

## ORDINANCE #98-05-14

## COUNTY OF GRANT, NEW MEXICO

AN ORDINANCE ESTABLISHING A COUNTY SYSTEM FOR TRAFFIC CONTROL, INCLUDING THE REGULATION OF PARKING IN DESIGNATED AREAS ALONG PUBLIC RIGHTS-OF-WAY WITHIN THE COUNTY OF GRANT, DECLARING A NUISANCE; AND PROVIDING FOR ABATEMENT, FOR ENFORCEMENT AND FOR PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, pursuant to Sections 67-4-1 et seq. and Section 4-37-1 et seq., N.M.S.A., 1978 Comp., the Board of the Grant County Commission has the general control and management of all roads, highways and bridges within the County of Grant and may enact ordinances as necessary and proper to preserve the public health, safety and welfare; and,

WHEREAS, the Board of County Commissioners has considered and now determines that the practice of parking motor vehicles and of placing objects upon roadways or rights-of-way or upon land directly adjacent thereto, within Grant County may impede traffic or obstruct visibility and is, therefore, detrimental to the public health, safety and welfare and that such practices constitute an obstruction of a public right-of-way and a public nuisance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO, THAT:

# I. NUISANCE DECLARED

This Ordinance shall be known and cited as the Grant County Traffic Control Ordinance. The Grant County Commission determines that it is essential to safe traffic flow within the County of Grant that parking of vehicles or placing of objects upon public rights-of-way, or upon land directly adjacent thereto in a manner unsafe to traffic along the right-of-way within Grant County is prohibited, except as expressly hereinafter permitted, and is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Ordinance.

This Ordinance hereby repeals and supersedes all previous Ordinances and/or parts of Ordinances dealing with the same subject matter included herein to the extent inconsistent herewith:

Grant County Traffic Control Ordinance  
4/20/98 Final

## STATE OF NEW MEXICO

County of Grant

I hereby certify that this instrument

was filed for record on the

day of May, 1998

at 9:25 o'clock A.M. and duly

recorded in book 250 of the records

of Grant County

at page 5252-55

Witness my hand and seal of office

County Clerk, GRANT CO., N.M.

Deputy

## II. DEFINITIONS

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For the purpose of this Ordinance, the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. County shall include the area within the boundaries of the County of Grant, including privately owned land or land owned by the United States, except the area within the limits of any incorporated municipality.

B. County Code Enforcement Officer is a County employee who is responsible for assuring public compliance with the Ordinances of the County of Grant. The Code Enforcement Officer shall have the authority to investigate and to issue citations for violations of this Ordinance.

C. County Sheriff is the duly elected County Sheriff or his sworn deputy.

D. Obstruction upon a public right-of-way is defined as any vehicle which is parked or any other object placed upon a public right-of-way within Grant County and outside any incorporated municipality.

E. Person is any person, firm, association, partnership, corporation, company or organization of any kind.

F. Public right-of-way is defined as any and all streets, sidewalks, boulevards, alleys or other public highways or public easements within Grant County.

G. Vehicle is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

## III. REMOVAL BY COUNTY OF OBJECTS OR VEHICLE UPON THE PUBLIC RIGHT-OF-WAY OR UPON LAND DIRECTLY ADJACENT THERETO

A. Notice to Remove - The County Sheriff is hereby authorized and empowered, upon receipt of a complaint, to notify the owner, or the agent of such owner, of any object placed upon or vehicle parked within the County right-of-way or upon land directly adjacent thereto, so as to constitute a safety hazard, to properly remove the object or vehicle therefrom.

B. Action Upon Noncompliance - Upon the failure, neglect or refusal of any owner or agent so notified to properly remove the object or vehicle within 24 hours after receipt of written notice, the County Sheriff is hereby authorized, empowered and directed to remove the object or vehicle and to charge the owner or agent for reimbursement of said cost. Such removal shall be in accordance with existing standards for removal of vehicles on state highways.

**C. Method of Charging Costs of Disposal** - In the event the County is required to arrange for the removal of the object or vehicle upon noncompliance by the owner shall be billed and shall pay the costs of removal within thirty (30) days. Upon failure or refusal of the owner or agent to pay such costs, the County shall establish a lien against the property in question for costs of removal as provided by Section 3-31-1 to 6, N.M.S.A., 1978. The County Manager's office and the County Attorney acting in its behalf shall be authorized to file an action in a court of competent jurisdiction to recover the costs, together with all costs of court and reasonable attorney's fees. Additionally, the County may take such other action as is permitted by law.

**D. Removal in Emergency Situations** - In the event the County Sheriff determines that the existence of the object or vehicle upon the public right-of-way, or upon land directly adjacent thereto, creates a substantial threat to the public safety of the citizens of Grant County, such object or vehicle may be moved immediately by the County, and the costs of removal shall be charged to the owner as provided in Section III B and C, above. The notice requirements of Section IIIA may be dispensed with.

#### **IV. PENALTIES, ENFORCEMENT**

**A. Penalty Clause** - Any person who shall violate any of the provisions of this Ordinance shall be subject to a civil fine in the amount of one hundred dollars (\$100.00) and an order of the court requiring removal of the object or vehicle which has been placed in violation of this Ordinance.

**B. Enforcement** - It shall be the duty of the Grant County Code Enforcement Officer or other duty law enforcement officer within the County to enforce the provisions of this ordinance upon proper information. Any vehicle parked or other object placed in violation of this Ordinance within Grant County shall be subject to being towed to a storage facility within the County and the owner of such vehicle shall pay all costs involved with towing and storage of the vehicle as provided herein.

#### **V. MISCELLANEOUS PROVISIONS**

**A. Saving Clause** - If any of the sections, subsections, sentences, clauses or phrases of the Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately.

**B. Effective Date** - This Ordinance shall be effective thirty (30) days following its recordation in the Grant County Clerk's Office, which shall occur following its approval by the Board of County Commissioners, as provided for by law.



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PASSED, ADOPTED AND APPROVED this 14th day of May, 1998.

GRANT COUNTY BOARD OF COUNTY  
COMMISSIONERS

Mamuel T. Serna  
Mamuel T. Serna, Chairman

Zeke Santa Maria  
Zeke Santa Maria, Member

Carl W. Scholl, Member

ATTEST:

Manuel T. Serna  
Manuel T. Serna, Grant County Clerk

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