3400 Highway 180 East, Suite A, Silver City, NM 88061 Ph. 575-538-5395 100% |              |                    |
| Conchas Lake State Park Water System Imp.  | \$109,226.00 | September 19, 2022 |
| Advanced Environmental Solutions, 2318 Roldan Dr, Belen, NM 87002 Ph. 505-861-1700   |              |                    |
| Tank No. 5 Rehab Phase II – Roof Replacement   | \$613,615    | March 20, 2022     |
| Molzen Corbin, 2701 Miles Rd SE, Albuquerque, NM 87106 Ph. 505-242-5700              |              |                    |
| Pioneer Tank Rehabilitation, ITB NO- 320   | \$626,896    | July 29, 2021      |
| Dennis Engineering, 21 Main St, Edgewood, NM 87015 Ph. 505-281-2880                  |              |                    |

11. List name and construction experience of the principal individual of your organization.
- Sabrina began with D&R Tank in 1998; first working in customer service and moving into estimation. In 2005, Sabrina’s track record of excellence and involvement paid off and she stepped into the role of Chief Operating Officer. Sabrina saw to the day-to-day management of D&R Tank Company as COO until purchasing the company in March of 2021. Sabrina is now leading D&R as the president and CEO, she also oversees projects at every level, from estimating to completion

12. List the states and categories of construction in which your organization is legally qualified to do business. Include all license classifications your organization possesses in the State of New Mexico, as stipulated in the New Mexico Administrative Code (NMAC), Title 14, Chapter 6, Part 6.

New Mexico License 26784 - GB98, GF7, GF8

Arizona License ROC286001 - CR-56 ROC333819 - A-16

13. List name, address, and telephone number of an individual who represents each of the following and who may be contacted for a financial reference.

a. A surety: Merchants Bonding Company (Mutual)  
6700 Westown Parkway Dick Minick 505-262-2236  
West Des Moines, IA 50306-3498

b. A bank: Bank of Albuquerque  
PO Box 26148 Michelle Heckroth 505-222-8485  
Albuquerque, NM 87125

c. A major material supplier: Ranger Steel  
P.O. Box 43446 Steve Eckel 713-633-1306  
Houston, TX 77210

14. The Owner may require the low Bidder to submit a financial statement, prepared on an accrual basis in a form that clearly indicates Bidder's assets, liabilities and net worth, plus additional information concerning past job performance such as list of last ten jobs you purchased a bond for along with name of surety on each, prior to issuance of the Notice of Award.

Dated this 25 day of July 20 23

Bidder: D&R Tank Company  
(Print or Type Name of Bidder)

By: *Sabrina Ansley*

Title: Sabrina Ansley, President

(Seal, if Corporation)



## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

**THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.**

The following definitions apply:

**"Applicable public official"** means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

**"Campaign Contribution"** means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**"Family member"** means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

**“Pendency of the procurement process”** means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

**“Prospective contractor”** means a person or business that is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person or business qualifies for a sole source or a small purchase contract.

**“Representative of a prospective contractor”** means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s) if any: N/A  
(Completed by State Agency or Local Public Body)

**DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:**

Contribution Made By: N/A  
Relation to Prospective Contractor: N/A  
Date Contribution(s) Made: N/A  
Amount(s) of Contribution(s) N/A  
Nature of Contribution(s) N/A  
Purpose of Contribution(s) N/A

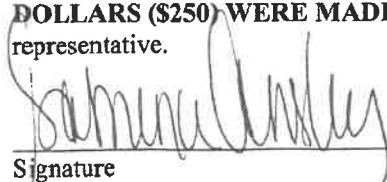
(Attach extra pages if necessary)

N/A \_\_\_\_\_  
Signature Date

N/A \_\_\_\_\_  
Title (position)

**--OR--**

**NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE** to an applicable public official by me, a family member or representative.

  
Signature

7/25/23  
Date

Sabrina Ansley, President  
Title (Position)



STATE OF NEW MEXICO  
**MAGGIE TOULOUSE OLIVER**  
SECRETARY OF STATE

Type or Print Legibly  
\$100.00 Min. Filing Fee

**Profit Corporation**

**Restated Articles of Incorporation**

The undersigned corporation under the New Mexico Business Corporation Act, adopts the following Restated Articles of Incorporation which supersede the original Articles of Incorporation and any amendments thereto:

**Article One:** The current name and business ID number of the corporation is:

D & R Tank Company 1052968

If applicable, the name is being changed to:

(must contain 'corporation', 'company', 'incorporated', or 'limited' or an abbreviation of such words)

The Articles of Incorporation were initially filed on: March 26, 1980

The date of any previous amendments: February 12, 1997

Email Address: sabrina@drtank.com Phone Number: 505-873-1101

**Article Two:** The aggregate number of shares that the corporation has the authority to issue: (Attach schedule if needed) 600

**Article Three:** The purpose for which the corporation is incorporated: (Please list a specific purpose for which the corporation is organized.) General contractor for the field erection of water and fuel storage tanks, the fabrication of metal products, and to perform any and all other services ancillary thereto permitted

The corporation elects to be designated as a Benefit Corporation pursuant to 53-12-7 NMSA 1978.

Yes  No

If yes, the benefit purpose: \_\_\_\_\_

**Article Four:** The period of duration is:

Perpetual **OR**  Specific Date or Number of Years \_\_\_\_\_

**Article Five:**

(1) The name of the registered agent is:

Sabrina Ansley

Individual First and Last Name **OR** Registered Corporation Name and Business ID #

(2) The New Mexico street address of the initial registered agent is: (must be a physical address)

1210 Prosperity Ave SE

Albuquerque New Mexico 87105  
City State Zip code

**325 DON GASPAR, SUITE 300 | SANTA FE, NEW MEXICO 87501**  
**PHONE: (505) 827-3600 or (800) 477-3632 | FAX: (505) 827-8081**  
**WWW.SOS.STATE.NM.US**

RECEIVED APR 07 2021

# Authority to Sign - Page 2

Office of the New Mexico Secretary of State  
Filing Number: 0002143299  
Filed On: 4/7/2021  
Total Number of Pages: 2 of 3

(3) The New Mexico mailing address of the initial registered agent is:  same as physical address

\_\_\_\_\_  
City State Zip code

(4) The principal place of business of the corporation is: (must be a physical address)  
1210 Prosperity Ave SE

Albuquerque New Mexico 87105  
City State Zip code

(5) The mailing address of the corporation is:  same as physical address

\_\_\_\_\_  
City State Zip code

Article Six: The names and complete addresses of the initial board of directors are:

Name	Address	City	State	Zip code
Sabrina Ansley President/Director	8909 Edith Blvd NE	Albuquerque, NM		87113
Alan Chastain V.P./Director	8909 Edith Blvd NE	Albuquerque, NM		87113
Carol Ansley Secretary/Director	PO Box 1977 Moriarty,	NM		87035

Executed Date:

March 2, 2021

  
\_\_\_\_\_  
Officer Signature

Carol Ansley, Secretary  
\_\_\_\_\_  
Printed Name and title

# *Certificate of Contractor Registration*



This is to certify that

## **D&R TANK COMPANY**

1210 PROSPERITY AVE SE

ALBUQUERQUE, NM, 87105-0672

has registered with the Department of Workforce Solutions

**Registration Date: 7/5/2022**

**Registration Number: 0034920050527**

**This certificate does not show the current status of the company.  
To see the current status for this company please go to the Public Works  
and Apprenticeship Application (PWAA) at  
<https://www.dws.state.nm.us/pwaa>**

New Mexico Department of Workforce Solutions, Labor Relations Division, Public Works, 121 Tijeras Ave NE, Suite 3000, Albuquerque, NM 87102, (505) 841-4400



Michelle Lujan Grisham  
Governor

Clay Bailey  
Director

Linda M Trujillo  
Superintendent

**State of New Mexico**  
Regulation and Licensing Department  
**CONSTRUCTION INDUSTRIES DIVISION**

2550 Cerillos Rd.  
Santa Fe, New Mexico 87505

*This is to certify that:* **D & R TANK COMPANY**  
**PERMANENT LICENSE #26784**

*Located at:* **1210 PROSPERITY SE, ALBUQUERQUE, NM 87105**

*Has complied with all the requirements of the law and is hereby licensed as a contractor, to operate under the classification(s) of:*

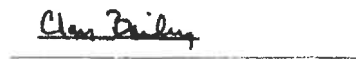
**GB98, GF07, GF08**

*And to permit or contract projects singly in New Mexico of a dollar amount up to:*  
**UNLIMITED**

*Given under my signature and the seal of the Construction Industries Division at Santa Fe, New Mexico on*

  
\_\_\_\_\_  
*Signature of Contractor*

**03/24/1987**

  
\_\_\_\_\_  
*Clay Bailey*  
Director

NOTE: This certificate is non-transferable and shall remain the property of the CONSTRUCTION INDUSTRIES DIVISION and shall be surrendered at any time upon demand. This certificate is non-transferable.

**STATE OF NEW MEXICO**

TAXATION AND REVENUE DEPARTMENT

**RESIDENT CONTRACTOR CERTIFICATE**

Issued to: **D & R TANK COMPANY**

DBA: **D & R TANK COMPANY**  
**1210 PROSPERITY AVE SE**  
**ALBUQUERQUE, NM 87105-0672**

Expires: **23-Mar-2024**

Certificate Number:

**L0011422128**



Stephanie Schardin Clarke  
*Cabinet Secretary*

THIS CERTIFICATE IS NOT TRANSFERABLE

# AGENDA MEMORANDUM

## Village of Ruidoso

Regular Items - 3.

**To:** Mayor Crawford and Councilors

**Presenter(s):** Adam Sanchez, Public Works Director

**Meeting Date:** January 14, 2025

**Re:** Discussion and Possible Action on Amendment #1 with Souder Miller & Associates for Construction Phase, Construction Observation, and Closeout Phase Services for the Country Club Water Line Replacement in the Amount of \$202,479.39 Including NMGRT.

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### **Item Summary:**

Discussion and Possible Action on Amendment #1 with Souder Miller & Associates for Construction Phase, Construction Observation, and Closeout Phase Services for the Country Club Water Line Replacement in the Amount of \$202,479.39 Including NMGRT.

### **Financial Impact:**

The project will be paid from a Water Trust Board Grant/Loan in the amount of \$3,645,695.00 plus funds from the SGRT Special Revenue Fund for \$2,650,0172.39.

### **Item Discussion:**

Amendment #1 with Souder Miller & Associates for Construction Phase, Construction Observation, and Closeout Phase Services for the Country Club Water Line Replacement in the Amount of \$202,479.39 Including NMGRT.

### **Recommendations:**

To Approve Amendment #1 with Souder Miller & Associates for Construction Phase, Construction Observation, and Closeout Phase Services for the Country Club Water Line Replacement in the Amount of \$202,479.39 Including NMGRT.

### **ATTACHMENTS:**

Description  
Amendment

## Scope of Services

### *Project Description*

Souder, Miller & Associates (SMA) prepared this Scope of Services to provide Design, Bid, Construction and Construction Observation Services to the Village of Ruidoso (Owner) for project designed by SMA under PO Number 24-00435. SMA proposes to complete the following scope of work.

### *Construction Phase Services*

1. **Ongoing Project Management:** SMA will set up project budget and files, keep project records, update PMP as necessary, and prepare monthly invoices as outlined in the contract. The fee for these monthly project management tasks is based on an overall project duration of sixteen (16) months.
2. **Conform Contract Documents:** Once the Owner and Agency have approved the recommendation of award, SMA will prepare the Notice of Award for execution by the Owner and the Contractor. SMA will also prepare the contract documents for execution. Four (4) original copies will be prepared for execution by the Owner and Contractor and for concurrence by the Funding Agency. SMA will distribute the fully executed copies to the Owner, the Contractor the Funding Agency, and will keep one original.
3. **Pre-construction Conference:** SMA will conduct a pre-construction conference to address construction related issues with the Owner and Contractor. The cut-off for pay periods will be set as well as the Notice to Proceed date. SMA will prepare the Notice to Proceed for execution by the Contractor and the Owner.
4. **Submittal and Shop Drawing Review:** SMA will review submittals and other data that the Contractor is required to submit for conformance with the information in the contract documents and compatibility with the design concept of the project as a functioning whole. Such reviews will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. SMA will verify and document whether Contractor submittals are in accordance with the technical specifications. SMA will create and maintain a log of all submittals and shop drawings.
5. **Respond to Requests for Information:** SMA will respond to the Contractor's Requests for Information (RFIs) in writing. SMA will create and maintain a log of all RFIs. This may include issuing necessary clarifications and interpretations of the contract documents and technical specifications as appropriate.
6. **Field Orders:** SMA may issue field orders authorizing minor variations from the requirements of the contract documents and technical specifications.
7. **Site Visits:** SMA will make periodic visits to the site to observe the progress and quality of the various aspects of the Contractor's work. Based on the information obtained, and to the extent possible during such visits and observations, SMA will determine if the work is proceeding in accordance with the contract documents and technical specifications and will keep the Owner informed of the progress of the work. During such visits, SMA will recommend to the Owner that the Contractor's work be disapproved and rejected while it is in progress if SMA believes that such work will not

## Exhibit A

### Construction Phase, Construction Observation, and Closeout Phase Services

#### Scope of Services

produce a completed project that conforms generally to the contract documents and technical specifications or that will prejudice the integrity of the design concept of the completed project as a functioning whole as indicated in the contract documents and technical specifications. These visits will coincide with the progress meetings. The fee is based on making seven (7) site visits.

8. **Progress Meetings:** SMA will establish, coordinate and attend regular project meetings throughout the duration of the project. The fee is based on attending monthly meetings for the 210 calendar day construction project duration and preparing agendas and meeting minutes for these meetings.
9. **Preparation of Periodic Pay Requests:** SMA will prepare periodic pay requests for the work accomplished during the pay period as verified by the construction observer. Based on the construction observer review of applications for payment and engineer review of accompanying support documentation, SMA will recommend the amounts that the Contractor be paid. Such recommendations of payment will be based on such observations and review that, to the best of SMA's knowledge, the work has progressed to the point indicated, the quality of such work is generally in accordance with the contract documents, and the conditions precedent to the Contractor being entitled to such payment appear to have been fulfilled.
10. **Preparation of Contract Change Orders:** SMA will recommend action on any proposed contract changes including review of proposed pricing. SMA will prepare formal change orders required for the project.
11. **Maintain Records:** SMA will maintain records of all contract documents, change orders, RFIs, pay requests, funding reimbursement requests, financial status reports, certified payroll, and design and construction documents during the entire construction period and will deliver one (1) copy of the complete project records to the Owner at the completion of construction in digital PDF format.

#### *Closeout Phase Services*

12. **Complete Acceptance Meeting:** SMA will schedule and arrange acceptance meetings when notified by the Contractor that the project is ready for acceptance. SMA will complete one (1) substantial completion acceptance meetings, prepare and distribute a "punchlist" outlining items to be addressed, and complete one (1) follow-up final completion meeting after Contractor indicates that the "punchlist" has been completed and make a recommendation to the Owner regarding project acceptance.
13. **Preparation of Close-out Documents:** At the completion of the project, SMA will complete forms, provide direction, and coordinate completion of the closeout documents required by the NMED listed below:
  - a. Certification of Substantial Completion
  - b. Engineer & Community Acceptance
  - c. Record Drawings & O&M Manuals Acceptance
  - d. Consent of Surety to Final Payment
  - e. Affidavit of Payment and Release of Liens
  - f. Labor Standards Certification
14. **Preparation of Record Drawings:** SMA will update the construction plans to reflect changes made during construction. Record Drawings will be prepared utilizing the project documentation provided

Exhibit A

Construction Phase, Construction Observation, and Closeout Phase Services

Scope of Services

by the Contractor. **SMA will submit the original record drawings (one digital pdf copy) and one additional set will be submitted in digital (GIS) format** to the Owner upon completion.

- 15. **Warranty Meeting:** SMA will schedule and arrange a warranty meeting 11 months after the substantial completion date to make recommendations to the Owner regarding corrections covered by the Contractor’s warranty that need to be completed. SMA will complete one (1) warranty meeting, prepare and distribute a “punchlist” outlining items to be addressed, and complete one (1) follow-up meeting after Contractor indicates that the “punchlist” has been completed.

**Construction Observation Services**

- 16. **Construction Observation:** SMA will provide an on-site Resident Project Representative (RPR) on a part-time basis during construction. The fee for this work was based on a construction duration of 210 calendar days and completing two (2) inspections per week that will be coordinated with the Contractor to attempt to occur during periods when the observation will be most beneficial. Please note that SMA is unable to observe errors or deficiencies while SMA personnel are not on site during progression of construction. The fee for this work was based on a construction duration of 180 calendar days to substantial completion, and 30 calendar days between substantial completion and final completion. The fee for Construction Observation Services is based on 5.5 hours on-site per day, 4 hours of travel each day, 0.5 hours for report preparation, a daily per diem of \$15.00, and a daily mileage reimbursement of 230 miles at 0.670/mile. This work will include coordination of the construction schedule with the Contractor and verification of quality of work for conformance with the Construction Documents.

**Schedule**

SMA proposes to complete the above scope of services according to the following schedule.

<u>Task</u>	<u>Duration (calendar days)</u>
Construction Phase Services	210 days from the construction Notice to Proceed
Construction Observation Services	210 days from the construction Notice to Proceed
Closeout Services	365 days from Substantial Completion

Exhibit A

Construction Phase, Construction Observation, and Closeout Phase Services

Scope of Services

**Compensation**

The budgets shown below exclude New Mexico Gross Receipts Tax (NMGRT). NMGRT will be added to each invoice based on the current rate at the time of billing. The budgets for the phases shown will be billed on a lump sum basis; therefore, the invoices will not include an itemized breakdown of charges. Invoices will be issued on a monthly basis reflecting the percentage of each task completed to date.

<u>Task</u>	<u>Cost</u>
Construction Phase Services	\$ 83,341.00
Construction Observation Services	\$ 81,286.00
<u>Closeout Phase Services</u>	<u>\$ 22,313.00</u>
Total	\$ 186,940.00

**Assumptions**

SMA made the following assumptions to develop the fee for the above scope of services:

1. SMA assumes that there is no contamination on the project site. If contamination is found on the project site, and investigation is required, SMA will alert the Owner and additional scope and fee will be negotiated with the Owner.
2. SMA assumes that the Owner holds titles or easements to any properties required for the project. SMA assumes that the Owner will provide copies of the warranty deeds, plats, and easement documents to SMA. A title search, warranty deed research, easement research, boundary surveys or easement preparation will require an amendment to this contract, which will be negotiated with the Owner. If the property descriptions in the easement documents are ambiguous, the Owner may need to provide additional direction regarding the proposed improvement locations or negotiate a fee to have SMA prepare a new easement.
3. SMA assumes that the Owner will provide operations staff to open or otherwise provide access to the existing facilities that need to be surveyed.
4. SMA assumes that the Owner knows the location of their existing utilities and can mark the locations within allowable 811 tolerances (typically within 18 inches).
5. SMA assumes that the proposed improvements will have adequate space within the specified corridor to be installed. If existing utilities within the corridor prohibit the installation of the proposed improvements, SMA will alert the Owner, and the corridor will be modified, or an additional scope and fee will be negotiated with the Owner to cover the additional engineering required to mitigate the existing utilities.
6. SMA assumes that the preconstruction conference will either be held at SMA's offices or that the Owner can arrange to hold the meetings at facilities that do not require any fees for their use. No costs for use of a third-party facility are included in the fee.
7. SMA assumes that the construction progress meeting can be held at the Contractor's trailer or at the Owner's facilities. No costs for use of a third-party facility are included in the fee.
8. During construction, job site safety shall be the sole responsibility of the Contractor. SMA will not manage or control the Contractor's work with respect to means, methods, techniques, sequences or

## Exhibit A

### Construction Phase, Construction Observation, and Closeout Phase Services

#### Scope of Services

procedures, and/or safety. The Contractor will be responsible for complying with rules, laws, ordinances, codes, or orders in the execution of the work. SMA and its subconsultants shall have no responsibility for the discovery, presence, handling, removal, or disposal of or exposure of persons to hazardous materials or toxic substances in any form at the Project site. The Scope of Services and Fee Schedule have been prepared on the basis that no hazardous or toxic substances are present at the Project site. In the event hazardous or toxic substances are discovered on the site, the parties agree to review and renegotiate the terms and conditions of this contract to protect the interests of the parties.



## Summary of Cost Proposal

Souder, Miller & Associates

### Professional Services and Expenses Task/Hours/Fee Breakdown Related To

**Project Description:** VOR High Loop Water System Improvements  
**Project Number:** 6332586  
**Owner:** Village of Ruidoso  
**Date of Submittal:** October 25, 2024  
**Tax Rate on Services:** 8.3125%

#### TOTALS

PHASE/ CATEGORY OF WORK	Subtotal	NMGRT	Total
Construction Administration	\$ 83,341.00	\$ 6,927.72	\$ 90,268.72
Construction Observation	\$ 81,286.00	\$ 6,756.90	\$ 88,042.90
Closeout	\$ 22,313.00	\$ 1,854.77	\$ 24,167.77
<b>TOTALS</b>	<b>\$ 186,940.00</b>	<b>\$ 15,539.39</b>	<b>\$ 202,479.39</b>

**EXHIBIT C.2 - COST PROPOSAL**

**Souder, Miller & Associates  
Professional Services and Expenses Task/Hours/Fee Breakdown Related To  
CONSTRUCTION PHASE - BASIC ENGINEERING SERVICES**

**Project Description:** VOR High Loop Water System Improvements  
**Project Number:** 6332586  
**Owner:** Village of Ruidoso  
**Date of Submittal:** June 26, 2023  
**Tax Rate on Services:** 8.3125%

Note: Figures in this table do not include tax.

Job Description	Principal	Project Eng./Sci./Surv III	Staff EIT/LSIT Sci. II	Eng/CAD Surv/Field Tech V	Construc. Observer IV	Project Fin./Mgr. Asst. II	Project Fin./Mgr. Asst. I	Mileage	Expenses	Per Diem	Total SMA	Sub Contracts	Total Task
<b>Billing Rate per Unit</b>	\$ 232.80	\$ 145.50	\$ 116.40	\$ 116.40	\$ 116.40	\$ 97.00	\$ 72.75	\$ 0.670	\$ 1.00	\$ 15			
<b>Unit</b>	Hrs	Hrs	Hrs	Hrs	Hrs	Hrs	Hrs	Mi	Actual	Days	\$	\$	\$
<b>Task</b>													
<b>Construction Administration</b>													
Ongoing Project Management	7	7				14					\$ 4,006	\$ -	\$ 4,006
Conform Contract Documents	3	5	16								\$ 3,288	\$ -	\$ 3,288
Pre-construction Conference	6	7						230	50	2	\$ 2,649	\$ -	\$ 2,649
Submittal and Shop Drawing Review	5	6	18								\$ 4,132	\$ -	\$ 4,132
Respond to Requests for Information	5	9	9								\$ 3,521	\$ -	\$ 3,521
Field Orders	2	3	5								\$ 1,484	\$ -	\$ 1,484
Site Visits	49	16						1610	300	7	\$ 15,219	\$ -	\$ 15,219
Progress Meetings	7	21	35								\$ 8,759	\$ -	\$ 8,759
Evaluation of Periodic Pay Requests	7	21	56								\$ 11,204	\$ -	\$ 11,204
Attend Bi-Weekly Village Council Mtgs	40	16				5					\$ 12,125	\$ -	\$ 12,125
Preparation of Contract Change Orders	10	14	40	12							\$ 10,418	\$ -	\$ 10,418
Coordinate / Attend Substantial Completion	7	7	4			4		230	100	1	\$ 3,771	\$ -	\$ 3,771
Final CO / Pay Request / Punch List	2	5	1								\$ 1,310	\$ -	\$ 1,310
Maintain Records	1	2	8								\$ 1,455	\$ -	\$ 1,455
											\$ -	\$ -	\$ -
											\$ -	\$ -	\$ -
											\$ -	\$ -	\$ -
											\$ -	\$ -	\$ -
<b>Subtotal Hours:</b>	151	139	192	12	0	23	0	2070	450	10	\$ 83,341	\$ -	\$ 83,341
<b>Subtotal Cost:</b>	\$ 35,153	\$ 20,225	\$ 22,349	\$ 1,397	\$ -	\$ 2,231	\$ -	\$ 1,387	\$ 450	\$ 150	\$ 83,341	\$ -	\$ 83,341
<b>Construction Observation</b>													
Construction Observation					600			13800	1300	60	\$ 81,286	\$ -	\$ 81,286
Quantity Verification											\$ -	\$ -	\$ -
Material Verification											\$ -	\$ -	\$ -
Number of Visits = 60											\$ -	\$ -	\$ -
Hours per Visit/travel = 10											\$ -	\$ -	\$ -
Frequency of Visits = Twice a Week											\$ -	\$ -	\$ -
Includes Pay Meeting Attendance											\$ -	\$ -	\$ -
<b>Subtotal Hours:</b>	0	0	0	0	600	0	0	13800	1300	60	\$ 81,286	\$ -	\$ 81,286.00
<b>Subtotal Cost:</b>	\$ -	\$ -	\$ -	\$ -	\$ 69,840	\$ -	\$ -	\$ 9,246	\$ 1,300	\$ 900	\$ 81,286.00	\$ -	\$ 81,286.00
<b>Total Cost of Construction Phase Services:</b>													<b>\$ 164,627</b>
<b>Closeout</b>													
Ongoing Project Management	2	2				4					\$ 1,145	\$ -	\$ 1,145
Complete Acceptance Meeting	7	7						230	50	2	\$ 2,882	\$ -	\$ 2,882
Preparation of Close-out Documents	2	4	16								\$ 2,910	\$ -	\$ 2,910
Preparation/Production of Record Drawings	8	20	8	48		4					\$ 11,679	\$ -	\$ 11,679
Warranty Meeting	7	7			7			230	50	2	\$ 3,697	\$ -	\$ 3,697
											\$ -	\$ -	\$ -
<b>Subtotal Hours:</b>	26	40	24	48	7	8	0	460	100	4	\$ 22,313	\$ -	\$ 22,313
<b>Subtotal Cost:</b>	\$ 6,053	\$ 5,820	\$ 2,794	\$ 5,587	\$ 815	\$ 776	\$ -	\$ 308	\$ 100	\$ 60	\$ 22,313	\$ -	\$ 22,313
<b>Total Cost of Closeout Phase Services:</b>													<b>\$ 22,313</b>