

RESOLUTION NO. 2023-29

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 311 NORTH NEW YORK AVENUE ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 311 North New York Avenue, as more particularly described on the attached Exhibit 1 (the "Property"); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

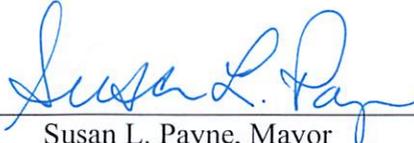
Section 2. That Mr. Jose Emanuel Trevizo, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

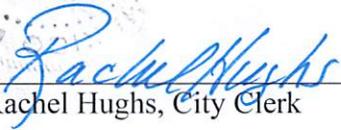
PASSED, APPROVED AND ADOPTED, this 12th day of September 2023.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

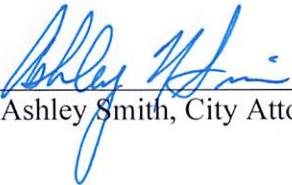
By: 
Susan L. Payne, Mayor



ATTEST:


Rachel Hughs, City Clerk

APPROVED AS TO FORM:


Ashley Smith, City Attorney

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Account: R010829

Location

Account Number R010829
 Situs Address 311 NEW YORK AVE
 Previous Parcel ID 01-01152
 Parcel Sequence
 Neighborhood A1 - South Central Alamogordo
 Tax Area 01_R
 Parcel Number 01N4055094108404
 Legal Summary Subd: ALAMO BLOCKS Lot:
 18 Block: 8
 Appraiser Sheldon Compton

Owner Information

Owner Name TREVIZO, JOSE EMANUEL
 Owner Address PO BOX 2335
 LAS CRUCES, NM 88004

Assessment History

Actual (2023 - Residential Cap applied) \$26,384
 Primary Taxable \$8,795
 Tax Area: 01_R Mill Levy: 26.030000

Type	Actual	Assessed	Acres	SQFT
Residential Land	\$1,485	\$495	0.069	
Residential Improvement	\$24,899	\$8,300		1110.000

Transfers

Sale Date	Sale Price	Doc Description
		Deed
		Probate
		Probate
		Special Warranty Deed
		Special Warranty Deed
		Special Warranty Deed

Tax History

Tax Year	Taxes
*2023	\$228.92
2022	\$222.28

* Estimated

Images

- [Map](#)
- [Photo](#)
- [Sketch](#)
- [GIS](#)

Focusing On: 311 NEW YORK AVE ALAMOGORDO 88310





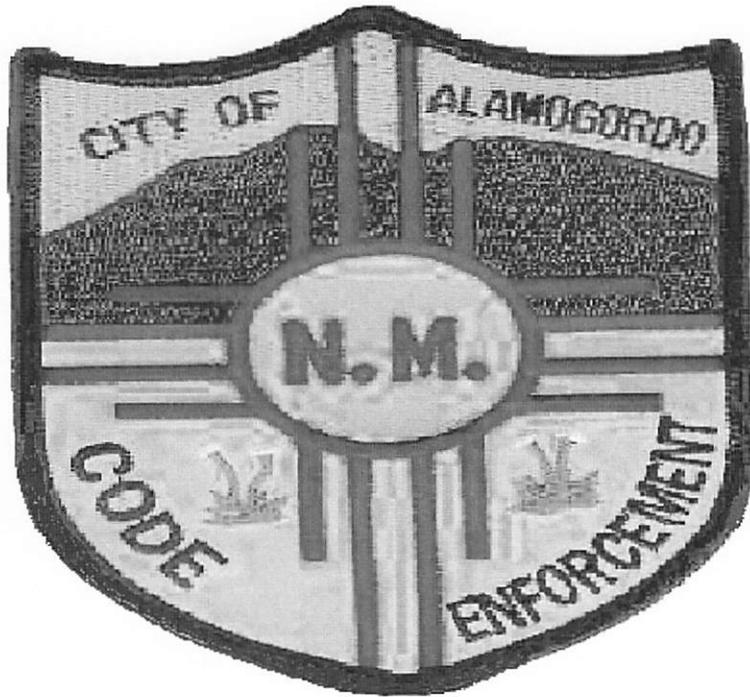


Exhibit "2"

Case #: 202301008

Case Date: 05/08/23

Address Number: 311

Street Name: N. New York

Complainant Phone: 5754393337

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave.

Complainant Name: Sides

Reinspection: 05/24/2023

Compliance Inspection :

Property Owners : Trevizo, Jose Emanuel

Court case number:

DOB:

ID #:

Court Date:

Status: Signed Search Warrant

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094108404	311 NEW YORK AVE	Subd: ALAMO BLOCKS Lot: 18 Block: 8	TREVIZO, JOSE EMANUEL		

Activities

Date	Activity Type	Description	Employee	Status
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05/08/2023	Inspection	<p>On 05/08/2023, I, Code Enforcement Manager Josh Sides, was made aware of a property on the Delapidated Structures list for Code Enforcement. The property listed was 311 N. New York Ave., Alamogordo, Otero County, New Mexico. I proceeded to the address to inspect the property. Upon arrival, I observed the building in violation of the City of Alamogordo Code of Ordinances 8-03-080- International Property Maintenance Code (IPMC) Adopted, as well as multiple IPMC violations, including 301.3 Vacant Structures and Land, 302.7 Accessory Structures, 302.9 Defacement of Property, 304.1.1 Unsafe Conditions-subsections 3, 5, 7, 8, and 11, 304.2 Protective Treatment, 304.4 Structural Members, 304.6 Exterior Walls, 304.10 Stairways, Decks, Porches, and Balconies, 304.13 Window, Skylight, and Door Frames, 304.15 Doors, and 306.1.1 Unsafe Conditions subsections 4 and 6.</p> <p>I took photographs of the residence, which were uploaded to iWorQ. I drafted an IPMC letter to send to the property owner, identified as Jose Trevizo.</p>	JOSH SIDES	Non-Compliance
06/02/2023	Inspection	On 06/02/2023, I, Code Enforcement Manager Josh Sides, learned Code Enforcement received the return receipt showing the property owner received the IPMC letter.	JOSH SIDES	Closed
06/22/2023	Inspection	On 06/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted a 12th Judicial District Court Administrative Search Warrant for 311 New York Ave. by Judge Jessen.	JOSH SIDES	Closed

Violations

Date	Violation	Description	Notes	Status
05/12/2023	*8-03-080- International Property Maintenance Code Adopted	(a)With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.(b)Except as specified within section 8-03-150 and 8-03-160 of this section appeals from orders, decisions or determinations of the code official relative to the application and interpretation of this code shall be submitted to the International Code Council for official interpretation. The official interpretation shall constitute the final decision on any appeal.		*Open
05/12/2023	IPMC 301.3 Vacant Structures and Land.	All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety		*Open
05/12/2023	IPMC 302.7 - Accessory Structures	Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.		*Open
05/12/2023	IPMC 302.9- Defacement of Property	No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.		*Open
05/12/2023	IPMC 304.1.1 Unsafe Conditions	The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: <ol style="list-style-type: none"> 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or 		*Open

- load effects.
- 3. Structures or components thereof that have reached their limit state.
- 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
- 5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- 6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- 9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
- 10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- 11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- 12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- 13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

05/12/2023	IPMC 304.10. - Stairways, Decks, Porches, and Balconies	Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	*Open
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05/12/2023	IPMC 304.13 Window, skylight and door frames	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	*Open
05/12/2023	IPMC 304.15. - Doors	Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.	*Open
05/12/2023	IPMC 304.2 - Protective Treatment	Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.	*Open
05/12/2023	IPMC 304.4 - Structural Members	All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.	*Open
05/12/2023	IPMC 304.6 - Exterior Walls	All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.	*Open
05/12/2023	IPMC 306.1.1. - Unsafe Conditions	Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. Soils that have been subjected to any of the following conditions: 1.1. Collapse of footing or foundation system. 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion. 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil. 1.4. Inadequate soil as determined by a geotechnical investigation. 1.5. Where the allowable bearing capacity of the soil is in doubt. 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table. 2. Concrete that has been subjected to any of the following conditions: 2.1. Deterioration. 2.2. Ultimate deformation. 2.3. Fractures. 2.4. Fissures. 2.5. Spalling. 2.6. Exposed reinforcement. 2.7. Detached, dislodged or failing connections, 3. Aluminum that has been subjected to any of the following conditions: 3.1. Deterioration. 3.2. Corrosion. 3.3. Elastic deformation. 3.4. Ultimate deformation.	*Open

- 3.5. Stress or strain cracks.
 - 3.6. Joint fatigue.
 - 3.7. Detached, dislodged or failing connections.
 4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration.
 - 4.2. Ultimate deformation.
 - 4.3. Fractures in masonry or mortar joints.
 - 4.4. Fissures in masonry or mortar joints.
 - 4.5. Spalling.
 - 4.6. Exposed reinforcement.
 - 4.7. Detached, dislodged or failing connections.
 5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration.
 - 5.2. Elastic deformation.
 - 5.3. Ultimate deformation.
 - 5.4. Metal fatigue.
 - 5.5. Detached, dislodged or failing connections.
 6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation.
 - 6.2. Deterioration.
 - 6.3. Damage from insects, rodents and other vermin.
 - 6.4. Fire damage beyond charring.
 - 6.5. Significant splits and checks.
 - 6.6. Horizontal shear cracks.
 - 6.7. Vertical shear cracks.
 - 6.8. Inadequate support.
 - 6.9. Detached, dislodged or failing connections.
 - 6.10. Excessive cutting and notching.
- Exceptions:
1. Where substantiated otherwise by an approved method.
 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

Notes

Date	Note	Created By:
2023-06-02	Signed certified mail label returned 06/02/2023.	Jessica Wing

Uploaded Files

Date	File Name
06/02/2023	15617451-New York, 311, Trevizo, Signed Certified..pdf
05/23/2023	15506035-New York, 311, IPMC, pre-mailing.pdf
05/08/2023	15334341-JoshSides-05-08-2023-16-32-13-UTC-311 N New York.jpg
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