

**AZTEC CITY COMMISSION**  
**WORKSHOP MEETING AGENDA**  
Tuesday, April 23, 2024 @ 4:00 PM  
Aztec City Hall, 201 West Chaco St., Aztec NM 87410

**4:00 PM**

Fiscal Year 2025 Budget Workshop

**AZTEC CITY COMMISSION**  
**REGULAR MEETING AGENDA**  
Tuesday, April 23, 2024 @ 6:00 PM  
Aztec City Hall, 201 West Chaco St., Aztec NM 87410

**CALL TO ORDER**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

United States Pledge of Allegiance

New Mexico Pledge of Allegiance

I Salute the Flag of the State of New Mexico and the Zia Symbol of Perfect Friendship among United Cultures

**ROLL CALL**

**PROCLAMATION**

Recognizing Lineman and Electric Utility Workers

**APPROVAL OF AGENDA ITEMS**

**CONSENT AGENDA**

- A. Commission Workshop Minutes April 9, 2024
- B. Commission Meeting Minutes, April 9, 2024
- C. Resolution 2024-1424 Fiscal Year 2025 Municipal Fire Protection Fund Distribution (Chief)
- D. Zone Change From A-1 to R-1 407 Andrew (Z C24-01)
- E. Economic Development Advisory Board Appointment
- F. Resolution 2024-1425 Supporting the Application for Allowing OHV Access onto State Highways NM 516, NM 574, and NM 173 within the City Limits of Aztec

*Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a commissioner may request that the item be heard under "items from Consent Agenda."*

**ITEMS REMOVED FROM CONSENT AGENDA**

**CITIZENS INPUT (3 Minutes Maximum)**

Limited to 3 minutes per person on subjects the Commission has not previously discussed, or formal action has not been taken. No formal action will be taken at this meeting which relates to comments or input from the General Public.

**BUSINESS ITEMS**

- A. Intent to Adopt Ordinance 2024-550 Amending Chapter 26 Land Use
- B. Intent to Adopt Ordinance 2024-551 Amending Chapter 20 Signs
- C. Intent to Adopt Ordinance 2024-552 Amending Chapter 5 Animals
- D. Intent to Adopt Ordinance 2024-553 Amending Chapter 1 Mandatory Fines

**LIQUOR LICENSE HEARING**

- A. 550 Pizzeria LLC 119 N. Main Ave.

**Note:** A final agenda will be posted 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

**COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS & DISCUSSION**

**ADJOURNMENT**

**CITY OF AZTEC**  
**COMMISSION WORKSHOP MEETING MINUTES**  
**Tuesday April 09, 2024**

**CALL TO ORDER**

Mayor Michael A. Padilla Sr. called the workshop to order at 5:30 pm at Aztec City Hall, 201 W. Chaco, Aztec NM 87410

Members Present: Mayor Michael A. Padilla, Sr.; Mayor Pro-Tem Ken George; Commissioner Colby King; and Commissioner Jim Crowley; Commissioner Austin Randall

Members Absent: NONE

Others Present: City Manager Jeff Blackburn

**A. Chapter 20-Sign Code**

Mayor Padilla opened the workshop for Chapter 20 Sign Code and turned it over to City Manager Jeff Blackburn who introduced Planning & Zoning members David, Tom, and Anna. Andrew DiCamillo informed the Commission of the updates that have been made to the sign code in Chapter 20 of City Code.

- There were changes so it would be easier to determine what kind of signs and where signs can be placed by a matrix chart.
- Murals were added to the code.
- Signage on vehicles was removed.
- The computation of area of signs and lot frontage was changed to make it clearer and easier to determine.
- Garage sale signs were removed from the code.
- Political temporary signs were addressed to make it clearer.
- The Code did address no signage placed in City planters, but it was not under "Construction and Maintenance Standards". This was added to make it clearer that we do not allow for any signage in City planters.
- The clearance image was corrected.
- Definitions were removed that are not addressed in our code.

The Commission had questions regarding variances still coming before them, clear addressing on homes and businesses, the list of prohibited signs, political signs in the planters and billboards.

Andrew assured them that they will address all their concerns while revising the Code.

**B. Chapter 26 Ordinance Changes**

Andrew informed the Commission that they need to put everything that pertains to animals under the Animal Control Code and not the Land Use Code.

C. City of Aztec Payroll Budget Overview

City Manager Jeff Blackburn presented the Commission with an overview of the 2%, 3% and 4% COLA increases that the commission requested at their last workshop on payroll budget overview. The Commission would like to see the numbers for a possible 3.25% increase and would like to schedule another workshop.

**ADJOURNMENT**

Moved by Mayor Padilla to adjourn the meeting at 5:56 p.m.

\_\_\_\_\_  
Michael A. Padilla Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk

MINUTES PREPARED BY:

\_\_\_\_\_  
Alisha Jaramillo

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**CITY OF AZTEC  
COMMISSION MEETING MINUTES  
Tuesday April 09, 2023**

**CALL TO ORDER**

Mayor Michael A. Padilla Sr. called the meeting to order at 6:07 pm at Aztec City Hall, 201 W. Chaco, Aztec NM 87410

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation led by Commissioner Austin Randall  
United States Pledge of Allegiance led by Commissioner Crowley  
New Mexico pledge of Allegiance led by Commissioner Crowley

**ROLL CALL**

Members Present: Mayor Michael A. Padilla, Sr.; Mayor Pro-Tem Kenneth George; Commissioner Austin Randall; and Commissioner Jim Crowley; Commissioner Colby King

Members Absent: NONE

Others Present: City Manager Jeff Blackburn; City Attorney Nann Winter; City Clerk Karla Saylor

**APPROVAL OF AGENDA ITEMS**

MOVED by Commissioner Crowley to APPROVE Agenda Items, SECONDED by Commissioner Randall

All Voted Aye: Motion Passed Five to Zero

**CONSENT AGENDA**

- A. Commission Workshop Minutes March 26, 2024
- B. Commission Meeting Minutes, March 26, 2024
- C. General Obligation Bond Grant Agreement
- D. Rear Setback Variance Request of 15ft
- E. N19-23-01 Grant Amendment request letter to NMDOT-AD
- F. N19-24-01 Grant Amendment request letter to NMDOT-AD

MOVED by Commissioner Randall to APPROVE The Consent Agenda with all revisions; SECONDED by Mayor Pro-Tem George

47 All Voted Aye: Motion Passed Five to Zero

48

49 **ITEMS REMOVED FROM CONSENT AGENDA**

50

51 NONE

52

53 **CITIZENS INPUT**

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56 Jerry Frame of 100 S. Ash, Aztec informed the Commission that they are forming  
57 a grassroots group to work with the city to protect the walkway on the old bridge. Jeff  
58 explained to her that NMDOT is the one in charge of the bridge not the City of Aztec.  
59 Jeff mentioned that NMDOT will be working on fixing the concerns of the bridge  
60 soon to reopen if to public again.

61

62 **BUSINESS ITEMS**

63

64 A. Final Adoption of Ordinance 2024-545 Amending Section 1-12 Mandatory  
65 Penalty and Fees of Chapter 1

66

67 MOVED by Mayor Pro-Tem George to Approve Final Adoption of Ordinance  
68 2024-545 Amending Section 1-12 Mandatory Penalty and Fees of Chapter 1;  
69 SECONDED Commissioner Crowley

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71 A Roll Call was Taken:

72

73 Those Voting Aye: Commissioner King  
74 Commissioner Randall  
75 Commissioner Crowley  
76 Mayor Pro-Tem George  
77 Mayor Padilla

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79 Those Voting Nay: NONE

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81 All Voted Aye; Motion Passed Five to Zero

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83 B. Final Adoption of Ordinance 2024-546 Amending Chapter 13 Municipal Courts

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85 MOVED by Mayor Pro-Tem George to Approve Final Adoption of Ordinance  
86 2024-546 Amending Chapter 13 Municipal Courts; SECONDED Commissioner  
87 Randall

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89 A Roll Call was Taken:

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91 Those Voting Aye: Commissioner Randall

92 Commissioner Crowley  
93 Commissioner King  
94 Mayor Pro-Tem George  
95 Mayor Padilla  
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97 Those Voting Nay: NONE  
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99 All Voted Aye; Motion Passed Five to Zero  
100

101 C. Final Adoption of Ordinance 2024-547 Amending Chapter 15 Oil & Gas Wells,  
102 Article II Permitting Process  
103

104 Mayor Pro-Tem George stated that the Commission is putting a lot of hope in the  
105 Community Development Department and would like them to be very cautious about  
106 screening for these since they will no longer be brought forth to the commission for  
107 approval. Mayor Padilla reported that he and Jeff met with Hill-Corp and Hill-Corp  
108 said they want to be good neighbors with the city. Mayor Padilla mentioned that  
109 there aren't many wells within the city limits and that the city is comfortable working  
110 with them.  
111

112 MOVED by Commissioner Randall to Approve Final Adoption of Ordinance 2024-  
113 547 Chapter 15 Oil & Gas Wells, Article II Permitting Process; SECONDED by  
114 Commissioner Crowley  
115

116 A Roll Call was Taken:  
117

118 Those Voting Aye: Commissioner King  
119 Commissioner Crowley  
120 Commissioner Randall  
121 Mayor Pro-Tem George  
122 Mayor Padilla  
123

124 Those Voting Nay: NONE  
125

126 All Voted Aye; Motion Passed Five to Zero  
127  
128

129 D. Final Adoption of 2024-548 Amending Chapter 26 Land Use, Allowing Conditional  
130 use for Veterinarian Clinics and Animal Hospitals in R-2, O-1, C-1 and C-2  
131

132 MOVED by Mayor Pro-Tem George to Approve Final Adoption of Ordinance  
133 2024-548 Amending Chapter 26 Land Use, Allowing Conditional use for Veterinarian  
134 Clinics and Animal Hospitals in R-2, O-1, C-1 and C-2, SECONDED by  
135 Commissioner Randall  
136



137 A Roll Call was Taken:

138

139 Those Voting Aye: Commissioner Randall  
140 Commissioner King  
141 Commissioner Crowley  
142 Mayor Pro-Tem George  
143 Mayor Padilla

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145 Those Voting Nay: NONE

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147 All Voted Aye; Motion Passed Five to Zero

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149

150 E. Intent to Adopt Ordinance 2024-549 Amending Chapter 16 Fee Schedule, Article  
151 VI. Community Center

152

153 MOVED by Commissioner King to Approve Intent to Adopt Ordinance 2024-549  
154 Amending Chapter 16 Fee Schedule, Article VI. Community Center; SECONDED by  
155 Commissioner Crowley

156

157 Mayor Pro Tem George questioned if these fees are consistent with the library  
158 rental fees. General Services Director/Senior Center Director Charles Dobey  
159 reported that they are and that he feels they are reasonable fees for rental of the  
160 facility and also explained what will be available for rent in the facility.

161

162 A Roll Call was Taken:

163

164 Those Voting Aye: Commissioner Crowley  
165 Commissioner Randall  
166 Commissioner King  
167 Mayor Pro-Tem George  
168 Mayor Padilla

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170 Those Voting Nay: NONE

171

172 All Voted Aye; Motion Passed Five to Zero

173

174 **COMMISSIONER, CITY MANAGER, DEPARTMENT REPORT**

175

176 Mayor Padilla informed Commission that Tuff Shed will be donating a shed to the  
177 Motocross to use as a ticket booth. The Mayor reported that he has been invited to  
178 speak at Leadership San Juan on Friday at McGee Park. He reported that the city  
179 will be installing a flagpole at the Library on Thursday, and he informed the  
180 Commission that Richard Dial's funeral will be on Friday.

181

182 Mayor Pro-Tem George reported he will also be attending the Leadership San  
183 Juan meeting and informed City Clerk Karla Saylor that there will be a quorum, so it  
184 needs to be advertised. He also addressed the audit that was conducted and  
185 applauded Finance Director Jennie Achee. Mayor Pro-Tem congratulated the City  
186 for handling the LEDA funding, he would like to do a ceremony when awarding the  
187 funding to the recipients.

188  
189 Commissioner Crowley mentioned Government Day that will be held at the  
190 Leadership San Juan meeting. He reported that Bill Hall was selected by the County  
191 to finish out the term for District 1 due to the resignation of Ryan Lane.

192  
193 Commissioner King expressed concerns that the parking barriers at the baseball  
194 field are pushed out and need to be reset.

195  
196 City Manager Jeff Blackburn updated Commission on items that he has been  
197 working on;

- 198 • Town hall meeting on 4/17/2024 from 6-7 regarding OHV changes
- 199 • Arterial Phase 2 is out to bid
- 200 • Budget Workshop will be scheduled on 4/23/2024 @ 4:00pm

201  
202 Library Director Angela Watkins informed Commission that they have received a  
203 grant for a sound booth which can be used for music recording. The General  
204 Services Department will be installing the booth for the Library.

205  
206 General Services Director Charles Dobey reminded Commission of the  
207 community clean up on 4/12/2024 from 8am-4pm and the pet parade event which  
208 will be on 4/20/2024 @ 1:00pm.

209  
210 Electric Director Denver DeWees updated Commission on projects his  
211 department is working on;

- 212
- 213 • The completion of the Solar facility comprehensive study
- 214 • He reported that he recorded a podcast with APA regarding the solar project

215  
216 Commissioner Crowley asked Denver for an update on the equipment that  
217 Guzman is trying to obtain to work on the solar field, Denver informed him that they  
218 have received most of them and expect to receive the rest tomorrow.

219  
220 Project Manager Jeric Jaramillo had some updates to projects he is working on;

- 221 • Reservoir 1 is on schedule.
- 222 • Grant Agency monthly meeting
- 223 • McWilliams Road next step is to award the bid
- 224 • Arterial project update
- 225 • Hartman Park bid which is scheduled to go out tomorrow

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**ADJOURNMENT**

MOVED by Mayor Padilla to adjourn the meeting at 6:57 pm

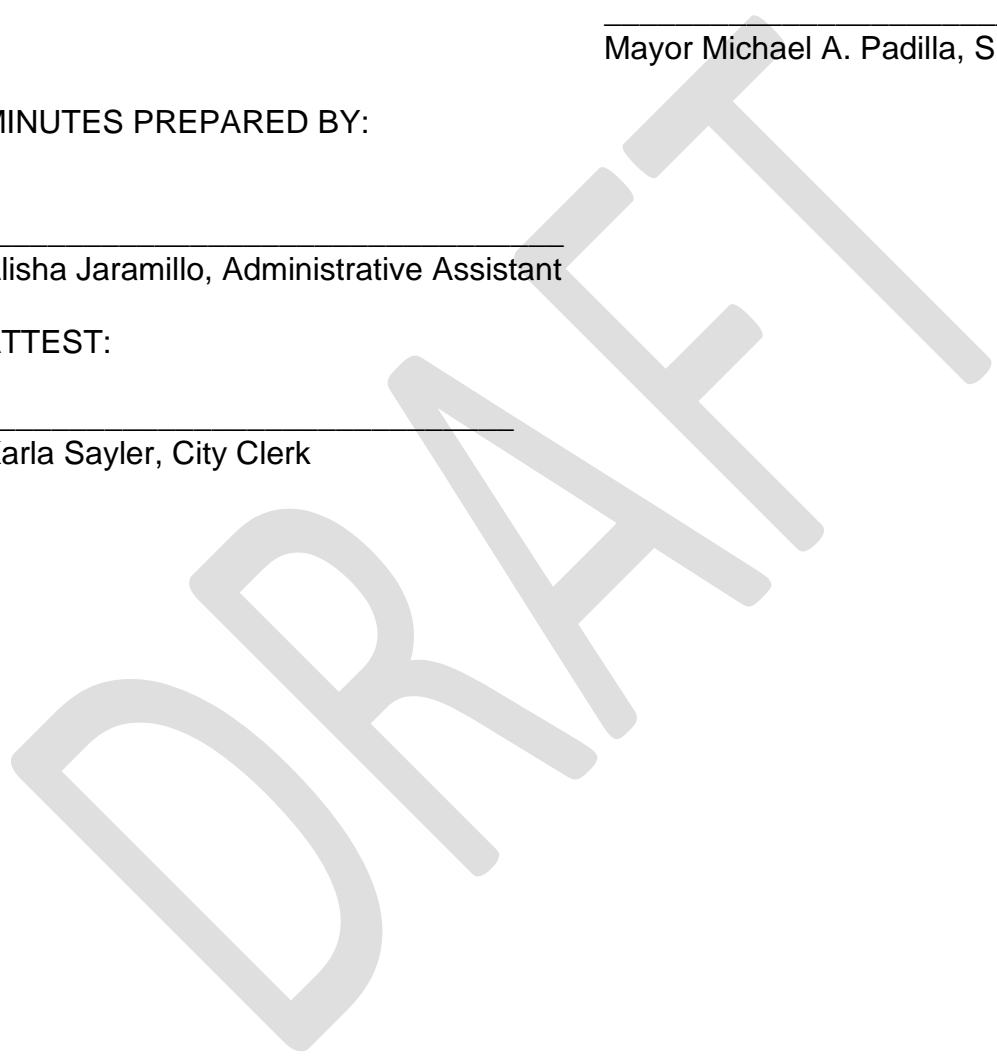
\_\_\_\_\_  
Mayor Michael A. Padilla, Sr.

MINUTES PREPARED BY:

\_\_\_\_\_  
Alisha Jaramillo, Administrative Assistant

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk



# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** CONSENT AGENDA (C)  
**AGENDA TITLE:** Resolution 2024-1424 Fiscal Year 2025 Municipal Fire Protection Fund Distribution

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**ACTION REQUESTED BY:** Fire Department  
**SUMMARY BY:** Joseph Gonzales

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## **PROJECT DESCRIPTION / FACTS**

The State of New Mexico will provide the Aztec Fire Department \$154,169.00 toward the purchase of Equipment and/or Training.

## **PROCUREMENT / FISCAL IMPACT**

There is no fiscal impact on the City of Aztec.

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**SUPPORT DOCUMENTS:** New Mexico Homeland Security and Emergency Management Agreement.  
Resolution 2024-1424

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve, Resolution 2024-1424 Fiscal Year 2025 Municipal Fire Protection Fund Distribution

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**Michelle Lujan Grisham**  
Governor

**Major General Miguel Aguil**  
Deputy Cabinet Secretary

**Major General Miguel Aguil**  
Interim Cabinet Secretary

**Randy Varela**  
State Fire Marshal

**DEPARTMENT OF HOMELAND SECURITY  
AND EMERGENCY MANAGEMENT**

**FISCAL YEAR 2025 MUNICIPAL FIRE PROTECTION FUND DISTRIBUTION**

This application is required to participate in the distribution of the Fire Protection Fund for the 2025 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2024

FIRE DEPARTMENT: Aztec

FIRE DEPARTMENT ADDRESS: 201 West Chaco

ISO CLASSIFICATION: 4

Number of Paid Firefighters:\* 0

Number of Active Volunteer Firefighters:\* 16

**Approved number of Sub Stations is 1**

Aztec Station 3	2435 W. Aztec Blvd.	Aztec	NM	87410
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**Approved number of Main Stations is 2**

Aztec	201 West Chaco	Aztec	NM	87410
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Aztec Station 2	800 Airport Drive	Aztec	NM	87410
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**Approved number of Admin Buildings is 0**

If you contend the above **ISO Class** or **Station Information** is incorrect, please identify the changes in the comments box below and/or attach a list of your claim of main and substations and sign here:

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Choose File** No file chosen

No Attached Files...

The projected minimum amount for fire fund distribution, based on the above information, is **\$154,169.00**. This does not include any additional amounts that may be calculated from growth in the fund.

Provide current balance of the fire department's total Fire Protection Fund account to date: \*\$  
288,360.00

**10.25.10.9 ACCUMULATION OF FUNDS:**

*A. FPF funds cannot be accumulated when the money is not required to accomplish the purpose of the Fire Protection Fund Act or any associated rules promulgated by the fire marshal.*

*B. FPF funds may be rolled over to subsequent fiscal years for the purpose of accumulating money to procure items or services for use in the operation, maintenance and betterment of the fire department. A request for authorization to rollover and accumulate FPF funds shall accompany the application to participate in distribution. The request must include a detailed description of the intended use of the accumulated money.*

*C. If the item to be purchased requires rollover and accumulation of FPF funds for more than one-year, only one request and subsequent authorization to accumulate funds is needed. If the item to be purchased changes, a new request for authorization to rollover and accumulate FPF funds shall be submitted to the fire marshal.*

**Provide anticipated rollover amount \*\$ 50,000.00 ; include a detailed description of the intended use of the accumulated funds: (attach additional page if needed)**

\*

Replace 1996 brush truck

Choose File No file chosen

No Attached Files...

**An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2024 The request shall identify the intended purpose and exact amount of money to be rolled over into the FY 2025 balance.**

The Fire Service Support Bureau of the State Fire Marshal Division continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10.25.10 "The Fire Protection Fund."

State Law, NMSA 10.25.10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you have issues with the system or require training you may submit your request via e-mail at [Derrick.Rodriguez@state.nm.us](mailto:Derrick.Rodriguez@state.nm.us)

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

Name

Email

Phone

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\*1. Kevin Simpson  
ksimpson@aztecm.gov  
505 320 4687

---

2. Theresa Simpson  
tsimpson@aztecm.gov  
505 330 7176

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The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this 9 day of April, 2024

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\*Mayor Electronic Signature

Kevin Simpson

\*County Fire Chief / Fire Marshal or District Chief Electronic Signature

Save Application

Print Application

Submit Application

**CITY OF AZTEC  
RESOLUTION 2024-1424**

**Agreement between the City of Aztec and the State of New Mexico for the  
distribution of Fire Protection Funds.**

**WHEREAS**, the City of Aztec Police Department will agree to disburse funds received from the State of New Mexico Fire Protection Funds Act for the purchase of certain equipment;

**WHEREAS**, The funds are eligible to be used for the purchase of Fire Equipment and/or Fire planning and/or training;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Governing Body of the City of Aztec, State of New Mexico, hereby adopts and supports this resolution to receive said funds and to disburse according to state law.

**PASSED, APPROVED AND SIGNED** this 23<sup>th</sup> day of April, 2024.

\_\_\_\_\_  
Michael A. Padilla Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla H. Sayler, City Clerk



# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** CONSENT AGENDA (D)  
**AGENDA TITLE:** Zone Change From A-1 to R-1 407 Andrew (ZC 24-01)

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**ACTION REQUESTED BY:** Community Development  
**SUMMARY BY:** Andrew DiCamillo, Community Development Director

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## PROJECT DESCRIPTION / FACTS

The Applicant is requesting a Zone Change from Agriculture-1 (A-1) to Residential –1 (R-1). The Current Zone of A-1 is non-Conforming to the physical footprint of the property and the regulations cited in the zoning designation. Changing the zone to R-1 is in line with the residence established and conforms to regulations set forth in the R-1 zone designation. The current zone of A-1 has setback requirements that are disproportionate to the property. R-1 zone has appropriate setback requirements that allow the property owner to better utilize the property by placing a manufactured home and be in compliance with the conforming regulations of the R-1 Zoning designation.

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**SUPPORT DOCUMENTS:**

- Application
- GIS Map
- Site Plan

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**P&Z RECOMMENDATION:** To approve, Applicant request to Change the Zoning of residence at 407 Andrew from A-1 to R-1

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**RECOMMENDED MOTION:** Move to Approve ZC 24-01 request from A-1 to R-1

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# CITY OF AZTEC ZONE CHANGE APPLICATION

Permit #: ZC-2401 Date Started: 4/2/24 Date Approved: \_\_\_\_\_ Fees Paid: 260<sup>00</sup>

### PROPERTY OWNER CONTACT INFORMATION

Name: Daniel Thomas Lightner  
Mailing Address: 2 A Rd 2795, Aztec NM 87410  
Phone: 505-320-9206  
Email: dlightner46@gmail.com

### PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 407 Andrew dr. Aztec, NM 87410  
Tax ID: R0015548 Parcel Size (ac): 3/4 Acre  
Current Zone District: Agricultural Zone  
Current Use: Residential  
Proposed Zone District: R-1  
Proposed Use: Residential  
Flood Zone Designation: \_\_\_\_\_

### REASON FOR REQUESTING A ZONE CHANGE

Can not meet set backs for current zoning for mobile home needing to put on lot

### APPLICANT SIGNATURE

I, Daniel Thomas Lightner representing self hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: [Handwritten Signature] Date: 4-1-24

### CITY OF AZTEC USE ONLY

City Commission Meeting Date: \_\_\_\_\_

City Commission Action: APPROVED \_\_\_\_\_ DENIED

### FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$250 first acre and \$5 each additional acre. Total \$ \_\_\_\_\_



# CITY OF AZTEC ZONE CHANGE CHECKLIST

✓ **Applicable Fees**

Administrative Fee	\$10
Zone Change	\$250 (first acre)
	\$5 (for each additional acre)

**Detailed site map which includes the following:**

- ✓ Address of property and adjacent properties
- ✓ Property boundary (all sides)
- ✓ Existing or proposed street(s) adjoining property (labeled)
- ✓ North arrow and scale
- ✓ All utility easements
- ✓ All utility lines
- ✓ All utility meters
- ✓ Existing and/or proposed structures
- ✓ Location of improvement(s)
- ✓ Setbacks for front, side and rear yards
- ✓ Driveway location (required for new addresses)
- ✓ Proposed parking area (if different than driveway)
- ✓ Location of all drainages

✓ **Ownership**

A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

✓ **Legal Description**

Includes the legal description or physical address of the property.

✓ **Proposed Use**

Statement describing the proposed use of the buildings, structures, premises, etc.

City of Aztec	
04/02/2024	09:08 002
CM DEV ADMIN FEE (ALL PERMITS)	
U-8128454	AMOUNT
FMSD CM DEV ADMIN FEE (ALL PE	10.00
FMSD CM DEV LAND USE PERMITS	250.00
PAYMENT RECEIVED	AMOUNT
PP / 0841	260.00
AUTH CODE: 153726217	
TOTAL	260.00
POINT&PAY FEES	6.95



# Property Record Card

San Juan County Assessor

**ERBES JAMES R  
C/O: LIGHTNER DANIEL T  
AND MELISSA A**

**Account: R0015548**  
Tax Area: 2INNR - District 2IN Non-Residential  
Acres: 0.750

**Parcel: 2066178179389**  
Situs Address:  
407 ANDREW DR  
AZTEC, 87410

2A ROAD 2795  
AZTEC, NM 87410

**Value Summary**

Value By:	Market	Override
Land (l)	\$52,500	N/A
<b>Total</b>	<b>\$52,500</b>	<b>\$52,500</b>

**Legal Description**

DILLON HEIGHTS SUBDIVISION NO.1 LOT 10 BK.1689 PG.1059  
ESC BK.1694 PG.761



**Land Occurrence 1**

Property Code	0200 - NON-RESIDENTIAL LAND	Land Code	30380S - DILLON HEIGHTS 2IN - S
Electricity	1 - Adequate	Frontage	0
Gas	1 - Natural	Location	Premium [.5]
Measure	S - Site	Sewer Type	2 - Septic Tank
Street Code	1 - Country/Paved	Topography Code	1 - Level
Water	1 - City Water		

SubArea	ACTUAL	AREA_UNITS	EFFECTIVE	FOOTPRINT	HEATED
Acres	0.75	0.75	0.75	0.75	0.75
Site	1	1	1	1	1
<b>Total</b>	<b>1.75</b>	<b>1.75</b>	<b>1.75</b>	<b>1.75</b>	<b>1.75</b>
	<b>Value</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
	\$52,500	30,000.00	30,000.00	30,000.00	30,000.00

# Property Record Card

San Juan County Assessor

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## Abstract Summary

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<b>Code</b>	<b>Classification</b>	<b>Actual Value</b>	<b>Value</b>	<b>Taxable Value</b>	<b>Actual Value Override</b>	<b>Taxable Override</b>
0200	NON-RESIDENTIAL LAND		\$52,500	\$17,500	NA	NA
<b>Total</b>			<b>\$52,500</b>	<b>\$17,500</b>	<b>NA</b>	<b>NA</b>



36°03'E

1025.39

296.57'

25' ACCESS  
EASEMENT

10

0.75 AC

N 89°49'49" W

252.59'

0.79 AC

176.65'

119.24'

C12

C13

C11

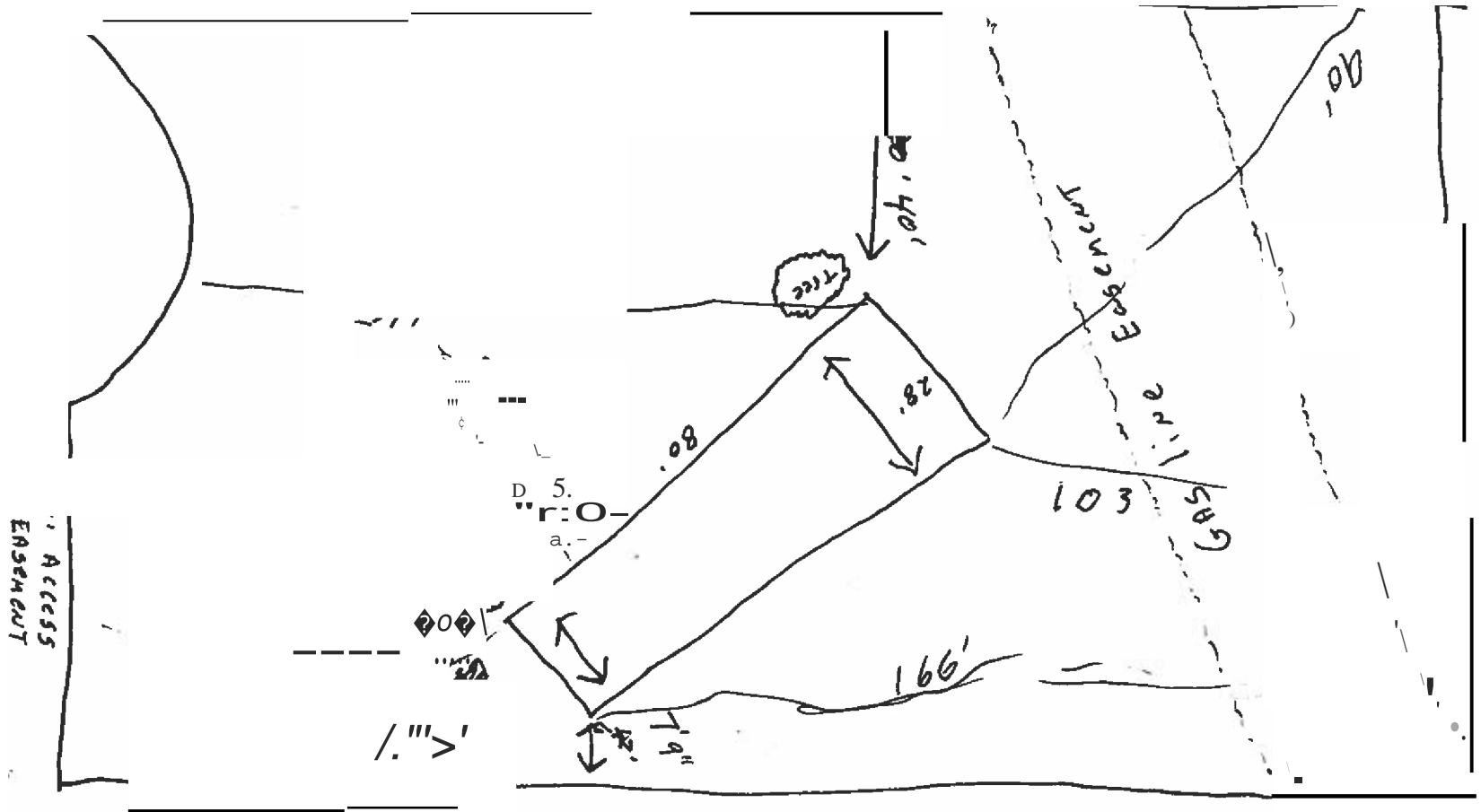
2'

250 p.

JENNITCI

325-676-5029

324-4555c







**Legend**

-  A-1
-  FED
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# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** Consent Item (E)  
**AGENDA TITLE:** Approval of Economic Development Advisory Board Member

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**ACTION REQUESTED BY:** Community Development Director  
**SUMMARY BY:** Andrew DiCamillo

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## PROJECT DESCRIPTION / FACTS

Staff respectfully request the City Commission consider Madi Carter to fill the vacant position on the Economic Development Advisory Board (EDAB). The following person has expressed desire to serve on EDAB:

Madi has a background in economics, banking, and tax accounting, combined with a deep interest in culture and creativity that will bring fresh, practical ideas to the Board.

EDAB is assigned the following duties:

- Reviews strategies and opportunities for economic development within the city.
- Assists with economic and community development planning for the city.
- Recommends annually to the City Commission appropriations for economic development programs.
- Develops and updates annually a comprehensive strategic economic development plan.
- Makes recommendations to the governing body on applications for assistance for economic development projects.

The Economic Development Advisory Board is strictly an advisory committee to the City Commission.

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**SUPPORT DOCUMENTS:** 1. Letter of interest

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**RECOMMENDED MOTION:** Move to Approve the Appointment of Interested Party Madi Carter to the Aztec Economic Development Advisory Board (EDAB)

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**Madi Carter**

313 Gila Rd  
Aztec, NM 87410  
(303) 717-7215  
madicarter325@gmail.com

April 17th, 2024

**Andrew DiCamillo**

Director, Community Development Department  
201 W Chaco St.  
Aztec, NM 87410

Dear Andrew,

I am writing to express my interest in the Economic Development Board Member position. With a dedication to fostering economic growth, I am enthusiastic about the opportunity to contribute to the future community of Aztec. My background in economics, banking, and tax accounting, combined with a deep interest in culture and creativity, will bring fresh, practical ideas to the Board.

While my experience in community development is just beginning, I have always been active in the community, working with organizations in Durango, including Region 9, The Women's Resource Center, San Juan Brewfest, Dave Spencer Classic, and the Four Corners Motorcycle Rally. I have experience working with businesses, building budgets, and analyzing financial statements in order to plan for the future. These skills will be highly transferable in making recommendations to the governing body on applications for assistance for economic development projects.

Aside from my hard skills, I also have a passion for creating a fun and lively community. As a fairly new resident, I can see areas where there is room for improvement, and I am eager to stimulate involvement. I have endless ideas to reshape the current Aztec; ideas to make the citizens feel heard and empowered to contribute to our evolving town.

I appreciate your time and consideration. I look forward to hearing further steps and welcome any questions or discussion.

Sincerely,

**Madi Carter**

# Staff Report

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**MEETING DATE:** April 23, 2024

**AGENDA ITEM:** CONSENT AGENDA (F)

**AGENDA TITLE:** Resolution 2024-1425 Supporting the Application for Allowing OHV Access onto State Highways NM 516, NM 574, and NM 173 within the City Limits of Aztec

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**ACTION REQUESTED BY:** City Staff

**SUMMARY BY:** Chief Joe Gonzales / Ed Kotyk

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## PROJECT DESCRIPTION / FACTS

Off-Highway Vehicles (OHVs) are now allowed on City Streets through the passing of Ordinance 2023-538 which amended Chapter 24, Article II Motor Vehicle Code. The codification of Ordinance 2023-538 also allows for OHVs to legally cross state highways.

City Staff has developed a plan to be submitted as part of the New Mexico Department of Transportation application process to allow access for OHV on State Highways NM 516, NM574, and NM 173.

This application, if approved by NMDOT, would allow citizens of Aztec to have legal access to the surrounding recreational lands.

## PROCUREMENT / FISCAL IMPACT

Cost of signage required for certain OHV signage at various ingress/egress points is estimated at \$13,500 to \$15,000.

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**SUPPORT DOCUMENTS:** Resolution 2024-1425

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2024-1425 Supporting the Application for Allowing OHV Access onto State Highways NM 516, NM 574, and NM 173 within the City Limits of Aztec

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**CITY OF AZTEC  
RESOLUTION 2024-1425**

**Resolution Supporting the Application for Allowing OHV Access onto State  
Highways NM 516, NM 574, and NM 173 within the City Limits of Aztec**

**WHEREAS,** Off-Highway Vehicles (OHVs) are now allowed on City Streets through the passing of Ordinance 2023-538 which amended Chapter 24, Article II Motor Vehicle Code; and

**WHEREAS,** the codification of Ordinance 2023-538 allows for OHVs to legally cross state highways; and

**WHEREAS,** City Staff has developed a plan to be submitted as part of the New Mexico Department of Transportation application process to allow access for OHV on State Highways NM 516, NM574, and NM 173; and

**WHEREAS,** this application, if approved by NMDOT, would allow citizens of Aztec to have legal access to the surrounding recreational lands.

**NOW, THEREFORE, BE IT HEREBY RESOLVED,** that the Governing Body of the City of Aztec, State of New Mexico, hereby supports the plan and application for OHV access on State Highways NM 516, NM 574, and NM 173 within the corporate limits of the City of Aztec.

**PASSED, APPROVED AND SIGNED** this 23<sup>rd</sup> day of April 2024.

\_\_\_\_\_  
Mayor Michael A. Padilla, Sr.

\_\_\_\_\_  
Mayor Pro-Tem Kenneth B. George

ATTEST:

\_\_\_\_\_  
Commissioner Colby King

\_\_\_\_\_  
Karla Saylor, City Clerk

\_\_\_\_\_  
Commissioner Austin R. Randall

\_\_\_\_\_  
Commissioner Jim Crowley

# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** BUSINESS ITEM (A)  
**AGENDA TITLE:** Intent to Adopt Ordinance 2024-550 Amending Chapter 26 Land Use

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**ACTION REQUESTED BY:** Community Development Director  
**SUMMARY BY:** Andrew DiCamillo

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## PROJECT DESCRIPTION / FACTS

Chapter 26 Land Use and Chapter 5 Animals both have regulations for animals. There are some conflicting regulations between the 2 codes. Community Development is removing animals from Chapter 26 Land Use to reside solely in Chapter 5 of the Animal Code. This will make it more streamlined for the community to contact the Animal Control Department for any questions regarding animals.

Community Development found in “Procedures” the need to add the Planning and Zoning Board to the process of Zone Changes, Special Use, Conditional Use and Variance permits.

Community Development seeks to change Chapter 26 Land Use to add a new zoning district: AR-1 – Agricultural/Residential Single-Family District. We are proposing this for properties that are 1-3 acres. This is the first step to begin correcting the agriculture zoning issues.

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**SUPPORT DOCUMENTS:** Ordinance 2024-550

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**RECOMMENDED MOTION:** Move to Approve the Intent to Adopt Ordinance 2024-550 Amending Chapter 26 Land Use Removing Animals, Creating an AR-1 Agricultural/Residential Single-Family District, correcting processes to include the Planning and Zoning Board

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**City of Aztec**  
**Ordinance 2024-550**  
**An Ordinance Amending Chapter 26 Land Use**

**WHEREAS**, Community Development seeks to amend the Land Use code removing animals, correcting processes to include the Planning and Zoning Board and update the regulations adding Agricultural/Residential (AR-1) Single-Family District, proposing this for properties that are 1-3 acres; and

**WHEREAS**, discussions with Animal Control raised conflicts between Chapter 26 Land Use and Chapter 5 Animals with regards to animal regulations within the City Code; and

**WHEREAS**, staff determined that it was more appropriate to remove animal regulations from Chapter 26 Land Use and have all animal regulations reside within Chapter 5 Animals to avoid conflicts with Chapter 26 Land Use; and

**WHEREAS**, community development found under “Procedures” the need to add the Planning and Zoning Board to the process of Zone Changes, Special Use, Conditional Use and Variance permits.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Bod of the City of Aztec, New Mexico, that Ordinance 2024-550 Amending Chapter 26 be adopted as attached.

**PASSES, APPROVED, SIGNED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024. By the Aztec City Commission, City of Aztec, New Mexico

\_\_\_\_\_  
Michael A. Padilla, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

Advertised Date of Final Adoption: \_\_\_\_\_

Effective Date of Ordinance: \_\_\_\_\_

## Chapter 26 LAND USE REGULATIONS

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### ARTICLE I. IN GENERAL

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#### **Sec. 26-1-1. Title.**

These Regulations including the Zoning Districting Map, shall be known and cited as the "Official Land Development Ordinance" of the City of Aztec and constitutes the comprehensive Land Development plan.

(Code 2007, 26-1)

#### **Sec. 26-1-2. Application.**

All development of property is governed according to the district in which it is located. Any use not classified as permitted or conditional within a particular district is hereby prohibited from that district, except as otherwise provided within this regulation. The districts and boundaries described within this document are shown on the official "Land Development Map" available in an up-to-date form in the City Administration Building.

(Code 2007, 26-2)

#### **Sec. 26-1-3. Purpose.**

The regulations, restrictions and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 1999), and are intended to promote the general health, safety, and welfare of the residents of Aztec. Such regulations, restrictions, and requirements are deemed necessary in order to regulate and restrict within the Corporate Limits of the City of Aztec, as they exist at any given time, the following:

1. Height, number of stories, and size of buildings and other structures;
2. Size of yards, courts and other open spaces;
3. Percentage of a lot that may be occupied;
4. Density of population, and;
5. Location and use of buildings, structures and land for trade, industry, residence, or other purpose, to encourage and facilitate the orderly growth and expansion of the City;
6. Land Use Patterns and Community Character.

Furthermore, the purpose of these regulations is to promote the development of the City of Aztec with respect to the traditional nature of its development pattern. Patterns and Community Character may be described by the following:

7. Establishing rational land use and growth patterns and encouraging the most appropriate use of individual pieces of land in accordance with the Comprehensive Plan.
8. Encouraging neighborhoods of diverse use and population;



9. Encouraging communities designed with respect to pedestrians and multi-modes of transit including bicycles, walking and potentially future public transit as well as the automobile.
10. Encouraging communities designed and shaped by physically defined and universally accessible public spaces and community institutions;
11. Encouraging communities framed by architecture and landscape design that celebrate local history, climate, ecology and building practice.  
(Code 2007, 26-3)

#### **Sec. 26-1-4. Severability.**

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance but shall be confined to its operation in the specific sections, sentences, clauses or parts of this ordinance held invalid and the invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

(Code 2007, 26-4)

#### **Sec. 26-1-5. Information.**

The Planning Department shall maintain an office to supply the public with information about land development, shall maintain the Official District Map in its current form, and shall issue certificates or letters showing the districts when requested. All matters relating to land development shall be filed and maintained within the Planning Department.

(Code 2007, 26-5)

#### **Sec. 26-1-6. Interpretation.**

In interpreting and applying the provisions of Chapter 26 they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, and general welfare. It is not intended by this chapter to interfere with or conflict or void any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any provisions of this chapter; nor is it intended by this chapter to interfere with or abrogate or void any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

(Code 2007, 26-6)

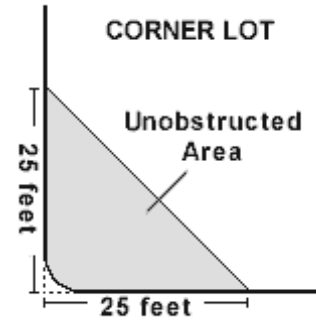
#### **Sec. 26-1-7. Prohibited or Restricted.**

The following is prohibited except as otherwise provided in this regulation or any subsequent Ordinance passed by the Commission which may amend these regulations.

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations established for the district in which a building or premise is located.
2. No part of a yard or other open space provided around a building on one recorded lot shall be

considered as part of a yard or other open space for an adjoining property or lot.

3. Every building erected, converted, enlarged or structurally altered shall be located on a lot as a single building with no other building, unless specifically provided for in these regulations.
4. Off-Street parking for all uses must be provided in accordance with the regulations set forth in the Off-Street Parking Requirements of this ordinance, Article III, Division 5.
5. Unobstructed vision and clearance for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the district classification. This includes any building, sign, fence, ornament, hedge, shrub, tree display, or other obstruction that could interfere with line of sight, excluding existing buildings.



This ruling applies to a triangular area formed by drawing a line connecting two points each twenty-five (25) feet back from the intersecting point of each curb edge (or driving surface where there are no curbs). No vegetation, structure or object shall be over three (3) feet high in this unobstructed area.

6. No building, structure, or vehicle shall be constructed, maintained or used, which would be in conflict with the State Environmental Improvement Act (NMSA 54-1-26 through 54-4-15) as amended. All motor vehicles parked in the described land development districts or in any public right-of-way (designated street and road ways) must be operative and may not be wholly or partially dismantled unless parked inside a garage, building, or carport. If parked within a carport, the inoperative vehicle shall be covered with a tarp.
7. No permanent dwelling shall be erected in the flood plain area as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map unless construction methods are met that conform to the appropriate building standards within a flood plain area ~~and that such proposal to construct is approved by the City Commission.~~
8. Every mobile home, shall be equipped with skirting or perimeter wall to conceal the undercarriage of the mobile home. The skirting or perimeter wall shall be of material that provides an appearance that is compatible with the dwelling and site built homes in the area. The skirting or perimeter wall shall be in place within ninety (90) days from the date electric utilities are hooked up. Noncompliant mobile homes are subject to enforcement and penalties herein
9. Municipal or County Agencies: No permit, certificate, license or other document or oral approval, shall be issued by a department, agency or board of the municipality until the Community Development Department has certified that the use of the permit is in full compliance with the provisions of this ordinance.
10. Solid waste dumpsters in any commercial, office and institutional or residential district shall be located in the side or rear of the lot. In addition, the solid waste dumpsters shall be screened with either fence or wall or other appropriate structure so as not to be openly exposed to the public view from the frontage of the business.

(Code 2007, 26-7)

**Sec. 26-1-8. Violations.**

Violation of this ordinance shall constitute any one of the following:

1. Failure to comply with any of the provisions of this ordinance.
2. Failure to perform any act as required by this ordinance, or performing any act prohibited by this ordinance.
3. Failure to comply with any limitation imposed on the use of any land.
4. Failure to comply with any limitation imposed on the erection or alteration of any structure.
5. Failure to comply with any limits imposed on the use of such structures or the use within such structures.

(Code 2007, 26-8)

**Sec. 26-1-9. Enforcement.**

The City Manager shall designate an individual(s) who shall have the authority and duty to enforce this Chapter. Lack of knowledge or alleged lack of knowledge of the requirements of this Chapter by the offender shall not justify waiver or variance from these minimum standards.

Any application for permit, license, or certificate pertaining to the use of land or buildings shall be subject to the approval of a representative of the Planning Department. Any such permits, license or certificates issued in conflict with the provisions of this Chapter shall be considered and potentially void.

(Code 2007, 26-9)

**Sec. 26-1-10. Penalties.**

Any person violating any of the provisions of this Chapter are punishable as provided in Section 1-8.

(Code 2007, 26-10)

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## ARTICLE II. ZONE DISTRICT REGULATIONS

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### DIVISION 1. IN GENERAL

#### Sec. 26-2-15. Districts Established.

1. The City of Aztec is hereby divided into the following types of land development districts within the City limits, such types to be used in the designations as hereinafter specified, to carry out the provisions of this ordinance:

- (1) A-1      Agricultural or Rural
- (2) AR-1    Agricultural/Single Family Dwelling
- (3) R-1      Single Family Dwelling
- (4) R-2      Multiple Family Dwelling
- (5) O-1      Office and Institutional
- (6) C-1      Neighborhood Commercial and Limited Retail
- (7) C-2      General Commercial and Wholesale
- (8) M-1      Light Manufacturing
- (9) M-2      Heavy Manufacturing
- (10) MH     Mobile Home District
- (11) PUD    Planned Unit Development

2. The designation of the various types of districts and the corresponding boundaries thereof are shown on the "Official District Map for the City of Aztec", which is kept in an up-to-date form in the City Administration Building. The following general rules and regulations shall apply to the use of the District Map:

- (1) District Boundaries. The boundary of any district or districts shall be the property line, unless otherwise specifically stated in this regulation or shown on the Official Land Development Map. Questionable districts or district boundary lines shall be determined by the City Manager.
- (2) Annexed Areas. All land that is to be annexed into the City of Aztec shall undergo public input in order to establish the boundaries of the districts to be applied to the annexed lands. This process may or may not be concurrent with the annexation action. If not concurrent, the boundaries of the districts will be designated within ninety (90) days of annexation.

(Code 2007, 26-15)

#### Secs. 26-2-16 to 26-2-20. Reserved.

## DIVISION 2. A-1 : AGRICULTURAL OR RURAL DISTRICT

### Sec. 26-2-21. In General.

The purpose of this land use district is to protect and preserve agriculture lands and related activities in their present character. This district will permit uses customarily conducted in an agricultural or rural area and is further controlled in that one-family or multiple-family dwellings are permitted only on large lots thereby maintaining a low density of population.

(Code 2007, 26-21)

### Sec. 26-2-22. Uses Permitted.

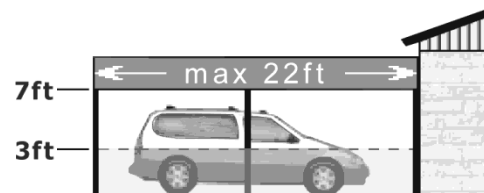
The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. Site built dwelling of 800 square feet or more. The minimum lot size is ~~5 three~~ (3) acres. A dwelling on a parcel less than ~~5 three~~ (3) acres is permitted only if it was a "lot of record" at the time of adoption of the ordinance.
2. Farm. For the growing of crops or raising of animals. ~~provided animals other than household pets are kept in numbers not exceeding one animal unit per 1/2-acre (21,780 square feet) pasture area or fenced area, where they are permitted to graze.~~
3. Mobile Home. One mobile home may be located on each lot or parcel no smaller than ~~5 three~~ (3) acres. A smaller parcel is permitted only if it was a "lot of record" at the time of adoption of the ordinance. Such dwellings will be permanently attached to a foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall will be constructed of durable materials and will also meet local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance, which is compatible with the dwelling and site built homes in the area. Minimum State requirements and manufacturer's installation standards regarding permanent foundation systems may be found in [Title 14, Chapter 12, Part 2 of the Manufactured Housing Act, NMSA 1978](#).
4. Accessory Structures. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic animals (e.g. barn, chicken coup, kennel run, etc.).
5. Carports.

(1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.

(3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.



(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:

(1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.

(2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

(3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.

(4) A business license is obtained from the City Utility Office.

(5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.

(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-22)

### Sec. 26-2-23. Height Regulations.

The height of any building or structure shall not exceed 40 feet except that the height of any non-commercial radio or television antenna, silo or similar appurtenance may be built to a height not to exceed 65 feet above grade.

(Code 2007, 26-23)

### Sec. 26-2-24. Area Regulations.

The area of any lot shall be at least ~~five~~ **three (3)** acres and shall have a lot width of at least 200 feet along the front yard line.

(Code 2007, 26-24)

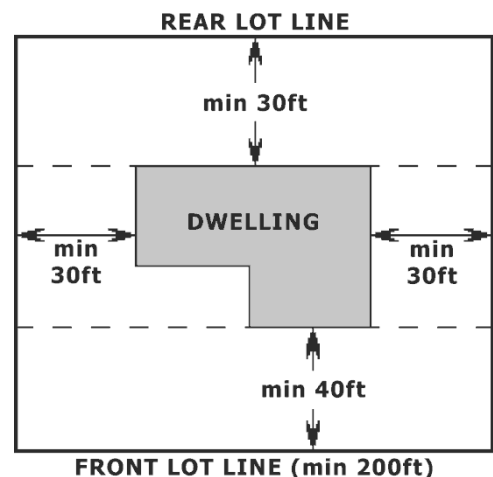
### Sec. 26-2-25. Setback Regulations.

1. Front Setback. Any building, mobile home, or structure shall be located at least 40 ft from the established or future street line.

2. Side Setback. Any building, mobile home, or structure functioning as a dwelling shall be located at least 30 ft from the side lot lines. Accessory structures cannot be located any closer than 3 ft from the side lot line.

3. Rear Setback. Any building, mobile home, or structure functioning as a dwelling shall be located at least 30 ft from the rear lot line. Accessory structures cannot be located any closer than 3 ft from the rear lot line.

(Code 2007, 26-25)



### **Sec. 26-2-26. Conditional Uses.**

The following uses will be permitted in the A-1 Zone provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Golf course or archery range.
2. Commercial stable, rodeo arena, polo grounds, or riding school.
3. ~~Animal raising, other than for those which are permissive in this district and listed under the definition of "Animal Unit".~~
4. Kennel-Animal Boarding Business.
5. Plant nursery.
6. Veterinary hospital.
7. Campground or resort.
8. Institution, church, library or museum.
9. Bar in connection with another permissive or conditional use specified in this district.
10. Nursing home or Assisted Care Facilities.
11. Airports and Landing Fields with approval of the Federal Aviation Agency and operated in compliance with Federal Regulations.
12. Mining - Mineral extraction or raw material and materials extracted from the immediate district provided the land is left reclaimed when mining is completed.
13. Cemeteries – providing that the lot is 10 or more acres. The cemetery may include mausoleums and related monument objects provided that the mausoleums or monuments be a distance of at least 200 feet from every street line and the adjoining lot lines.
14. Private Clubs - Except those clubs where firearms are used and except that a club site shall not be used for a primary commercial enterprise.
15. Hospitals and Educational Institutions - Provided that the building shall be located on sites having at least five (5) acres.
16. Booster Stations, Transformers, or Pumping Stations - Located on the alignment necessary for transmission of the product (electric, gas, oil, sewer, or water), provided that proper access and passage of vehicles is provided for purpose of construction and maintenance of station.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-26)

### **Secs. 26-2-27 to 26-2-30. Reserved.**

## **DIVISION 3. AR-1 : AGRICULTURAL/RESIDENTIAL SINGLE FAMILY DISTRICT**

### **Sec. 26-2-31. In General.**

The purpose of this land use district is to protect and preserve agriculture lands and related activities in their present character. This district will permit uses customarily conducted in an agricultural on a smaller scale than the A-1 Agricultural or Rual District (which requires 3 acres).

No residence shall be built on any lot in this district unless said lot also satisfies the area requirements for water and sewerage established by the New Mexico Environmental Improvement Division.

No building, structure or land use shall be used, altered, or created for any purpose other than those designated for this district. Any structure that does not satisfy the Uniform Building Code adopted by the City of Aztec and enforced in Aztec by inspectors, is prohibited from being erected or stored in this district.

### **Sec. 27-2-32. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. Site built dwelling of 800 square feet or more. The minimum lot size is 1 to 3 acres. A dwelling on a parcel less than 1 to 3 acres is permitted only if it was a "lot of record" at the time of adoption of the ordinance.
2. Farm. For the growing of crops or raising of animals.
3. Manufactured Homes. Each manufactured home must meet the definition of a Manufactured Home and be installed consistent with the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978) and the regulations relating to ground level installation on a permanent foundation and ground anchors. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed. Manufactured one family dwellings units shall be subject to the following standards:
  - (1) Principal buildings and accessory structures shall conform to all applicable City, State, and Federal codes and ordinances. (Housing and Urban Development District Code II, or the Uniform Building Code. See [3-21A-1 to 3-21A-8 NMSA 1978]).
  - (2) Such dwellings will be permanently attached to a foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall will be constructed of durable materials and shall also meet local requirements with respect to materials, construction and necessary foundations below the efforts line. Any such wall shall also provide an appearance, which is compatible with the dwelling and site built homes in the area.
  - (3). Such dwellings shall provide a minimum width of twenty-four (24) feet and a minimum depth of thirty-six (36) feet.
  - (4). Such dwellings shall have an overhang or eaves as required by the building code of residential dwellings or similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.



(5). Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling on adjacent properties or in the surrounding residential neighborhood.

(6). Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.

(7). Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth ratio which does not exceed three to one (3:1) or is in reasonable conformity with the configuration of site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.

(8). All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer side walls of the dwelling shall be removed to a point where they are totally obscured by a perimeter foundation or finished exterior wall.

(9). Proposals for manufactured one family dwelling unit shall follow the procedures set forth below:

(a) Applications to permit manufactured one-family dwelling units shall be submitted to the Community Development Department who may require the applicant to furnish such plans, photographs, elevations, and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.

(b) In reviewing any such proposed dwelling unit with respect to items 2(1) through 2(8) above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, hereby protecting the economic welfare and property of surrounding residential areas and the City of Aztec.

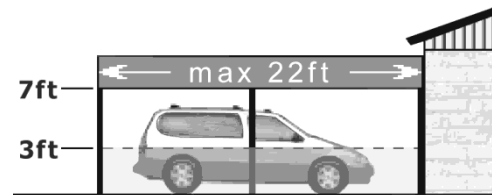
(c) Should the Community Development Department find that any such dwelling unit does not conform with all the above conditions and standards, the proposal shall be denied. The applicant may appeal the code enforcement officer's decisions by requesting a public hearing before the City Commission.

4. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets (e.g. chicken coup and kennel runs/enclosures), so long as the accessory structure is not being used for commercial use and meets property setbacks. Antennas (non-commercial) are permitted.

5. Carports.

(1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



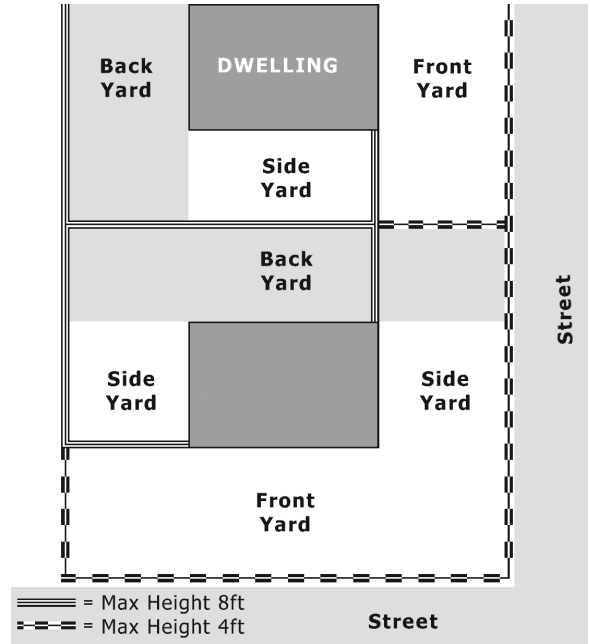
(3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.

(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:
  - (1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.
  - (2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.
  - (3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.
  - (4) A business license is obtained from the City Utility Office.
  - (5) If providing childcare services, the childcare provider must fulfill all Federal and New Mexico state requirements.
  
7. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:
  - (1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.
  - (2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:
    - (a) A travel trailer or motor home being used for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.
    - (b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six months. The period commencing with the date of issuance of a building permit for construction of the dwelling.
  - (3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.
  - (4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

8. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas.

Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot.



### Sec. 26-2-33. Height Regulations.

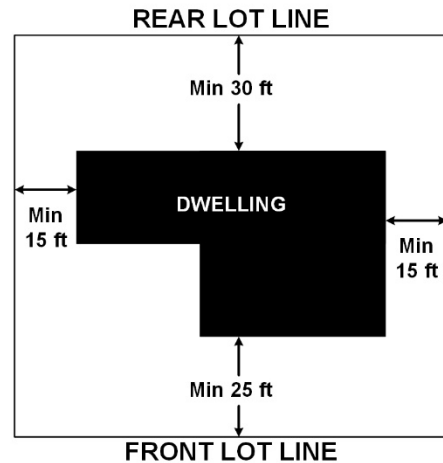
The height of any building or structure shall not exceed 35 feet except that the height of any non-commercial radio or television antenna, silo or similar appurtenance may be built to a height not to exceed 65 feet above grade.

### Sec. 26-2-34. Area Regulations.

The area of any lot shall be at least 1-3 acres and shall have a lot width of at least 200 feet along the front yard line.

### Sec. 26-2-35. Setback Regulations.

1. Front Setback. The front yard setback shall be a minimum of twenty-five (25) feet from the established or future street right-of-way or property line.
2. Side Setback. The minimum side yard setback for a building, manufactured home, or structure functioning as a dwelling shall be located at least fifteen (15) feet; however, the setback shall be twenty-five (25) feet on the street side or corner lots. An additional two and one-half (2 ½) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Setback. The rear yard setback for a building, manufactured home, or structure functioning as a dwelling shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet.



### **Sec. 26-2-36. Conditional Uses.**

The following uses will be permitted in the AR-1 Zone provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Accessory Dwelling Unit (ADU) provided the following is met:
  - (1) The ADU does not exceed 40% of the primary dwelling unit area.
  - (2) The ADU does not exceed 25% of the rear yard area.
  - (3) The ADU is frame built with material similar to the primary structure including exterior finishing, roof pitch,
  - (4) The ADU is at least ten (10) feet from the Primary Dwelling and three (3) feet from the side and rear lot lines.
  - (5) A site plan and building plan must be submitted with the Conditional Use Permit.
  
2. Nursery school operated within a structure that has the external appearance of a dwelling.
  
3. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
  
4. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
  
5. Kennel-Animal Boarding Business.
  
6. Plant nursery.
  
7. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
  
8. Institution, church, library or museum.
  
9. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.

**Secs. 26-2-37 to 26-2-40. Reserved.**

## DIVISION 4. R-1 : SINGLE FAMILY DWELLING DISTRICT

### Sec. 26-2-41. In General.

This district is regulated to permit single-family residential development, certain structures and land uses required to serve governmental, educational, non-commercial recreation, public utility installations, and other compatible public needs.

No residence shall be built on any lot in this district unless said lot also satisfies the area requirements for water and sewerage established by the New Mexico Environmental Improvement Division.

No building, structure or land use shall be used, altered, or created for any purpose other than those designated for this district. Any structure that does not satisfy the Uniform Building Code adopted by the City of Aztec and enforced in Aztec by inspectors, is prohibited from being erected or stored in this district.

No truck over one-ton rated capacity shall be stored or parked in this district, excluding recreational or emergency type vehicles used for such purposes. For these vehicle types, the lot is limited to one (1) recreational or emergency vehicle and if parked for more than a twenty-four (24) hour period, the vehicle must be stored or parked in the side or rear set-back area.

(Code 2007, 26-31)

### Sec. 26-2-42. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

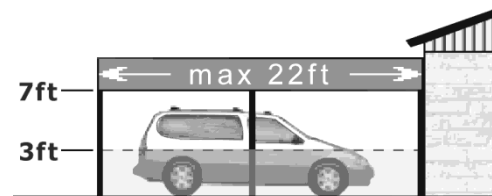
1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Manufactured Homes. Each manufactured home must meet the definition of a Manufactured Home and be installed consistent with the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#) and the regulations relating to ground level installation on a permanent foundation and ground anchors. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed. Manufactured one family dwellings units shall be subject to the following standards:
  - (1) Principal buildings and accessory structures shall conform to all applicable City, State, and Federal codes and ordinances. (Housing and Urban Development District Code II, or the Uniform Building Code. See [[3-21A-1 to 3-21A-8 NMSA 1978](#)]).
  - (2) Such dwellings will be permanently attached to a foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall will be constructed of durable materials and shall also meet local requirements with respect to materials, construction and necessary foundations below the efforts line. Any such wall shall also provide an appearance, which is compatible with the dwelling and site built homes in the area.
  - (3) Such dwellings shall provide a minimum width of twenty-four (24) feet and a minimum depth of thirty-six (36) feet.

- (4) Such dwellings shall have an overhang or eaves as required by the building code of residential dwellings or similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.
- (5) Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling on adjacent properties or in the surrounding residential neighborhood.
- (6) Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.
- (7) Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth ratio which does not exceed three to one (3:1), or is in reasonable conformity with the configuration of site-built dwelling units on the adjacent properties or in the surrounding residential neighborhood.
- (8) All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer side walls of the dwelling shall be removed to a point where they are totally obscured by a perimeter foundation or finished exterior wall.
- (9) Proposals for manufactured one family dwelling unit shall follow the procedures set forth below:
  - (a) Applications to permit manufactured one-family dwelling units shall be submitted to the Community Development Department who may require the applicant to furnish such plans, photographs, elevations and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal.
  - (b) In reviewing any such proposed dwelling unit with respect to items 2(1) through 2(8) above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, hereby protecting the economic welfare and property of surrounding residential areas and the City of Aztec.
  - (c) Should the Community Development Department find that any such dwelling unit does not conform with all the above conditions and standards, the proposal shall be denied. The applicant may appeal the code enforcement officer's decisions by requesting a public hearing before the City Commission.

3. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets (e.g. chicken coup and kennel runs/enclosures), so long as the accessory structure is not being used for commercial use and meets property setbacks. Antennas (non-commercial) are permitted.

4. Carports.

- (1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.
- (2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



- (3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.

(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

5. Home Occupation. Home occupations shall be permitted under the following conditions:

(1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.

(2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

(3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.

(4) A business license is obtained from the City Utility Office.

(5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.

6. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:

(1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.

(2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:

(a) A travel trailer or motor home being used as for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.

(b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six months. The period commencing with the date of issuance of a building permit for construction of the dwelling.

(3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.

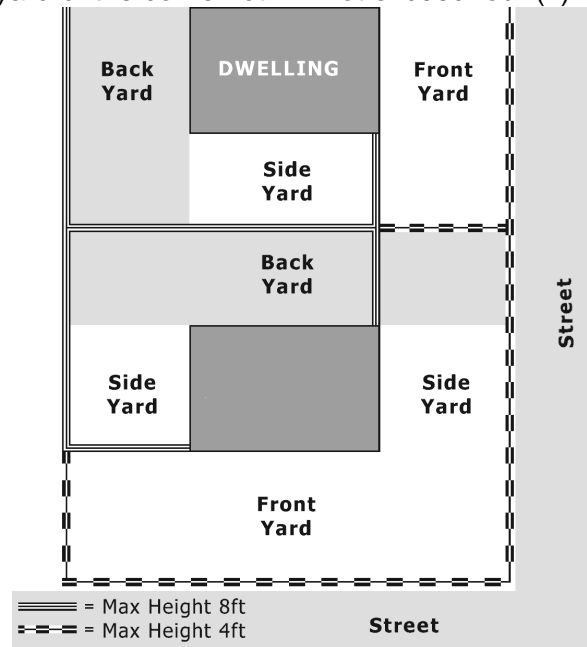
(4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

~~7. Animals.~~

~~a. No animals other than household pets and provided they are confined to private property and not allowed to enter public property except under hand leash.~~

~~b. Chicken hens are permissible, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.~~

8. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas. Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot. (Ord. 2023-533, eff. 2023-July-17; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-32)



**Sec. 26-2-43. Height Regulations.**

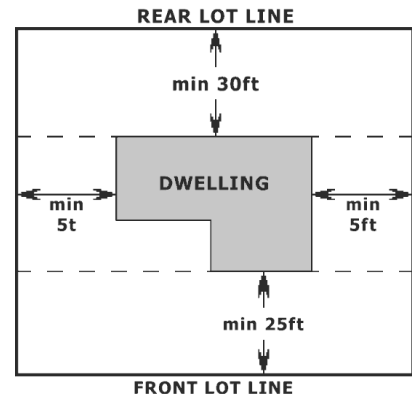
All buildings and structures in this district shall be limited to thirty-five (35) feet above natural adjacent ground level. (Code 2007, 26-33)

**Sec. 26-2-44. Area Regulations.**

1. Minimum lot area shall be seven thousand (7,000) square feet.
2. The lot width shall be a minimum of sixty-five (65) feet measured at the actual setback of a building.
3. Coverage of each lot by main and accessory buildings shall not exceed fifty percent (50%). (Code 2007, 26-34)

**Sec. 26-2-45. Setback Regulations.**

1. Front Yard. The front yard setback shall be a minimum of twenty-five (25) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback for a building, mobile home, or structure functioning as a dwelling shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. An additional two and one-half (2-1/2) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback for a building, mobile home, or structure functioning as a dwelling shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet. (Code 2007, 26-35)





### **Sec. 26-2-46. Conditional Uses.**

The following uses will be permitted in the R-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Accessory Dwelling Unit (ADU) provided the following is met:
  - (1) The ADU does not exceed 40% of the primary dwelling unit area.
  - (2) The ADU does not exceed 25% of the rear yard area.
  - (3) The ADU is frame built with material similar to the primary structure including exterior finishing, roof pitch,
  - (4) The ADU is at least ten (10) feet from the Primary Dwelling and three (3) feet from the side and rear lot lines.
  - (5) A site plan and building plan must be submitted with the Conditional Use Permit.
2. Nursery school operated within a structure that has the external appearance of a dwelling.
3. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
4. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
5. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one (1) year.
6. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
7. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
8. Church.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-36)

**Secs. 26-2-47 to 26-2-50. Reserved.**

## DIVISION 5. R-2 : MULTIPLE-FAMILY DWELLING DISTRICT

### Sec. 26-2-51. In General.

This district is regulated to allow most uses permitted in the R-1 district, multi-family dwellings, apartments, condominiums, and town houses.

No building, structure or land use shall be used, altered or created for any purpose other than those designated for this district.

(Code 2007, 26-41)

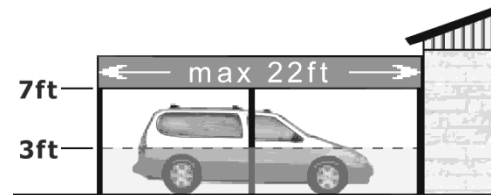
### Sec. 26-2-52. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one-half (1/2) of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
3. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
4. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. Antennas (non-commercial) are permitted.
5. Carports.

(2) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(3) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



(4) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.

(5) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:

- (1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.
  - (2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.
  - (3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.
  - (4) A business license is obtained from the City Utility Office.
  - (5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.
7. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:
- (1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.
  - (2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:
    - (a) A travel trailer or motor home being used as for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.
    - (b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six (6) months. The period commencing with the date of issuance of a building permit for construction of the dwelling.
  - (3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.
  - (4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

#### ~~8. Animals.~~

- ~~(1) No animals other than household pets and provided they are confined to private property and not allowed to enter public property except under hand leash.~~
- ~~(2) Chicken hens are permissible where the R-2 resident has their own private back/side yard, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.~~

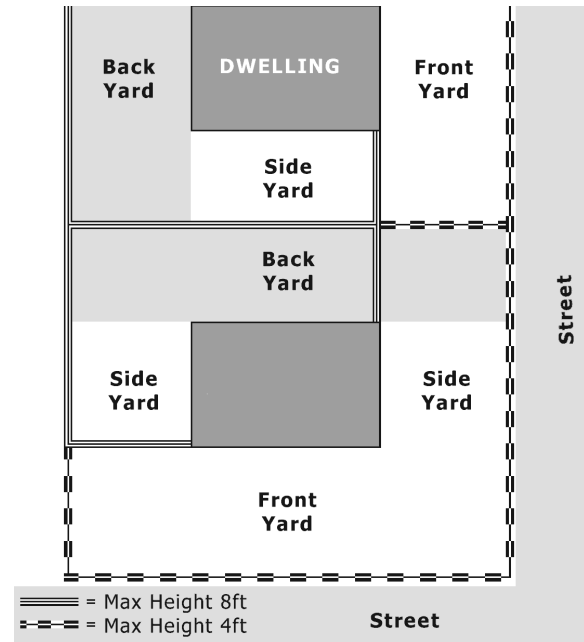
9. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas. Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot.

(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-42)

### Sec. 26-2-53. Height Regulations.

Maximum height of any building or structure excepting a flagpole, antenna, public utility pole or similar element shall be thirty-five (35) feet provided that all buildings or structures over thirty-five (35) feet high shall be located a minimum distance from the nearest property line equal to their height. Maximum height of any antenna, flagpole, public utility pole or similar element shall be sixty-five (65) feet.

(Code 2007, 26-43)

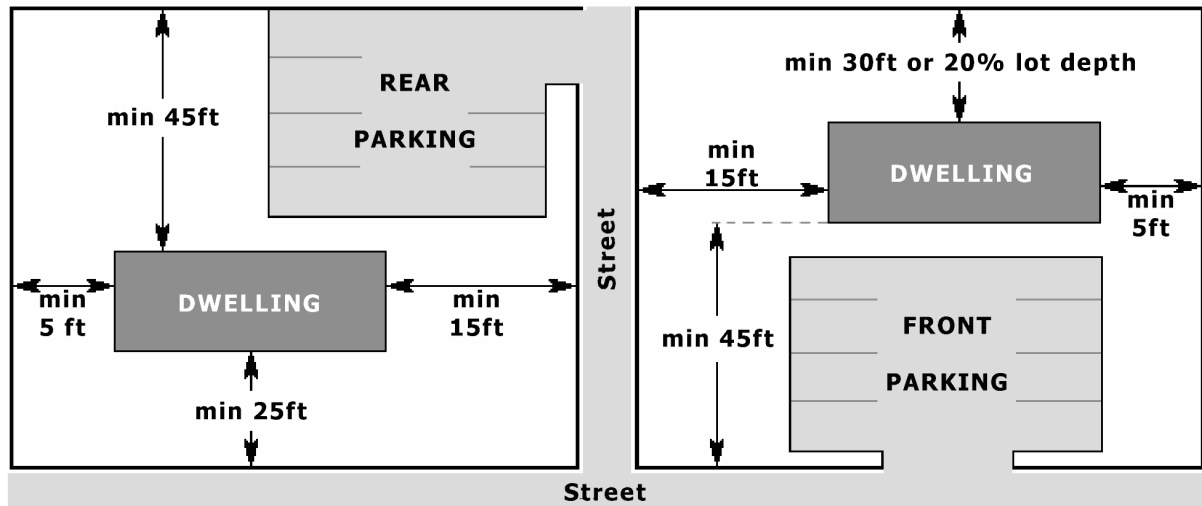


### Sec. 26-2-54. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.  
(Code 2007, 26-44)

### Sec. 26-2-55. Setback Regulations.

1. Front Yard. The front yard setback shall be at least twenty-five (25) feet with off-street parking at the side or rear of buildings or at least forty-five (45) feet with parking intended to be located in the front setback area.
2. Side Yard. The minimum side yard setback for single story building functioning as a dwelling shall be five (5) feet on any interior lot. The minimum side setback on a corner shall be five (5) feet for the interior side and fifteen (15) feet for the side abutting a public or private road or street. Side yard setback shall be an additional two and one-half (2-1/2) feet per story in excess of one story. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback shall be a minimum of thirty (30) feet or 20% of lot depth whichever is less, except when off-street parking will be located in the rear yard then forty-five (45) feet minimum setback will be required from an alley, private access easement or rear lot line. The minimum rear yard setback for an accessory structure shall be three (3) feet.



4. Building Offsets. All buildings shall be separated by a distance equal to the height of the highest adjoining building or flammable structure, otherwise the group of buildings will be connected by covered walks.  
(Code 2007, 26-45)

#### Sec. 26-2-56. Conditional Uses.

The following conditional uses permitted but only through review and approval by the Governing Body.

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church.
8. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
9. Semi-professional or professional office.

10. Boarding or lodging house.

11. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.

(Code 2007, 26-46)

**Secs. 26-2-57 to 26-2-60. Reserved.**

## DIVISION 6. 0-1 : OFFICE AND INSTITUTIONAL DISTRICT

### Sec. 26-2-61. In General.

This district is established to permit most R-1 and R-2 uses (Sections 26-11 and 26-12), plus offices, hotels, institutional, and service uses that are compatible with high-density residential areas.

(Code 2007, 26-51)

### Sec. 26-2-62. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. An accessory building of less than twelve (12) feet in height may be located within five (5) feet of any building or structure which does not contain living quarters.
3. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one half of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
4. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
5. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
6. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
7. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.

### ~~8. Animals.~~

~~(1) No animals other than household pets where the primary use of the property is for residential use and provided they are confined to private property and not allowed to enter public property except under hand-leash.~~

~~(2) Chicken hens are permissible where the primary use of the property is for residential use and the resident has their own private back/side yard, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.  
(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-52)~~

### Sec. 26-2-63. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

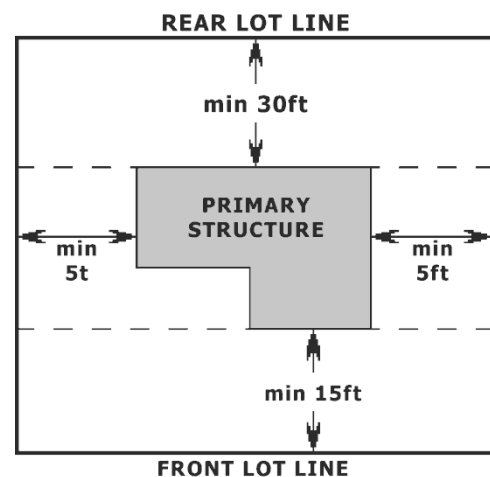
(Code 2007, 26-53)

### Sec. 26-2-64. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet, except that any dwellings, apartment house or dwelling group containing five or more dwelling units shall have not less than one thousand (1000) square feet of lot area for each dwelling unit, and provided further, that any building shall be so located on the lot as to be no closer than fifteen (15) feet or a distance equal to the height of the highest portion of the building proper, whichever is greater, to any other building, apartment house or dwelling group on the parcel or right-of-way.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.  
(Code 2007, 26-54)

### Sec. 26-2-65. Setback Regulations.

1. Front Yard. The front yard setback shall be at least fifteen (15) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback for the primary structure shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. An additional two and one-half (2-1/2) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback for the primary structure shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet.  
(Code 2007, 26-55)





### **Sec. 26-2-66. Conditional Uses.**

The following uses will be permitted in the O-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church, provided a development plan is submitted and approved as required in the PUD district.
8. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
9. Boarding or lodging house.
10. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
11. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.
12. Mortuary, provided ample off-street parking is included with the facility at the rate of one (1) space for each two hundred (200) square feet of floor area plus one (1) space for each five (5) seats in the auditorium or chapel, and provided further, that access and egress be limited to two (2) driveways in locations approved by the City Manager and that all drives and off-street parking areas shall be surfaced with gravel, oil, or other higher type of paving surfacing. Any illumination or outside lighting shall be so arranged as to reflect away from contiguous R-1 and R-2 lots.
13. Studios, including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.

(Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-56)

**Secs. 26-2-67 to 26-2-70. Reserved.**

## **DIVISION 7. C-1 : LIMITED RETAIL / NEIGHBORHOOD COMMERCIAL DISTRICT**

### **Sec. 26-2-71. In General.**

This district is established as a mixed use neighborhood commercial district. An activity permissive in this district should attempt to locate in or near the City's "Central Business District". This district should contain the major bulk of the shopper's goods, specialty goods and professional services needed to satisfy the day-to-day requirements of the City's population. The district should also encourage in-fill housing, institutional uses, public buildings and spaces.

(Code 2007, 26-61)

### **Sec. 26-2-72. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical and recreational cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.

6. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary or seasonal retail sales.
7. Studios. Studios may include photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
8. Mortuary.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-62)

### **Sec. 26-2-73. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-63)

### **Sec. 26-2-74. Area Regulations.**

There are no lot size or area restrictions placed on C-1 District.

(Code 2007, 26-64)

### **Sec. 26-2-75. Setbacks Regulations.**

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-65)

### **Sec. 26-2-76. Conditional Uses.**

The following uses will be permitted in the C-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.

4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
7. Boarding or lodging house.
8. Theaters and commercial auditorium.
9. Amusement centers, including dance halls, nightclubs, bowling alleys, billiard halls, boxing arenas, miniature golf course, games of skill and other similar activities.
10. Multiple Family Dwellings designed for two or more family units with the number of families in residence not exceeding the number of dwelling units provided. This may include apartments, duplex, townhouses and condominiums.  
(Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-66)

**Sec. 26-2-77 to 26-2-80. Reserved.**

## **DIVISION 8. C-2 : GENERAL COMMERCIAL AND WHOLESALE DISTRICT**

### **Sec. 26-2-81. In General.**

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

(Code 2007, 26-71)

### **Sec. 26-2-82. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory dwelling units which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. and accessory dwelling units shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory dwelling units are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory dwelling units may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical and recreational cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.

6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.
7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Micro Commercial Cannabis Cultivation (up to 200 mature plants at one time). This includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203.
13. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-72)

### **Sec. 26-2-83. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-73)

### **Sec. 26-2-84. Area Regulations.**

There are no lot size or area restrictions placed on C-2 District.

(Code 2007, 26-74)

### **Sec. 26-2-85. Setback Regulations.**

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-75)

### **Sec. 26-2-86. Conditional Uses.**

The following uses will be permitted in the C-2 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or dwelling units during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, ~~but not animal hospital or clinic, or a~~ (Intent to adopt 3/12/24) mental hospital.
7. Boarding or lodging house.
8. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
9. Minor industrial activities including such items as feed or fuel storage and sales, contractors equipment, storage rental or sales, radio or television transmitters, tires recapping or re-treading, lumber yards, cleaning or molding mills, and other similar light manufacturing processes, enclosed within the building and that any objectionable noise or odor shall be

confined to the premises and provided further that the same is not contrary to general City and State laws.

10. Automobile wrecking yard, provided all activities are conducted within an enclosed building or within an outdoor area enclosed by a solid fence, wall or hedge at least seven (7) feet in height, and that all wrecked automobile bodies shall be stored on the ground, and provided further, that such yard shall be at least one hundred fifty (150) feet from residential or O-1 District, motel, restaurant or cafe, and provided further, that the same conforms to all City and State regulations.
11. Transportation terminal or trucks stop provided that suitable driveways and access locations are provided which will be acceptable to the Planning Administrator.
12. Commercial Cannabis Cultivation Producers (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203
13. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
14. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
15. Printing, publishing, lithographing, blueprinting, photostatting, and similar establishments.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-76)

**Sec. 26-2-87 to 26-2-90. Reserved.**



## DIVISION 9. M-1 : LIGHT MANUFACTURING DISTRICT

### Sec. 26-2-91. In General.

This district is regulated to permit the C-2 uses in addition to light manufacturing developments, but will exclude all residential uses excepting a accessory dwelling unit.

(Code 2007, 26-81)

### Sec. 26-2-92. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or

assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.

7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.
13. Signs. Regulations on signs within this district are set forth in [Chapter 20 of the City Codes](#).
14. Radio or Television Transmission. Radio or television transmittal is allowed provided that no assembly hall; studio or other place of public assembly is allowed.
15. Garages and Repair Shops. Automotive and mechanical shops providing for the repair, maintenance or renovation of automobiles, equipment or machinery and including welding shops, machinery shops and other similar facilities.
16. Public Utility Stations. Providing for the use necessary for the transmission and manufacture of services and commodities by utility companies.
17. Petroleum and Gas. Oilfield service establishments and plants permitting service stations, bulk storage plants, liquefied petroleum products, and other combustible materials, provided that the precautions required by local, State and federal controls are followed in the installation of such facility.
18. Commercial Cannabis Cultivation Producers (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203

19. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
20. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
21. Manufacturing. Permitting light or minor industrial activities including tire recapping or treading, foundries, experimental or testing laboratories, blacksmith and machine shops, mold mills, concrete or cement products manufacturing, gravel and sand processing or distribution, trucking and freight transportation terminals, wrecking yards and other similar activities provided that such uses be at least one hundred fifty (150) feet from any A-1, R-1, R-2 or O-1 District or from any existing meter, mobile home park, cafe or restaurant.  
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-82)

### **Sec. 26-2-93. Height Regulations.**

Maximum height of thirty-five (35) feet or two and one-half (2-1/2) stories.  
(Code 2007, 26-83)

### **Sec. 26-2-94. Area Regulations.**

There are no area requirements in this District.  
(Code 2007, 26-84)

### **Sec. 26-2-95. Setback Regulations.**

Any building or structure shall not encroach on the right-of-way line of an established or future street line, whichever is more distant from the street center line extended. Access and circulation must be provided adjacent to all structures in this District for the movement of fire protection equipment.

1. Front Setback. A front yard setback of not less than thirty (30) feet is required.
2. Side Setback. No side yard required except on a lot abutting:
  - (1) A residential district (R-1, R-2, O-1, MH), side yard of not less than fifteen (15) feet;
  - (2) An agricultural-rural district (A-1), side yard not less than thirty (30) feet.
  - (3) An agricultural-residential district (AR-1), side yard of not less than twenty (20) feet;
3. Rear Setback. A rear yard setback of not less than twenty (20) feet is required.  
(Code 2007, 26-85)

### **Sec. 26-2-96. Conditional Uses.**

The following uses will be permitted in the M-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Restaurants or Cafes. Restaurants or Cafes are permitted provided that such facilities are for the use of the people working or residing within the District.

2. Rendering Plants and Slaughter Houses. Provided that such activities are completely enclosed within a building or structure, that all objectionable noise and odor is confined to the premises, and that such activity shall be at least three hundred (300) feet from any dwelling or other structure having public use, and provided further, that the area of the lot shall be not less than five (5) acres in size.
3. Special Manufacturing. Special manufacturing processes permitting the manufacturing of paints, petroleum by-products, plastics, asphalt, and other similar activities, provided that, suitable precautions are made for the protection of surrounding property and the health and welfare of residents in the District.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-86)

**Sec. 26-2-97 to 26-2-100. Reserved.**

## DIVISION 10. M-2 : HEAVY MANUFACTURING DISTRICT

### Sec. 26-2-101. In General.

This district is established to permit all industrial uses and in general those uses which are obnoxious and offensive due to odor, noise, vibrations or other causes. No residential or community commercial uses are allowed in the district other than a watchman's quarters and accessory uses incidental to the principal land or building use.

(Code 2007, 26-91)

### Sec. 26-2-102. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such

activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.

7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.
13. Radio or Television Transmission. Radio or television transmittal is allowed provided that no assembly hall; studio or other place of public assembly is allowed.
14. Garages and Repair Shops. Automotive and mechanical shops providing for the repair, maintenance or renovation of automobiles, equipment or machinery and including welding shops, machinery shops and other similar facilities.
15. Public Utility Stations. Providing for the use necessary for the transmission and manufacture of services and commodities by utility companies.
16. Petroleum and Gas. Oilfield service establishments and plants permitting service stations, bulk storage plants, liquefied petroleum products, and other combustible materials, provided that the precautions required by local, State and federal controls are followed in the installation of such facility.

17. Commercial Cannabis Cultivation (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203
18. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
19. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
20. Manufacturing. Permitting light or minor industrial activities including tire recapping or treading, foundries, experimental or testing laboratories, blacksmith and machine shops, mold mills, concrete or cement products manufacturing, gravel and sand processing or distribution, trucking and freight transportation terminals, wrecking yards acid other similar activities provided that such uses be at least one hundred fifty (150) feet from any A-1, R-1, R-2 or O-1 District or from any existing meter, mobile home park, cafe or restaurant.
21. Industrial Activities. All industrial activities are permitted except those of a dangerous or highly objectionable nature, such as explosives, glue, tanneries, extensive slaughtering activities, and other similar facilities permitted only under Conditional Uses.
22. Places of Public Assembly. No development or use within this District shall be allowed which entail areas of public use or assembly,  
(Ord. 2021-517, eff. 2021-Oct-20; Code 2007, 26-92)

### **Sec. 26-2-103. Height Regulations.**

There shall be no height limitation in this District.  
(Code 2007, 26-93)

### **Sec. 26-2-104. Area Regulations.**

There shall be no area requirements within this District.  
(Code 2007, 26-94)

### **Sec. 26-2-105. Setback Regulations.**

Any building or structure shall not encroach on the right-of-way line of an established or future street line, whichever is more distant from the street center line extended. Access and circulation must be provided adjacent to all structures in this District for the movement of fire protection equipment.

1. Front Setback. A front yard setback of not less than forty (40) feet is required.
2. Side Setback. No side yard required except on a lot abutting:
  - (1) A residential district (R-1, R-2, O-1, MH), side yard of not less than fifteen (15) feet;
  - (2) An agricultural-rural district (A-1), side yard not less than thirty (30) feet.
  - (3) An agricultural-residential district (AR-1), side yard of not less than twenty (20) feet;

3. Rear Setback. A rear yard setback of not less than twenty (20) feet is required.  
(Code 2007, 26-95)

#### **Sec. 26-2-106. Conditional Uses.**

The following uses will be permitted in the M-2 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Restaurants or Cafes. Restaurants or Cafes are permitted provided that such facilities are for the use of the people working or residing within the District.
2. Rendering Plants and Slaughter Houses. Provided that such activities are completely enclosed within a building or structure, that all objectionable noise and odor is confined to the premises, and that such activity shall be at least three hundred (300) feet from any dwelling or other structure having public use, and provided further, that the area of the lot shall be not less than five (5) acres in size.
3. Special Manufacturing. Special manufacturing processes permitting the manufacturing of paints, petroleum by-products, plastics, asphalt, and other similar activities, provided that, suitable precautions are made for the protection of surrounding property and the health and welfare of residents in the District.
4. Objectionable Activities. The following objectionable activities are permitted and may include such activities as bone distillation, fat rendering, cement or lime manufacturing, explosives, fertilizer, glue, stock yards and feeding pens, extensive slaughtering operations, tanneries and hide curing, wool pulling or scouring, alfalfa processing, fertilizer mixing or manufacture, or other similar activities provided those suitable protective measures as determined by the Commission shall be imposed on the facility in advance. In addition, periodic inspections by the Code Enforcement Officer or any other city official designated by the City Manager will be conducted at the discretion of the Commission to insure compliance with any special rules or protective measures.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-96)

#### **Sec. 26-2-107 to 26-2-110. Reserved.**



## DIVISION 11. MH : MOBILE HOME DISTRICT

### Sec. 26-2-111. In General.

This district is regulated to permit one mobile home and normal residential accessory uses, but not another dwelling in each lot, or lot of record provided setback requirements could be met. Each lot must be served by community water and sewer service.

(Code 2007, 26-101)

### Sec. 26-2-112. Uses Permitted.

The following uses are permitted without prior approval of the Commission:

1. Mobile Home Subdivision. Provided that:

- (1) One mobile home will be allowed on each lot (not in addition to another dwelling) in this zoning district subject to the following provisions:
  - (a) That each mobile home complies with the application codes and standards as provided the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#) and/or Housing and Urban Development Zone Code II, and/or the Uniform Building Code.
  - (b) A land use permit is first obtained from the City of Aztec before placing the mobile home on the lot.
  - (c) Within 90 days following placing the mobile home on the lot, said mobile home shall be equipped with skirting extending from the bottom of the home to the ground level.
  - (d) A subdivision plat has been approved by the City Commission in accordance with the City of Aztec Subdivision Regulations and all improvements are built or assurances are provided that improvements will be built in accordance with the standard construction specifications adopted by the City of Aztec.
  - (e) Accessory building or structure such as a canopy, carport, garage or storage building, provided said structures are of two-hour fireproof construction as specified by the applicable building code and also conform to setbacks specified by the mobile home. Additions to the principle structure shall resemble the exterior of the mobile home.
  - (f) Accessory uses such as a private swimming pool for residents of the lot, patio, parking, private antenna, wall, fence, bench and landscaping.

2. Mobile Home Parks. It shall be unlawful for any person to rent, lease, or sell any mobile home that is to be used as living quarters to be parked on the land under their supervision in violation of the provisions of this ordinance. Any expansion or extension of a nonconforming mobile home park, either on the same or an adjoining lot, shall be made in conformity with the provisions of this ordinance. In addition, the following must be submitted:

- (1) Plot and Landscaping Plans. Plot and landscape plans shall be drawn by a land surveyor to a scale of one inch equals one hundred (1:100) feet upon Mylar or linear and shall contain the following information:

- (a) The legal description of the site, dimensions of the site perimeter, north point, and total land area within the site perimeter.
  - (b) The proposed name of the mobile home park.
  - (c) The location and width of all streets and alleys to or within the site together with walks, curbs, pavements, existing structures, existing utility easements, proposed recreation and parking areas, and proposed utilities such as gas, water, electricity, and sewer.
  - (d) The size of all proposed or existing water and sewer lines.
  - (e) The location and dimensions of all proposed accessory uses and any other proposed structures.
  - (f) The existing district of the site and the existing zoning adjacent to the site for a distance of six hundred (600) feet from the site perimeter.
  - (g) The signature of the owner and signature blanks for the signature of the Zoning Administrator or his authorized representative upon approval.
- (2) Incorporated into the plot plan or submitted as a separate exhibit there shall be a landscaping plan containing the information required by Subsection 2.d. below and a surface drainage plan showing the proposed grading contours within the mobile home park and the location and dimensions of all tile lines, culverts, catch basins, drain inlets, turf and masonry gutters, all curbs, drainage, disposal, and any existing facilities to be used for surface drainage.
- (3) The plot plan, together with the landscaping plan and the surface drainage plan or statement, shall be in compliance with regulations hereunder, and all other applicable laws and regulations, and when, upon review the City Commission shall be satisfied that there is such compliance, a building permit may be issued for the construction of the mobile home park. Upon completion of the construction of the mobile home park and a final inspection by the City, a mobile home park permit shall be issued if said construction shall have been completed in full compliance with this ordinance.
- (4) Landscaping plans shall contain the following information:
- (a) The outline of mobile home stands, patios accessory buildings, and other improvements.
  - (b) The outline of all planting beds and areas to be seeded or sodded.
  - (c) A legend for all materials, both organic and inorganic, used in landscaping the mobile home park and giving the common name of plant species and key numbers for reference to the plan.
  - (d) The location, site and species of existing trees and shrubs to be preserved, transplanted, or removed.
  - (e) The location, quantity and key number of all new plant materials to be planted; and

- (f) The details of all features pertaining to site improvements, such as retaining walls, tree walls, and other site improvement details not shown upon other drawings.
- (5) Accessory buildings and uses shall be permitted within a mobile home park, provided that:
- (a) Such buildings and uses shall, in no case, dominate, in area, extent or purpose, the principal use of the land as a mobile home park;
  - (b) Such buildings and uses shall be only for the purpose of providing services, conveniences or comforts for the occupants of the mobile home park and their guests; and
  - (c) Any advertising of such uses shall be visible primarily from within the mobile home park and shall not be displayed to the general public.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-102)

### **Sec. 26-2-113. Height Regulations.**

All buildings and structures in this district shall be limited to twenty (20) feet above natural adjacent ground level.

(Code 2007, 26-103)

### **Sec. 26-2-114. Area Regulations.**

1. Minimum lot area shall be 5,445 square feet.
2. Within a Mobile Home Park, the minimum area of the park is three (3) acres. The maximum average density shall be eight (8) mobile homes per acre or one mobile home per 5,445 square feet.

(Code 2007, 26-104)

### **Sec. 26-2-115. Setback Regulations.**

1. Front Yard. The front yard setback, as defined by that portion of the yard that adjoins the road access to the lot (whether private or public), shall be a minimum of twenty (20) feet from the established or future street right-of-way or property line.
2. Side Yard. The minimum side yard setback shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. Within a Mobile Home Park, the side setbacks shall be at least fifteen (15) feet, except for mobile homes which are rated with two-hour fireproof construction as specified in the Building Code, the structure shall then be at least five (5) feet from any mobile home.
3. Rear Yard. The rear yard setback shall be a minimum of twenty (20) feet on single frontage, double frontage, or corner lots. Within a Mobile Home Park, the rear yard setback shall be at least ten (10) feet.
4. Mobile Home Park. The minimum setback along property lines of a mobile home park shall be as follows, and no structures, including mobile homes, shall be erected, constructed, or located closer to such property lines than the minimum setback distance, unless otherwise specifically provided:

- (1) Public rights of way (excluding four lane highway): thirty (30) feet from the property line.
- (2) Public rights of way with four or more traffic lanes (excluding frontage roads): eighty-four (84) feet from the centerline of such right of way or forty (40) feet from the property line, whichever distance is greater.
- (3) Private streets: twenty-five (25) feet from the centerline of such right of way or easement or ten (10) feet from the easement boundary, whichever distance is the greater.
- (4) All other property lines: twenty (20) feet from the property line; provided that walks or fences may be erected or located closer to such property lines than the minimum setback distance.  
(Code 2007, 26-105)

### **Sec. 26-2-116. Conditional Uses.**

The following uses will be permitted in the MH District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Church.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-106)

### **Sec. 26-2-117. Utilities.**

Minimum requirements within each lot shall be as follows:

1. All power, telephone and cable television lines shall be placed underground.
2. Any community or private sewer or water lines shall be designed and constructed in accordance to all. No sewer or other underground utility line shall be covered or backfilled until inspected and tested by the Public Works Director or a representative official designated by the Public Works Director of the City of Aztec. All remedial action needed to correct deficiencies of construction shall be at the expense of the property owner.

3. All mobile home laws of the State of New Mexico are complied with.  
(Code 2007, 26-107)

**Sec. 26-2-118. Site Conditions for Mobile Home Parks.**

1. In accordance with the required surface drainage plan per Section 26-18-1 2(2), the entire ground surface within the mobile home park shall be graded and equipped in such a manner as to provide diversion of water away from buildings patios, and mobile home stands; to prevent standing water and soil saturation, which would be detrimental to structures; and to provide adequate and safe surface drainage.
2. For the purpose of preventing soil erosion and unusual and objectionable dust, exposed ground surfaces within a mobile home park, except planting beds and areas preserved in their natural state for scenic reasons, shall be paved, surfaced with gravel crushed rock, or like material; or planted in a vegetative growth capable of preventing such erosion and dust.
3. Storage facilities for large trucks, boats and recreational vehicles, other than private passenger vehicles, shall be designed in such a manner that the view of such storage facilities from property adjoining the mobile home park and from public roads shall be screened by fencing, walls, berms, or densely planted vegetation.
4. A mobile home park shall be serviced by a private street system constructed and maintained in compliance with City standards and providing safe and convenient access from abutting public streets to all mobile home spaces.
5. In all mobile home parks constructed after the effective date of this ordinance, utilities shall be installed underground.
6. Mobile home parks shall be screened from adjacent property and public sight buffers. Trees and shrubs which die after a mobile home park permit has been issued shall be replaced within six (6) months.  
(Code 2007, 26-108)

**Secs. 26-2-119 to 26-2-120. Reserved.**

## **DIVISION 12. PUD : PLANNED UNIT DEVELOPMENT DISTRICT**

### **Sec. 26-2-121. In General.**

This district provides suitable sites for uses, which are special because of infrequent occurrence, effect on surrounding property, safety hazard, or other reasons. A pre-requisite for a land tract to be considered under such land use district is that the parcel of land includes at least three (3) acres in area for commercial, residential, and public land uses or ten (10) acres for manufacturing and agriculture uses.

(Code 2007, 26-111)

### **Sec. 26-2-122. Procedures.**

1. An application for a change to a PUD district is not specifically required to state, however any subsequent development or change in development is so required and should state the proposed use and be accompanied by a plot plan showing the location and dimensions of the property.
  - (1) If the development is to start within six (6) months from the date of approval by the Commission, a Site Development Plan and a preliminary Landscaping Plan must accompany the application. A final Landscaping Plan is required to be approved prior to the issuance of a building permit, license or tax number for the location.
  - (2) If the development of the property is not solidified within six (6) months from the date of approval by the Commission, the data specified in the paragraph above (26-19-1-1.1), the Commission prior to the issuance of a building permit, license, or this subsection must be submitted for approval by City commission for the location.
2. A decision implementing a change for the location of a PUD district should designate the specific use permitted, and a building permit shall be issued only for the specific use and in accordance with the approved Site Development Plan. The specific use shall be recorded on the District Map.
3. In approving the development application, the Community Development Department and City Commission may impose requirements as may be necessary to implement the purpose of this ordinance.
4. A certified copy of the Site Development Plan shall be kept in the City Administration Building so that it may be reviewed against an application for a building permit for any part or all of a special use.
5. The City Commission shall review the application and progress of development approximately four years from the date of approval of the application and each year thereafter until completion of the plan, and if needed open a hearing on redistricting.
6. The Community Development Director may approve minor changes to the approved Site Development Plan or Landscaping Plan if it is consistent with the use and other written requirements approved by the City Commission, if the buildings are of the same general size, the vehicular circulation is similar in its effect on adjacent property and streets, and the approving official finds that neither the City nor any person will be substantially aggrieved by the altered plan. If unsure whether these conditions apply, the Community Development Director or a designee may call for hearings by the City Commission.

(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-112)

**Sec. 26-2-123. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-113)

**Sec. 26-2-124. Area Regulations.**

There are no area requirements within this District.

(Code 2007, 26-114)

**Sec. 26-2-125. Setback Regulations.**

Any building or structure associated with this use shall not encroach on the right-of-way line of an established or future street line, whichever is more distant from the street center line extended. Access and circulation around any structures must be provided for the movement of fire protection equipment. The Community Development department and City Commission may impose requirements as may be necessary to implement for the purpose of this Chapter.

(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-115)

**Sec. 26-2-126. Special Uses.**

1. Accessory use customarily associated with a use permitted in this district, provided it is incidental to the major use.
2. Airport.
3. Antenna (commercial) provided it is at least one hundred (100) feet from a public way.
4. Amusement park of a permanent character, including kiddieland, children's amusement park, and children's playland.
5. Church and its incidental uses, provided it is located on a collector or arterial street.
6. Drilling and production of petroleum gas, or hydrocarbons.
7. Drive-in theater, provided:
  - (1) Turning lane into the entrance that can accommodate vehicles in an amount equal to at least thirty percent (30%) of the vehicular capacity of the theater.
  - (2) A structure is at least fifty (50) feet from a street on any side where ingress or egress is permitted.
  - (3) A screen less than five hundred (500) feet from an arterial street is so located or shielded that the picture surface cannot be seen from the arterial street.
  - (4) The site is enclosed with a solid wall or fence at least six (6) feet high.

8. Golf course.
9. Golf driving range.
10. Gravel, sand, or dirt removal activity, stockpiling, processing and distribution.
11. Institution, correctional or mental.
12. Mobile home park, provided it meets the requirements of Section 26-18.
13. Open market.
14. Planned development to new housing area, including residential development, in which special use, height, area, setback, or other regulations may be imposed.
15. Race track.
16. Recreational Vehicle (RV) Park.
17. Stadium.
18. Shopping center.  
(Code 2007, 26-116)

**Secs. 26-2-127 to 26-2-130. Reserved.**

**DIVISIONS 13 TO 20. Reserved.**  
**Secs. 26-2-131 to 26-2-209. Reserved.**



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## ARTICLE IV. PROPERTY USE REQUIREMENTS AND EXCEPTIONS

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### DIVISION 1. IN GENERAL

#### **Sec. 26-4-501. Uses Not Listed.**

Any land use not specified under "Uses Permitted" within the text of this Chapter shall be considered a conditional use provided the applicant can demonstrate compatibility with other land uses in the surrounding property or community. The inclusion of a use in a District as "Permissive Uses" as set forth herein shall follow the procedures as outlined in the section entitled "Application for Change".

(Code 2007, 26-501)

#### **Sec. 26-4-502. Lawful Non-Conformance.**

The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance.

(Code 2007, 26-502)

#### **Sec. 26-4-503. Discontinuance and Abandonment.**

In the event of the non-conforming use of any dwelling, building or other structure and of any land or premise is discontinued for a period of one (1) year, any further use thereof shall be in conformance with the provisions of this ordinance. For the purpose of this ordinance, discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had previously occurred.

(Code 2007, 26-503)

#### **Sec. 26-4-504. Procedures.**

1. Application. Proposed applications must be discussed with the City Planner for familiarization with current city regulations and for specific documentation that will be required to complete the application process. Each application must be accompanied with the proper documentation for review and be acquired prior to public notification. Failure to provide the proper documentation for public notification and board review can lead to delay in the application process and/or refusal of application. For purposes of this Chapter, applications require proper documentation, public notification, and approval from the Community Development Department and the City Commission:

- |                        |            |
|------------------------|------------|
| (1) Change of District | Division 2 |
| (2) Special Use        | Division 3 |
| (3) Conditional Use    | Division 4 |
| (4) Variance           | Division 5 |

2. Hearings. Proposed applications must follow proper public notification and should be heard **by the Planning and Zoning Board who will make a recommendation to the City Commission in a public meeting. The final approval will be made** by the City Commission in a public meeting, unless otherwise stated in this Chapter. The Hearing Process includes the following:

- (1) City Commission-Planning and Zoning Board. Each application that comes before the Community Development Department and will be placed as an Agenda Item on the next available Planning and Zoning Board City Commission meeting, unless otherwise dictated by the applicant, the Community Development Department, or other time constraints. The Planning and Zoning Board City Commission will consider the recommendation by the Community Development Department on each application, but is not held to that recommendation.
- (2) City Commission. Each application that comes before the Community Development Department and the Planning and Zoning Board will be placed as an Agenda Item on the next available City Commission meeting, unless otherwise dictated by the applicant, the Community Development Department, or other time constraints. The City Commission will consider the recommendation by the Community Development Department on each application, but is not held to that recommendation.
- (3) Public Notification. Public notice of the hearings or meetings at which the application is to be considered must be given by legal advertisement by at least one publication in a newspaper of general circulation in the Municipality at least fifteen (15) days before the subsequent City Commission meeting. Additional public notification may be required depending upon the type of application being submitted for review and approval. Where necessary, additional public notification requirements are specified in the appropriate sections.
- (4) Expiration of Approval. Expiration of Approval will lead to the application being voided and can occur from one of the following:
  - (a) An application is void if not submitted to the City Commission within six (6) months after the date of recommendation by the Community Development Department, or if not approved by the City Commission within three (3) months after receipt of a recommendation from the Community Development Department. No application shall be voided if delay is caused by the Municipality.
  - (b) An approval of change to the Official District Map by the City Commission is void if requirements prerequisite to the publication of the implementing ordinance are not met within two (2) months after the date of approval by the City Commission.
- (5) Appeal Process. Public notice of an appeal must be given by legal advertisement in the manner prescribed for a change to the text of this Chapter. The Municipality must give written notice of an appeal together with notice of the hearing date to the applicant, a representative of opponents, if any, and the appellant. The appeal must be presented to the City Commission within three months after the date of filing. Once the appeal is presented to the City Commission, a request for delay in hearing the appeal must be acted upon at a regular City Commission meeting.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-504)

**Secs. 26-4-505 to 26-4-520 Reserved.**

## DIVISION 2. CHANGE OF DISTRICT

### Sec. 26-4-521. Process.

1. Application. Application for the amendment of the Official Land Development Map or text of this Chapter shall be to the Municipality (Community Development Department, **Planning and Zoning Board**, and City Commission). Required documents or information will include:
  - (1) A completed "Application For District Change" form;
  - (2) A recent survey;
  - (3) Legal description or proper street address of the subject property;
  - (4) Reason for the request to change the current district.
2. Publication and Notification. Public notification will be conducted by the Planning Department. Such notification will include all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way).
3. Fees. A non-refundable fee is established in [Chapter 16, Section 16-293](#).
4. Approval or Denial. A request for change in any district can be denied by the City Commission based upon, but not limited to, the following circumstances:
  - (1) Failure to provide the proper documentation;
  - (2) Failure to meet the required deadline for public notification;
  - (3) Failure to demonstrate notification through certified mail of adjoining property owners within one hundred (100) feet of the area of proposed change;
  - (4) Presentation of written protest signed by the majority of owners that are within the proposed change or within one hundred (100) feet of the area proposed for change.
  - (5) The City Commission determines that the change could be detrimental to the surrounding area, or may have significant impact on the general health, safety, and/or welfare of property owners in the general area.
  - (6) That the request for change in type of district was not approved by the majority vote of the City Commission.
  - (7) Failure to pay the proper fee.
5. Duration. Once approved, the application of change of district will become part of the Official District Map and Regulation.  
(Ord. 2019-498, eff. 2020-Feb-13; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-521)

### Secs. 26-4-522 to 26-4-530. Reserved.

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## ARTICLE V. DEFINITIONS

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### Sec. 26-5-121. Definitions.

For the purpose of this Article, certain terms or words are hereby defined and shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, City, corporation as well as an individual or natural person. The present tense includes the future tense, the singular number includes the plural and the plural includes the singular. The words "must" and "shall" are mandatory and the word "may" is permissive. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". The word "lot" includes the words "plot", "parcel", or "tract".

#### Accessory dwelling unit

Is a dwelling unit permit on the same parcel of and with a conforming or non-conforming use, provided that such a unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel. (See also C-1 Zone)

#### Accessory use or structure

A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal or dominant use or structure.

#### Abutting

Adjacent to and touching.

#### Airport

Any tract or area which is now being used or is contemplated for use as a take-off or landing area for aircraft, and any support, contiguous or appurtenance areas used or intended for use of airport buildings, facilities, or right-of-ways. Approach zones for landing patterns are not included in the general description of an airport.

#### Adoption

The term adoption shall include the word "adoption", "amendment", "passage", and "effective date" of this zoning code or amendments thereto. All such terms whenever used shall be synonymous.

#### Alley

A public or private way which offers only a secondary access to abutting property.

#### Alteration

Alter or alteration shall mean any change of size, shape, character or use of a building or structure.

#### Animal unit

~~For purposes of this Ordinance, the following animal equivalents shall obtain for a premises or lot providing further that said animals shall not run at large and further provided that no animals shall be kept nearer to the nearest neighbor's home than to the home of the owner:~~

~~One Animal Unit     = One cow + one calf standing by her side  
" "                     = One horse + one colt standing by her side~~

- ~~" "~~ = Eight goats (including not more than one male goat per five acres)
- ~~" "~~ = Twelve sheep
- ~~" "~~ = Five turkeys
- ~~" "~~ = Seven geese
- ~~" "~~ = Ten ducks, chickens or similar fowl

#### Kennel

~~A premises where dogs and other domestic small animal pets are kept, sheltered, bred, raised and/or animals are kept, sheltered or boarded for hire., profit or charge, or any premises where a greater number than five (5) of dogs, cats or both of an age greater than eight (8) weeks of age are kept, owned or maintained.~~

#### Livestock

~~For purposes of this Ordinance, the following animal horse, cow, ducks shall obtain for a premises or lot providing further that said animals shall not run at large and further provided that no animals shall be kept nearer to the nearest neighbor's home than to the home of the owner. Swine are not allowed.~~

#### Poultry

~~Any chickens, turkeys, ducks, geese, guineas or other fowl excepting such recognized pet species as canaries, finches, parakeets, parrots, mynah birds, etc.~~

#### Structural alteration

Any change in the supporting frame or members of a building or structure, including such items as bearing wall, beams, columns, and trusses.

# Staff Report

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<b>MEETING DATE:</b>	April 23, 2024
<b>AGENDA ITEM:</b>	BUSINESS ITEM (B)
<b>AGENDA TITLE:</b>	Intent to Adopt Ordinance 2024-551 Amending Chapter 20 Signs

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<b>ACTION REQUESTED BY:</b>	Community Development Director
<b>SUMMARY BY:</b>	Andrew DiCamillo

---

## PROJECT DESCRIPTION / FACTS

Community Development seeks to continue to revise and update Chapter 20 Signs. As we redlined the current code, it became very confusing to see what was being changed and what the proposed code would look like. We are presenting a “new” clean copy of the proposed Chapter 20 Sign Code.

The core of the Code is in the new copy. Items that were changed and clarified, in accordance with the direction received from the Workshop held April 9, 2024, are as follows:

- Request for a “Variance” process- Variances are for Land Use issues – Sec. 20-2-2 Comprehensive Sign Plan (CSP) is a process to possibly permit additional signs, greater sign display area, or increasing other basic limitations. As stated in the Code, CSP goes through the Quasi-Judicial Hearing process, first to the Planning and Zoning Board and final approval from City Commission.
- Sec 20-4-4 and Sec 20-4-5. Prohibited Signs – Lighted and Message Signs are permitted.
- New- Table 20-4-3.1 Signs Permitted in Commercial Zone District.
- Article II Administration- adding # 9-12 Mural permit process and Sec. 20-4-3. Development Standards in Commercial, and Manufacturing District, #6 Murals.
- Sec. 20-4-6. Temporary Sign Regulations: #7(2) Political signs can be posted 90 days prior to the election instead of 60 days.
- Addressing – Added (12) under Sec. 20-2-5, Exemptions as they do not require a sign permit and referenced City Code Chapter 7 as to regulations and IPMC code, Section 304 as well.

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**SUPPORT DOCUMENTS:** Ordinance 2020-551

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**RECOMMENDED MOTION:** Move to Approve Intent to adopt Ordinance 2024-551 Chapter 20 Signs.

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**City of Aztec**  
**Ordinance 2024-551**  
**An Ordinance Amending Chapter 20 Signs**

**WHEREAS**, community development seeks to amend the Sign code and update the regulations; and

**WHEREAS**, signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare; and

**WHEREAS**, updating and revising the Sign code is to protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners; and

**WHEREAS**, amending the Sign code will update the regulations to allow for and attempt to simplify the code to be more publicly user friendly; and

**WHEREAS**, applicants who wish to erect new permanent or temporary signs, or those seeking to complete significant modifications of existing signs, must obtain a permit from the city prior to installation/modification of the signs.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico, that Ordinance 2024-551 Amending Chapter 20, be adopted as attached.

**PASSES, APPROVED, SIGNED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024. By the Aztec City Commission, City of Aztec, New Mexico

\_\_\_\_\_  
Michael A. Padilla, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

Advertised Date of Final Adoption: \_\_\_\_\_

Effective Date of Ordinance: \_\_\_\_\_

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**SIGNS**

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**Chapter 20**  
**SIGNS**

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**ARTICLE I. IN GENERAL**

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**Sec. 20-1-1. Short Title.**

The Sign Code of the City of Aztec (hereinafter referred to as Sign Code).

**Sec. 20-1-2. Purpose and Intent.**

The purpose and intent of Sign Code is to regulate signs in a legal and reasonable manner that promotes economic vitality, public safety and ensures compliance with constitutionally protected First Amendment rights. These regulations for signs have the following specific objectives:

1. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
2. To promote the creation of an attractive visual environment that promotes a healthy economy by directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites;
3. To protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:
  - 1) Encouraging the appropriate design, scale, and placement of signs.
  - 2) Encouraging the orderly placement of signs on the building while avoiding regulations that are so rigid and inflexible that all signs in a series are monotonously uniform.
  - 3) Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and readable so that the sign achieves the intended purpose.
4. To have administrative review procedures which are the minimum necessary to:
  - 1) Allow for consistent enforcement of Sign Code.
  - 2) Minimize the time required to review a sign application.

**Sec. 20-1-3. Scope (Where These Regulations Apply).**

The requirements of this Sign Code apply to all signs, sign structures, awnings, and other types of sign devices located within the City of Aztec.

**Sec. 20-1-4. Conflict.**

If any portion of this Sign Code is found to be in conflict with any other provision of any zoning, building, fire safety or health provision of Municipal Code, the provision which establishes the higher standard shall prevail.

**Sec. 20-1-5. Severability.**

If any word, sentence, section, article, or any other provision or portion of this Sign Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, provisions, or portions will not be affected and will continue in full force and effect.

**Sec. 20-1-6. Authority.**

1. Responsibility. This Sign Code will be administered and enforced by the Community Development Department of the City of Aztec.
2. Administration. The Community Development Department will administer the Sign Code as set forth herein. The Community Development Department may implement procedures, forms, and written policies for administering the provisions of this Sign Code.

**Sec. 20-1-7. Reading and Applying the Code Language.**

Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of this Sign Code are non-discretionary actions of the Community Development Department to implement the code.

1. Defining words. Words used in the Sign Code have their dictionary meaning unless they are listed and described otherwise. Words listed in the Definitions article have the specific meaning stated, unless the context clearly indicates another meaning.
2. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
  - 1) "And" indicates that all connected items or provisions apply;
  - 2) "Or" indicates that the connected items or provisions may apply singly or in combination;
  - 3) "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

3. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

**Sec. 20-1-8. Indemnification.**

The City, its officers, agents, and employees shall be held harmless against any and all claims resulting from the erection, alteration, relocation, construction, or maintenance of signs legally allowed as a result of this Sign Code.

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## ARTICLE II. ADMINISTRATION

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### **Sec. 20-2-1. Permitting.**

1. Applicants who wish to erect new permanent or temporary signs, or those seeking to complete significant modifications (i.e., a modification that costs 50% or more than the replacement cost of the original sign) of existing signs, must obtain a permit from the City prior to installation/modification of the signs. Review of applications for sign permits shall be concurrent in the instance that multiple departments must approve applications.
2. Upon submission of a completed application, the City shall have 10 business days to review the application for a sign permit. Business days are identified as Monday through Thursday and do not include holidays, as recognized by the City of Aztec.
3. Issuance of a City of Aztec Sign Permit does not exempt the applicant from the rules and regulations of the Highway Beautification Act identified in NMSA 67-12-1 et. seq., as amended. Applicants may be required to obtain an outdoor advertising permit from the New Mexico Department of Transportation depending on the proposed sign location. Approval of a sign permit by the City of Aztec does not guarantee approval of a New Mexico Department of Transportation permit for outdoor advertising.
4. If an application for a sign permit is denied, the City shall inform the applicant of the reasons the application fails to comply with the standards contained in the Sign Code. For a sign permit, once the City has provided the applicant with the reasons for denying the sign permit, the application request will be considered closed by the City unless it is resubmitted per Section 5 or appealed per Section 6 below.
5. Upon receiving a denied sign permit application, the applicant shall have 15 business days (from date of signature receipt for denial letter) to revise and resubmit the application for review by the City.
6. The applicant may also appeal the decision of the denial within 15 business days. Appeals shall be made in writing to the Aztec City Clerk. The Planning and Zoning Board shall review the denial of the applicant's application via a Quasi-Judicial Hearing process at a regularly scheduled Planning and Zoning Board Meeting. The decision of the Planning and Zoning Board will then be taken before the City Commission for a final determination.
7. Upon a final determination by the City Commission, unsuccessful applicants may seek to appeal to the court of competent jurisdiction.
8. All approved permits shall expire 180 calendar days from the date of issue, at which time the permit shall be considered expired. Failure to complete construction and installation of approved sign(s) within the 180-calendar daytime period shall require submission of a new application and payment of all associated fees.

9. The Community Development Department will review and approve or deny all mural permit applications. Mural permit applications must be submitted with a rendering of the proposed Mural. No mural shall have or depict any illegal activities including but not limited to drugs, violent or illegal acts. No mural shall have or depict any offensive or graphic content including but not limited to nudity or violence.
10. If a mural permit application is denied, the Community Develop Department shall inform the applicant of the reasons the application was denied. Once the applicant has been provided with the reasons for denying the mural permit application, the applicant request will be considered closed by the City unless it is resubmitted per Section 11 or appealed per Section 12.
11. Upon receiving a denied mural permit application, the applicant shall have 15 business days from the date of the decision to revise and resubmit the application for review by the Community Development Department.
12. The applicant may also appeal the decision of the denial within 15 business days. Appeals shall be made in writing to the Aztec City Clerk. The Planning & Zoning Board shall review the denial of the applicant's application via a Quasi-Judicial Hearing process at the regularly scheduled Planning & Zoning Meeting.

### **Sec. 20-2-2. Comprehensive Sign Plan (CSP).**

A Comprehensive Sign Plan (CSP) may be submitted that permits consideration of unique conditions, flexibility, and creativity to address a particular locations site and its constraints, special circumstances. All CSPs must be submitted for approval to the Planning and Zoning Board via a Quasi-Judicial Hearing process. The recommendation of the Planning and Zoning Board will then be taken for final approval from the City Commission. The CSP application cannot impose more restrictive requirements than the basic standards allow. The CSP may result in permitting additional signs, permitting greater sign display area, or increasing other basic limitations. The approval may be subject to conditions such as increased landscaping or fencing on the site to mitigate potential impacts resulting from an approved CSP. Once approved, subsequent applications for specific signs may be approved administratively when the proposed sign is in compliance with the approved CSP. It is important to note that a CSP approval does not remove the requirement to obtain sign applications, permits, or pay required fees.

### **Sec. 20-2-3. Enforcement.**

1. Inspection. All signs for which a permit is required shall be subject to inspection. The Community Development Department may inspect all permitted signs during construction and installation, or upon completion of construction and installation, to ensure adherence to the stipulations of the sign permit, as approved by the City. All

signs may be re-inspected at the discretion of the Community Development Department.

2. Revocation. A sign permit may be revoked by the Community Development Department for a permit holder's failure to construct/install a sign as approved by the City or for attempts to construct/install a sign utilizing an expired/void permit. Any subsequent reapplication for a sign permit shall be subject to all applicable fees, as identified in [Chapter 16](#), of Aztec Municipal Code
3. Stop Work Orders. The Community Development Department shall issue a Stop Work Order to any person or organization attempting to construct/install a sign in the City without a valid permit. Persons or organizations in receipt of a Stop Work Order shall cease development activities immediately; failure to do so shall result in a penalty assessment as identified in Section 20-2-8.
4. Removal of Signs. The City Engineer, City Public Works Director, or the New Mexico Department of Transportation (on applicable streets) may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements are made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving of signs in the right-of-way will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance but may not be altered in any way.
  - 1) Temporary Signs. The City shall have the authority to remove, without notice, any temporary signs within the public right-of-way or on public property.

#### **Sec. 20-2-4. Disposal of Signs; Costs; Prohibition.**

Any sign removed by the City pursuant to the provisions of this article shall be considered refuse and become the property of the City. The City shall dispose of the sign as it deems appropriate. The cost of removal, storage and/or disposal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and/or the owner of the property as identified using information obtained the San Juan County Assessor's and may be recovered in appropriate court action by the City. The cost of removal shall include any and all incidental expenses, including legal fees, incurred by the City in connection with the sign's removal, storage and/or disposal.

#### **Sec. 20-2-5. Exemptions.**

The following are exempt from the regulations of this Sign Code and do not require sign permits, but may be subject to other codes adopted by the City of Aztec, where applicable:

1. Any public purpose/safety sign or any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.

2. Works of art, such as murals, that do not include a commercial message.
3. Cultural, religious, and other holiday lights and decorations containing no commercial message.
4. Flags.
5. Building markers.
6. Scoreboards on athletic fields.
7. Signs inside a building, not visible from a public roadway or public access.
8. Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
9. Signs displayed during the course of a special event by an organization that has been issued a Special Event Vendor Permit by the City. This exemption shall only apply to signs displayed at the location for which the Special Event Vendor Permit has been issued.
10. The use of business logos, identification or advertising on vehicles primarily and actively used for business purposes or personal transportation and that, when parked, are not parked in such a manner as to constitute a violation of code under 20-2-6.4.
11. A maximum of three (3) temporary, noncommercial, accessory signs are allowed on all zoned lots; in the case of Mobile Home Parks, each mobile home space is permitted the same sign allowance. Such signs may not exceed (3) square feet each in area and must be anchored to prevent movement from wind.
12. Address Location Display Requirement. Please refer to Chapter 7, Sec. 7-2-8. Address Location Display and Location and International Property Maintenance Code IPMC, Section 304 (F), Premises identification.

**Sec. 20-2-6. Prohibited Signs.**

The following signs are prohibited in the City:

1. Abandoned signs.
2. Billboards.
3. Animated, flashing, rotating signs and festoons, signs containing strobe lights, inflatable signs, tethered balloons, banners, searchlights, streamers, exposed light



bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features employed to advertise or draw attention to a commercial activity, except those specifically permitted by Sign Code in Section 20-2-5, or special event signs or banners permitted in Section 20-4-7, or electronic message centers as permitted in Section 20-4-4.

4. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals, or signs that interfere with the effectiveness of any official traffic light, sign, or signal.
5. Merchandise, equipment, products, vehicles, or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.
6. Signs, to include snipe signs, posters, and handbills, affixed to any structures, fences, trees or other natural vegetation, rocks, utility poles, streetlights or street signs, City planters, public benches or any other form of public property or within any public right-of way or on public property unless explicitly permitted by these regulations or explicitly identified as a Public Bulletin or Community Announcement Board.
7. Roof signs, unless architecturally incorporated into the façade of the building on a parapet wall or similar extension of an exterior wall. Projecting signs that extend above the roof line are permissible provided they extend no further than three (3) feet above the roof line.
8. Signs which emit smoke, visible vapors, particles, sound or odor shall not be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
9. No mirror device shall be used as part of a sign. Mirror finishes on signs are permitted provided such finishes are not directly illuminated with the intention of creating a reflective surface.
10. Signs which encroach upon or otherwise impede any public right-of-way, unless explicitly permitted in this code.

**Sec. 20-2-7. Violations.**

It shall be unlawful to erect, construct, install, alter, modify, or move any sign or sign structure in the City or cause or permit the same to be done in violation of any of the provisions of this Sign Code.

**Sec. 20-2-8. Penalty.**

Any person, firm, corporation or organization violating any provision of this Sign Code shall be subject to penalties as identified in [Sec. 1-8](#); a separate offense shall be deemed committed on each day during which a violation occurs or continues.

## ARTICLE III. MEASUREMENT STANDARDS

### Sec. 20-3-1. Determining Sign Area and Dimensions.

1. Computation of Area of Individual Signs.

The display area for a sign face shall be computed by means of the square, circle, rectangle, triangle, or combination that encompasses writing, decoration, representation, emblem, or other display. The display area does not include any supporting framework, bracing.



Area within yellow border calculated as sign area.

2. Computation of Area of Multi-faced Signs.

The display area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back-to-back, so that both faces cannot be visible from any point at the same time, the sign area shall be computed by the measurement of only one of the faces.



Area within yellow border calculated as sign area.

3. Awnings and Marquees.

When graphics or sign copy are incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy only one side is counted, in addition to the sign face area on the front.

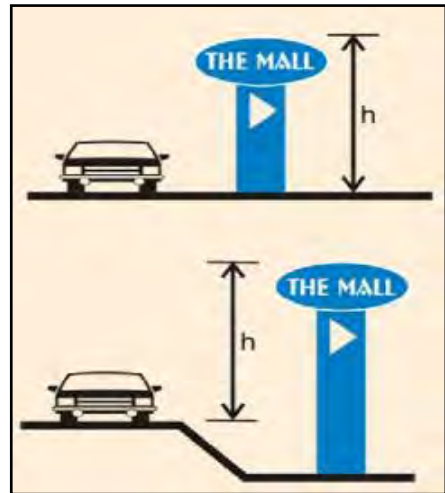
## Sec. 20-3-2. Determining Sign Height.

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.



Area identified with the green check mark is the correct calculation for sign height (courtesy of the Signage Foundation).

- 1) Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. Visual example (courtesy of the United States Sign Council).



2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments. Visual example: Note the height identified by the yellow arrows is the correct sign clearance height.



### Sec. 20-3-3. Determining Building Frontages and Frontage Lengths.

**Building Unit.** The building unit is equivalent to the tenant space. The building frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.

**Primary and Secondary Frontage.** The building frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

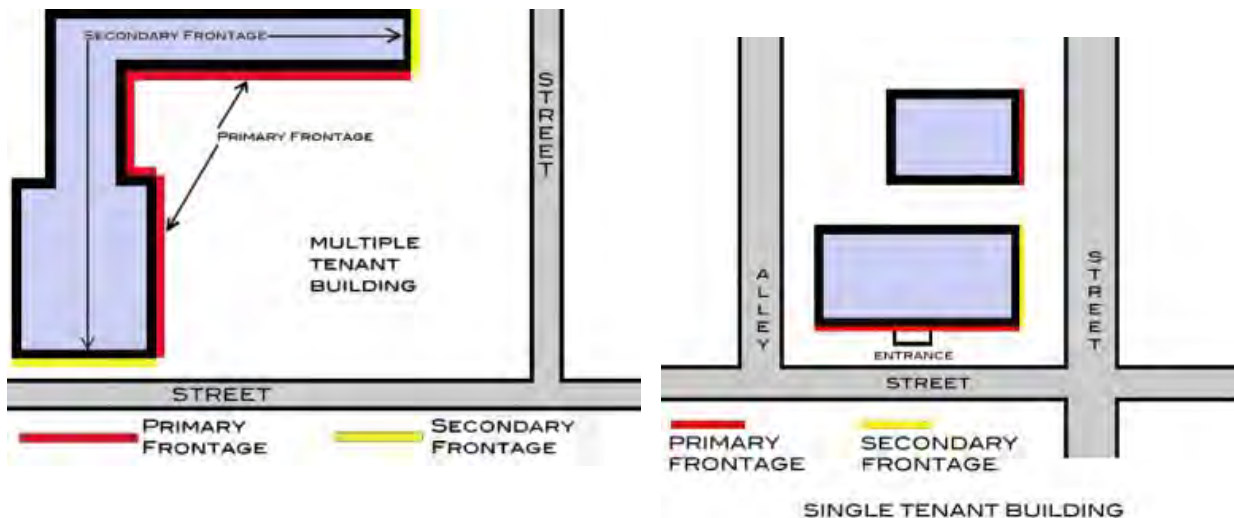
The primary building frontage shall be considered the portion of any building frontage containing the primary public entrance(s) to the building or building units.

The secondary building frontage shall include those building frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection "1" above.

**Length of Building Frontage.** The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such building frontage, excluding any such wall length determined by the Community Development Department as clearly unrelated to the frontage criteria.

For buildings with two or more building frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.



## ARTICLE IV. SIGNS PERMITTED BY ZONE DISTRICT

The signs permitted in each zone district are those indicated in Sec. 20-4-1. All signs permissible are still subject to regulations based on sign type and sign location relative to zone district. All maximum numbers displayed are per lot unless otherwise noted.

### Sec. 20-4-1. Signs Permitted in Zone Districts

Sign Type	A-1	R-1	R-2	MH	O-1	C-1	C-2	M-1	M-2	PUD
Freestanding (Multi-Business)					X	X	X	X	X	CS
Freestanding (Single Business)	X	X	X	X	X	X	X	X	X	CS
Wall Sign	X	X	X	X	X	X	X	X	X	CS
Projecting Sign					X	X	X			CS
Directory Sign					X	X	X	X	X	CS
Building Identification Signs					X	X	X	X	X	CS
Electronic Message Centers					X	X	X	X	X	CS
Illuminated Signs					X	X	X	X	X	CS
Murals					X	X	X	X	X	CS
Pennant Signs		T	T	T	X	X	X	X	X	CS

*CS - Comprehensive Sign Plan is required for sign development/installation in all PUD zone districts.*

*T - See Section 20-4-6 for Temporary Sign regulations.*

### Sec. 20-4-2. Development Standards For A-1, R-1, R-2, O-1.

1. Wall Signs. The basic allowance for wall signs shall be as follows:

- 1) The permitted sign area for each single-family residence shall not exceed 6 sq ft per lot. The maximum number of wall signage allowed is one (1).
- 2) The permitted sign area for entrances to Residential Subdivisions, MH Parks, Multiple-Family Complexes (R-1, R-2, MH) shall not exceed more than 5% building façade (length x height of building). The maximum number of wall signage allowed is one (1) per building frontage.
- 3) The permitted sign area for Agricultural Zone Districts (A-1) shall not exceed 25 sq ft. The maximum number of wall signage allowed is one (1).
- 4) The permitted sign area for Permitted in O-1 Office/Institutional shall not exceed more than 15% of the façade. The maximum number of wall signage allowed is one (1) per building frontage.

2. Freestanding Signs. The basic allowance for freestanding signs shall be as follows:

- 1) The permitted sign height for each tenant in the Single Residential or MH Parcels or Single Spaces in MH Parks shall not exceed 3 ft and permitted signage area shall not exceed 6 sq ft total area permitted per lot. The maximum number allowed is one (1).
- 2) The permitted sign height for entrances to Residential Subdivision, MH Parks, Multiple-Family Complexes (R-1, R-2, MH) shall not exceed 4 ft and the permitted signage area shall not exceed 64 sq ft. The maximum number allowed is one (1) per ingress/egress to development.
- 3) The permitted sign height for the Agricultural Zone District shall not exceed 6 ft and the permitted signage area shall not exceed 48 sq ft. The maximum number allowed is one (1).
- 4) The permitted sign height for the Permitted in O-1 Office/Institutional shall not exceed 30 ft and the permitted signage area shall not exceed 150 sq ft. The maximum number allowed is one (1) per building frontage.

**Sec. 20-4-3. Development Standards in Commercial and Manufacturing Districts.**

1. Wall Signs. The basic allowance for wall signs shall be as follows:

- 1) The minimum sign area for each tenant with building frontage shall not be less than 20 square feet.
- 2) Each tenant may have multiple wall signs as long as the total wall sign area does not exceed twenty percent (20%) of the building façade.
- 3) The wall sign or signs, shall not be greater than eighty (80%) percent of the length of the tenant space or the length of the building frontage for single tenant buildings.
- 4) Wall signs may not extend above the top of the building wall upon which they are mounted.
- 5) Additional wall sign area is permitted for a secondary frontage which shall be equal to 80% of the primary sign area. Additional wall sign area must appear on the secondary frontage and may not be added to the maximum permissible area for the primary frontage.
- 6) The following additional wall signs may be permitted in excess of the wall sign area permitted:

3. Projecting Signs. Projecting signs are allowed in O-1, C-1 and C-2 zone districts for buildings that have no setback from the street or sidewalk or for buildings with attached canopies. Design or restrictions are as follows:
  - 1) Signs shall have a maximum area of ten (10) square feet.
  - 2) The bottom of the sign shall be a minimum of eight (8) feet above the sidewalk.
  - 3) The sign shall not project more than three (3) feet from the wall of the building on which the sign is placed (measured as the distance between the building façade and the innermost side of the projecting sign nearest the building).
  - 4) No two adjacent projecting signs shall be closer than fifteen (15) feet.
  - 5) Signs should be oriented toward pedestrians passing on the sidewalk of the building rather than automobiles or pedestrians on the other side of the street.
  - 6) Mounting hardware for blade signs should be attractive and an integral part of the sign design. Metal brackets with decorative and complex shapes are encouraged where appropriate to add to the character of the building.
  - 7) Signs should never cover architectural details and should be integrated with architectural façade elements.
  - 8) Blade signs should have two finished sides that are consistent on both sides.
  - 9) Blade signs should be consistent with downtown wall sign design guidelines.
4. Directory Sign. In addition to the wall signs otherwise permitted by these regulations, an additional sign may be permitted up to a maximum of sixteen (16) square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have building frontage.
5. Instructional Sign. Instructional signs are permitted with no sign area or number limit, provided such signs meet the definition provided in code.
6. Window Signs. Permanent window signs shall not exceed twenty-five (25) percent of the area of a window or, in cases of buildings with numerous windows, shall not exceed twenty-five (25) percent of the total area of all windows combined. The total area of all window signs, including both permanent and temporary signs, shall not exceed fifty (50) percent of the window area or, in cases of buildings with numerous windows, shall not exceed fifty (50) percent of the total area of all windows combined.
7. Additional Wall Sign Area for Multiple Story Buildings. Additional sign area is permitted on each of the building's primary and secondary frontages according to the following:
  - 1) For a building with two (2) floors and 2 businesses the additional permitted sign area is 20 square feet for each eligible floor.
  - 2) This additional permitted sign area may be increased by 10 square feet for each additional building floor.



- 3) Wall signs utilizing allowances for additional sign area based on multiple building stories must be placed at the height (i.e. the story) for which the bonus has been granted.
8. Freestanding Signs. The sign area, height and location specifications for freestanding signs shall be determined by the zoning district.
- 1) No portion of a freestanding sign shall be in, or project over, a public right-of-way.
  - 2) Sign Angle. The angle of freestanding signs in relation to the oncoming traffic flow shall be between 45 and 135 degrees.
  - 3) Number of Signs. Freestanding Signs shall be limited to one (1) per lot. If a lot has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage.
  - 4) Directional Signs. Directional signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended Directional purpose and based on their size, location, and intended purpose will not constitute additional advertising. Directional signs shall be permitted without limitation as to number or size and may include the name of the business or logo.
  - 5) Instructional Sign. Instructional signs are permitted with no sign area or number limit, provided such signs meet the definition provided in code.
9. Pennant Signs. Pennant Signs are permissible per Sec. 20-4-1 provided the following standards are met:
- 1) Shall be permanently anchored so as not to become windblown.
  - 2) Shall not exceed fifteen feet in height.
  - 3) Shall not be placed in any visibility triangle for vehicular or pedestrian traffic.
  - 4) Shall be kept in good repair and replaced when become frayed or tattered.
10. Murals. Artwork with non-commercial messages are permitted in the following locations:
- 1) In the metropolitan redevelopment area (MRA), murals are allowed on the side and rear walls, with a maximum coverage of 100 percent of the wall. Permits in the MRA shall be reviewed and approved by the Community Development Department.

- 2) Along principal arterials, as identified, murals are allowed on the side walls only, with a maximum coverage of 60 percent.
- 3) Along minor arterial and collector roads as identified, murals are allowed on the side walls only, with a maximum coverage of 40 percent.
- 4) All murals are subject to the approval of the property owner and any related tenant associations.

**Sec. 20-4-4. Changeable Copy Signs/Electronic Message Centers (EMCs).**

1. Changeable copy by non-electronic means may be utilized on any permitted sign.
2. Only one (1) EMC is permitted per lot for each street on which the development fronts and the sign is visible.
3. All EMCs are required to have automatic dimming capabilities in order to bring the EMC lighting level at night into compliance with Section 20-4-6.
4. The following EMC display features and functions are prohibited in O-1 zone districts and any zone district adjacent to a residential zone district: continuous scrolling and/or traveling, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement. Scrolling utilized as a function to transition between message frames is permissible.
5. The following EMC display features and functions are prohibited in all zone districts: flashing and full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC.

**Sec. 20-4-5. Sign Illumination Standards.**

Signs may be illuminated consistent with the following standards:

1. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded to ensure that light or glare from the sign does not shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property. Signs that have internal illumination shall have sign faces with opaque, non-reflective backgrounds.
2. The lighting for signs shall not create hazardous or excessive glare to pedestrians and/or motorists, either on a public street or right-of-way or on any private premises and will not obstruct traffic control or any other public information signs.

3. All illuminated signs must meet the requirements of the New Mexico Night Sky Protection Act [[NMSA 1978, Chapter 74, Article 12](#)].

#### **Sec. 20-4-6. Temporary Sign Regulations.**

1. Signs that meet the standards of this section are exempt from the standards for permanent signs and are not counted in the maximum total square footage of signage allowed on any particular property, site, or lot.
2. A permit must be obtained for the display of temporary signs.
3. Temporary signs are signs not intended for permanent installation and are to be used for a limited amount of time. Types of temporary signs include, but are not limited to, real estate signs, construction site signs, banners, pennants (advertising for a limited amount of time at Mobile Home Park entrances, apartment complexes, and new Subdivision entrances), special event signs (whether these events are related to commercial or noncommercial activities), advertising vehicles and development signs.
4. Off-premise, temporary signs are permissible, subject to landowner approval.
5. Temporary signs must be securely anchored to prevent movement from wind and to ensure public safety.
6. The number of temporary signs on a lot shall not exceed three at any given period of time.
  - 1) In the O-1, C-1, C-2, M-1 and M-2 zone districts, one temporary banner sign no larger than thirty-two (32) square feet in size is permitted per structure or, on a multi-tenant structure, per tenant frontage. In no case may a lot have more than two (2) temporary banners.
  - 2) In the A-1, C-1, C-2, M-1 and M-2 zone districts one (1) temporary freestanding sign is allowed per zoned lot. Temporary freestanding signs may be up to thirty-two (32) square feet in area and must still meet location and site criteria as identified by this Sign Code.
  - 3) In the O-1, C-1, C-2, M-1 and M-2 zone districts temporary window signs are permitted, subject to the area regulations identified in Sec. 20-4-4.
7. A temporary sign may only be displayed for thirty calendar days. Applicants may renew permits for the display of temporary signs for two (2) additional thirty day periods for a maximum possible display time of ninety (90) consecutive days. Off-premise temporary signs do not qualify for display time extensions.
  - 1) Real Estate and Noncommercial Signs may be displayed on zoned lots any time of the year with no maximum display period and no permit requirements; such

signs must still meet location and size criteria as identified by this Sign Code and shall be counted in the consideration of maximum number of temporary signs permissible on a zoned lot.

- 2) Political Signs may be displayed on zoned lots, and no permit requirements, and all shall be properly maintained in good condition or removed. Political Signs shall not be erected prior to 90 days before the date of a specific election and must be removed no later than thirty (30) days after the date of such election. A candidate that is successful in a primary election or a candidate that becomes eligible to be placed on the ballot for the general election after the primary election is concluded, shall be allowed to retain, or erect signs during the interim period between the primary and general election.
  - 3) Temporary Signs for approved special events (as recognized and approved by the City Commission, or the City of Aztec Utility Office) may be displayed at approved public locations and/or over public streets; such signs must meet all design and construction specifications of the City and shall be installed by City staff. Special Event Signs are limited to a maximum thirty (30) day display period with no renewal and may be subject to shorter display periods, as directed by the City Commission or the City Lodger's Tax Advisory Board.
8. Sandwich Board Signs. Sandwich Board Signs may be used in C-1 zone districts with no maximum display limitations on lots containing a structure for which the primary building frontage encompasses 100% of the primary property frontage, provided the following standards are met.
- 1) Only one Sandwich Board Sign is permitted per lot.
  - 2) The sign is only displayed during hours for which the business or institution is open to the public.
  - 3) The sign is entirely outside the street, roadway or parking area and is not placed in City planting boxes or landscaping.
  - 4) The sign must maintain physical contact with the building façade at all times.
  - 5) The sign is no larger than ten (10) square feet.
  - 6) The sign is anchored to prevent movement in the wind.
  - 7) The sign does not obstruct a continuous through pedestrian zone of at least four (4) feet in width.
  - 8) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
    - a. Transit stop areas;
    - b. Designated handicapped/disabled parking spaces;
    - c. Handicapped/disabled access ramps;
    - d. Building exits, including fire escapes.

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## **ARTICLE V. CONSTRUCTION AND MAINTENANCE STANDARDS**

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### **Sec. 20-5-1. Construction Standards.**

The construction, erection, safety and maintenance of all permanent signs, sign structures, sign foundations and methods to attach and anchor signs shall comply with the International Building Code and all of the following:

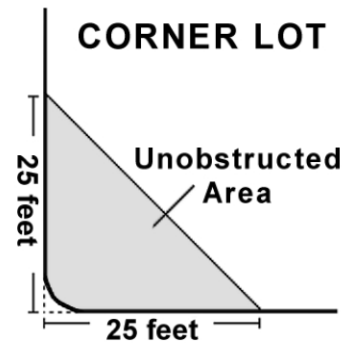
1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
2. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
3. When possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
4. The signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
5. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, standpipe, required exit, window, or door opening used as a means of egress. Attaching signs, sign structures or awnings to a fire escape is prohibited.
6. Signs shall be structurally designed in compliance with American National Standards Institute (ANSI) standards. All elective signs shall be constructed according to the technical standards of a certified testing laboratory.
7. Sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by the International Building Code.
8. The numerical address of the business/development shall be placed upon freestanding and monument signage.
9. All free-standing signs which incorporate lighting shall be served with underground utility service.
10. No signage shall be placed on any City property including City planters.

### **Sec. 20-5-2. Clearance Standards.**

1. Computation of setbacks: For field purposes the setback measurement is taken from the back edge of the sidewalk which is the edge farthest away from curb line, gutter,

and street. If a sidewalk is not present, the back of curb or street edge will be used for the point of reference.

- 1) Vision clearance areas: Vision clearance areas are triangular shaped areas, commonly referred to as sight triangles, located at the intersection of any combination of public rights-of-way (such as streets), alleys or driveways. The sides of the triangle extend 'x' feet from the intersection of the right-of-way, alley, or driveway in either direction. No sign may be installed within this clear sight triangle. The minimum vision clearance area for streets, right-of-ways and alleys is twenty-five (25) feet. This distance is measured from the back of curb or street edge. Please see example below:



- 2) Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the sign face or awning must be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.
- 3) Pedestrian area clearances: When a sign or awning extends more than twelve (12) inches over a sidewalk, walkway, or other space used by pedestrians, the bottom of the sign face or awning must be at least eight (8) feet above the ground.
- 4) In situations where overhead, electric utilities are present, permanent signs must be located a minimum of ten (10) feet horizontally and ten (10) feet vertically from the outer extent of electrical lines.
- 5) For underground utilities, permanent signs must be located a minimum of ten (10) feet from the outer extent of the utility line.

### **Sec. 20-5-3. Maintenance Standards.**

All signs shall be maintained in accordance with the following:

The property owner shall maintain the sign, sign structures and awnings, together with their supports, braces, guys, anchors, and electrical components, in a condition appropriate to the intended use and in adherence to all City regulations. Awnings shall be maintained to ensure integrity of all component parts, to include maintenance of any non-rigid materials covering the awning supports or framework. The property owner has a continuing obligation to comply with all International Building Code requirements.

1. Signs or awnings may be deemed dangerous for one or more of the following reasons:

- 1) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of International Building Code;
  - 2) Whenever any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;
  - 3) Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;
  - 4) Whenever a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.
2. If the sign, sign structure or awning is deemed by the Community Development Department to be in an unsafe or unmaintained condition, the owner of the business shall be immediately notified in writing, and shall, within forty-eight (48) hours of receipt of such notification, respond to the City with a plan to maintain the sign, correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If, after ten (10) days, the unsafe condition has not been corrected through repair or removal, the Community Development Department may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within ninety (90) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and a lien placed upon that property.
  3. In cases of emergency, the Community Development Department may cause the immediate removal of a dangerous or defective sign without notice.
  4. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, sign face replacement, re-lettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
    - 1) There is no alteration or significant modification to the structure or the mounting of the sign itself;

- 2) There is no enlargement or increase in any of the dimensions of the sign or its structure;
- 3) The sign is accessory to a legally permitted, conditional, special or nonconforming use.



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## ARTICLE VI. NONCONFORMING SIGNS

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### **Sec. 20-6-1. General Provisions.**

1. Nonconforming signs shall be maintained in good condition pursuant to Section 20-5-3.
2. A nonconforming sign shall not be altered, modified, or reconstructed except:
  - 1) When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
  - 2) When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection "4" below;
  - 3) When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection "4" below;
  - 4) Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection "1" above.

### **Sec. 20-6-2. Limitations for Non-Conforming Signs.**

1. With the exception of Landmark Signs (see Sec. 20-6-3), a nonconforming sign shall be removed upon verification that any of the following conditions have been met:
  - 1) The use to which such non-conforming sign refers has been abandoned for more than 180 consecutive days; or
  - 2) The regulation or amendment to these regulations which made the sign non-conforming has been in effect for ten (10) years or more.
2. Extension of time to comply: The dates established in this Section for a sign to be brought into compliance with the requirements of these regulations may be extended at the request of the sign owner or lessee. In evaluating the extension of time for a nonconforming sign, the City may request additional information and documents from the property owner and shall consider the following factors to determine whether the owner of the sign has had a reasonable amount of time to recoup the initial investment:
  - 1) The value of the sign at the time of construction and the length of time the sign has been in place;

- 2) The life expectancy of the original investment in the sign and its salvage value, if any;
  - 3) The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
  - 4) The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
  - 5) The extent to which the sign is not in compliance with the requirements of these regulations; and
  - 6) The degree to which the City determines that the sign is consistent with the purposes of these regulations.
3. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.

**Sec. 20-6-3. Landmark Signs.**

1. Landmark Signs designated by federal, state or local government as having artistic or historic significance shall have perpetual nonconforming status and shall have no requirements for removal unless federal, state or local government authorities rescind a sign's Landmark designation. For the purposes of this code, Landmark signs shall be designated by the City Commission via Resolution.
2. Landmark Signs are still required to adhere to Sec. 20-5-3 Maintenance Standards and may be subject to removal under Sec. 20-2-3 (4).
3. Landmark Signs shall not be included in calculations determining maximum permissible sign area for lots or developments.

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## ARTICLE VII. DEFINITIONS

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The following words and phrases used in this Sign Code shall have the following meanings:

**“A” Frame Sign**

See Sandwich Board Sign.

**Abandoned Sign**

A sign which, for a period of at least 180 consecutive days or longer, no longer advertises or identifies a legal business establishment, product or activity. Sign structures that do not display copy are not considered abandoned signs.

**Access (Public)**

A means of physical approach (door, gate, driveway, etc.) available to the general public; does not include freight/delivery areas, key-entry doors/gates, etc.

**Accessory Sign**

A sign which is accessory to the principle use of the premises on which it is located.

**Alteration**

A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

**Animated Sign**

A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Sign Code, include the following types:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, streamers, and/or other devices or displays that respond to naturally occurring external motivation.
2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
  - 1) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either

the same as or less than the period of non-illumination. For the purposes of these regulations, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

- 2) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

### **Architectural Projection**

Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning and Canopy, Attached and Freestanding.

### **Area of Sign**

Refer to measurement standards in Section 20-3-1. See also Copy Area of Sign.

### **Awning**

An architectural projection or shelter extending from and supported by the exterior wall of a building and composed of non-rigid materials except for the supporting framework that may be either permanent or retractable; it may or may not project over a public right-of-way.



Example of Awning.

### **Awning Sign**

Any sign painted on, attached to or supported by an awning. Awning signs are considered wall signs and are calculated as such when determining maximum allowable sign area.

### **Balloon Sign**

A lighter-than-air gas-filled balloon tethered in a fixed location that has a sign with a message on its surface or attached in any manner to the balloon.

### **Banner**

A flexible substrate on which copy or graphics may be displayed.

### **Banner Sign**

A temporary, lightweight sign that contains a message which is attached or imprinted on a banner that is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

### **Bench Sign**

A sign applied or affixed to the seat or back of a bench.

### **Billboard or Poster Panel**

A permanent structure sign in a fixed position that meets any one or more these criteria: (1) routinely used for advertising for hire; (2) the sign is a separate economic unit, not an accessory or auxiliary use serving the principal use on the land; (3) message display area is made available to message sponsors other than the owner. Also referred to as a Commercial Outdoor Advertising Sign.

### **Building**

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

### **Building Elevation**

The perimeter surface of a building set approximately parallel to a lot line.

### **Building Façade**

That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

### **Building Identification Sign**

Any sign containing the name or address of a building or building complex, such sign being located on the same site as the building.



Example of Building Identification Signs.

### **Building Marker**

Any sign indicating the name of a building and date and incidental information about its construction and whereby the sign is cut into a masonry surface or made of bronze or other permanent material and attached to the building façade or installed at the building site. Visual example below.



Example of Building Marker.

### **Bulletin or Community Announcement Board**

A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institution or organization and general announcements of events or activities occurring at the institution, or similar messages.

### **Canopy (Attached)**

A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points; it may or may not project over a public right-of-way. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Also referred to as a Marquee.



Example of attached canopy.

### **Canopy (Freestanding)**

A multi-sided overhead structure supported by columns, but not enclosed by walls and not attached to or requiring support from an adjacent structure. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light. See visual example below.



Example of freestanding canopy.

### **Canopy Sign**

A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Attached Canopy Signs are considered wall signs and are calculated as such when determining maximum allowable sign area. Freestanding Canopy Signs are considered freestanding signs and are calculated as such when determining maximum allowable sign area.

### **Changeable Copy Sign**

A sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system.



Example of changeable copy sign.

### **Channel Letter (Open Faced)**

A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

### **Channel Letter (Internally Illuminated)**

A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

### **Channel Letter (Reverse or Backlit)**

A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

### **Commercial Activity**

Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.

### **Commercial Message**

A message that proposes an economic transaction or the economic interests of the sign sponsor or audience; any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

### **Community Announcement Board**

See Bulletin or Community Announcement Board.

### **Complying Sign**

A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

### **Comprehensive Sign Plan (CSP)**

A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program



shall include, but not be limited to, indications of the locations, dimensions, letter styles and sign types of all signs to be installed on a site.

### Construction Sign

A nonpermanent sign identifying the persons, firms or business directly connected with a construction project.



Example of construction sign.

### Contrast

The difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.

### Copy

The graphic content or message of a sign.

### Curb Line

The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the edge of roadway.

### Dimensional Letter, Symbol, or Graphic

A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

### Directional Sign

A permanent instructional sign located on private property, typically at or near the public right-of-way, directing or guiding vehicular or pedestrian traffic onto the property or toward parking or other identified locations on the property. Visual examples below.



Examples of directional signs.



### **Directory Sign**

A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses or tenants located within a building or group of buildings, that is centrally located and intended to provide on-site directions.



Examples of directory signs.

### **Display Time**

The amount of time a message and/or graphic is displayed on an Electronic Message Center.

### **Dissolve/Appear**

A mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

### **Double-faced Sign**

A sign with two faces that are part of the same sign structure, placed back to back with less than thirty-six (36) inches between sign faces, such that both faces are not visible from the same location.

### **Dynamic Frame Effect**

An Electronic Message Center frame effect in which the illusion of motion and/or animation is used.

### **Electric Sign**

Any sign containing electrical wiring, but not including signs illuminated solely by an exterior light source.

### **Electronic Message Center or Sign (EMC)**

An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic

Message Centers: Display Time, Dissolve/Appear, Dynamic Frame Effect, Fade/Appear, Frame, Frame Effect, Scroll, Transition, Travel).



Examples of electronic message center signs.

**Event Sign.**

See Special Event Sign.

**Externally Illuminated Sign**

See Illuminated Sign.

**Exterior Sign**

Any sign placed outside a building.

**Façade**

See Building Facade.

**Facade Sign**

See Wall Sign.

**Flag**

A rectangular piece of fabric or bunting containing distinctive colors, patterns or symbols, attached to or designed to be flown from a flagpole, typically used as a symbol of a government, political subdivision or other entity.

**Flagpole**

A freestanding structure with a permanent foundation or a structure attached to a building.

**Flashing Sign**

See Animated Sign, Electrically Activated.

**Font**

A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

**Frame**

A complete, static display screen on an Electronic Message Center.

**Frame Effect**

A visual effect on an Electronic Message Center applied to a single frame. See also Dynamic Frame Effect.

**Freestanding Sign**

Any sign, not attached to a building or other structure, which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.



Examples of freestanding signs.

**Frontage (Property)**

The length of the property/lot line(s) of any single premise along either a public way or other properties/lots on which it borders.

**Frontage (Building)**

The length of an exterior building wall or structure of a single premise along either a public way or other properties/lots that it faces.

**Governmental Sign**

A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, resolution or other governmental regulation.

**Grade**

The level of the site at the property line located at the closest distance to the sign.

**Ground Sign**

See Monument Sign.

**Height of Sign**

Refer to measurement standards in Section 20-3-1.

**Holiday Decorations**

Signs or displays, including lighting, which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

**Identification Sign**

A sign giving only the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development (to include residential), or establishment on the premises where it is located.



Examples of identification signs.

**Illegal Sign**

Any sign placed without proper approval or permits as required by this Sign Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Sign Code.

**Illuminated Sign**

A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

**Inflatable Device**

A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method.

**Instructional Signs**

A sign clearly intended for instructional purposes, as determined by the Community Development Department, shall not be included in the permitted sum of the sign area,

provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.



Examples of instructional signs.

### Interior Sign

Any sign placed within a building, but not including window signs as defined by these regulations. Interior signs, with the exception of window signs as defined, are not regulated by Sign Code.

### International Building Code

The official building code utilized by the designated building official for the City of Aztec, see Sec. 7-1-2 of Municipal Code for further details.

### Landmark Sign

Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community, as designated by federal, state or local government.



Examples of landmark signs.

### Legibility

The physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity.



**Length of Frontage.**

1. For measurement purposes, the length of any primary or secondary frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Community Development Department as clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage.
3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**Logo, Logogram, or Logotype**

An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

**Lot, Lot of Record, Zoned Lot**

A permanent parcel of land in identical ownership throughout and recorded as a lot of record by the County Clerk, used or available for use as the site of one or more buildings or other definite purposes.

**Luminance**

The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas/lumens) per square foot. Can be measured by means of a luminance meter.

**Mansard**

A roof-like facade comparable to an exterior building wall.

**Marquee**

See Canopy (Attached).

**Marquee Sign**

See Canopy Sign.

**Memorial Sign**

A sign, tablet, or plaque memorializing a person, event, structure, or site.

**Modification (Significant)**

A modification that costs 50% or more of the replacement cost of the original sign.

**Monument Sign**

A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles or pylons in which the entire bottom is in contact with the ground. Also referred to as Ground Sign.



Examples of monument signs.

**Moving Sign**

See Animated Sign.

**Mullion**

A slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects; a vertical member between the lights of a window.

**Multi-Tenant Sign**

A freestanding or monument sign used to advertise businesses that occupy a shopping center or industrial park/complex with multiple tenants.



Examples of multi-tenant signs.

**Multiple-Faced Sign**

A sign containing three (3) or more faces.

**Muntin**

A stile within the frame of a door; a rabbeted member for holding the edges of windowpanes within a sash.

**Mural**

A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.



Example of mural: "Further the Dream" mural on the Martin Luther King, Jr. School in Cambridge, MA.

**Non-accessory Sign**

Signs that are NOT secondary to the principle use of the premises.

**Noncommercial Sign**

See Political and Noncommercial Signs.

**Nonconforming Sign.** A permanent sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Sign Code.

**Off-Premise Sign**

Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located. See also Billboard and Accessory Sign.

**On-Premise Sign**

Any sign used for promoting a business, individual, product or service available on the premises where the sign is located, provided that an on-site sign may also display a noncommercial message. See also Non-accessory signs. On-premise signs shall not be construed to include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business (see definition for Billboard).

**Organization**

An entity, including a natural person, which owns or operates the premises where an on-premise sign is displayed.

**Parapet**

The extension of a building facade above the line of the structural roof.

**Pennant**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.



**Permanent Sign**

A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Pole Cover or Pylon Cover**

An enclosure designed to conceal poles and/or other structural supports of a sign. See also Cladding.

**Pole Sign**

A freestanding sign with a visible support structure.



Examples of pole signs.

**Political and Noncommercial Signs**

Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product, service, event or the identification of any business. See also Accessory Sign.

**Portable Sign**

Any movable sign not permanently attached to the ground or other permanent structure and easily removable using ordinary hand tools. See also Temporary Sign.

**Primary Copy**

The words or message on a sign meant to be read by passersby travelling at the posted speed limit.

**Primary and Secondary Frontage**

The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

1. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a building unit.

2. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
3. The secondary frontage shall included frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage.

### **Private Street**

Primary access ways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.

### **Projecting Sign**

A building mounted sign, excepting signs located on an attached canopy, awning or marquee, with the faces of the sign projecting 12 inches or more from and generally perpendicular to the building fascia which is supported by a wall, parapet or attached canopy of a building.



Examples of projecting signs.

### **Projection**

The distance by which a sign extends over public property, public right-of-way, or beyond the building line.

### **Public Access**

See Access (Public).

### **Readability**

That which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message and depends on legibility and other considerations of contents and time restraints.

### Real Estate Sign

Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments of the property or premises upon which the sign is located.



Examples of real estate signs.

### Roof Line

The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

### Roof Sign

A sign mounted on the main roof portion of a building or roof-mounted equipment structure, or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building and extends above a roof, parapet, or roof-mounted equipment structure of a building or structure. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



Examples of roof signs.

### **Sandwich Board Sign**

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. Also referred to as an “A” Frame or Sidewalk Sign.



Examples of sandwich board signs.

### **Scroll**

A mode of message transition on an Electronic Message Center where the message appears to move vertically across the display surface.

### **Secondary Copy**

The words or messages on a sign which are meant to be read by pedestrians or automobiles that are idling or parked along a road way.

### **Secondary Frontage**

See Primary and Secondary Frontage.

### **Setback**

The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line. See Section 20-46 for specific guidelines on the measurement and application of setbacks for purposes of Sign Code.

### **Shopping Center**

A commercial development on a zoned lot which has two or more businesses or tenants.

### **Sight Triangle**

A triangular area of unobstructed vision. See Section 20-46 for specific guidelines on the measurement and application of sight triangles for purposes of Sign Code.

### **Sign**

A visual image intended to be communicative, placed on public display and visible from any portion of the public right of way. A sign shall not include any architectural or landscape features that may also attract attention. The following are not considered

signs: gravestones, headstones, fireworks, tattoos, searchlights used for search and rescue and banners towed behind aircraft.

### **Sign Area**

The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. See Section 20-3-1 for computational methodology for various sign area configurations.

### **Sign Face**

An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

### **Sign Plan**

See Comprehensive Sign Plan.

### **Sign Structure**

Any structure designed for the support of a sign.

### **Site**

A contiguous area of land, including a lot or lots or a portion thereof, upon which a project is developed or proposed for development.

### **Snipe Sign**

A temporary sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.



Example of snipe signs.

### **Special Event Sign**

Any temporary or non-permanent sign advertising or pertaining to any civic or special event of general public interest.



## Structure

A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

## Super Graphic

A painted design which covers all or a major portion of a wall, building or structure. A super graphic is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business. See visual examples (the graphic on the top, from Los Angeles, CA, is considered a sign as it is related by logogram to Pepsi; the graphic on the bottom, from Cincinnati, OH, is considered a noncommercial super graphic).



Examples of super graphic signs.

## Temporary Sign

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

## Transition

A visual effect used on an Electronic Message Center to allow one message to disappear while it is simultaneously being replaced by another.

## Travel

A mode of message transition on an Electronic Message Center in which the message appears to move horizontally across the display surface.

## Vehicle Sign

Any sign permanently or temporarily attached to or placed on a vehicle or trailer. Visual Examples below (the two signs on top are examples of permissible vehicle signs placed on vehicles actively used for business or personal use; the sign on the bottom is an example of a prohibited vehicle sign placed on a parked trailer where the primary purpose of the vehicle/trailer is to advertise a product or service).



Examples of vehicle signs.

### Visibility

The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.

### Wall Sign

Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall and not projecting more than sixteen (16) inches from such surface.



Examples of wall signs.

### Window, Area of

The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than twenty-four (24) inches wide.

### Window Sign

Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including window paintings and signs located inside a building but visible primarily from the outside of the building.



Examples of window signs.

**Zoned Lot**  
See Lot.



# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** BUSINESS ITEM (C)  
**AGENDA TITLE:** Intent to Adopt Ordinance 2024-552 Amending Chapter 5 Animals

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**ACTION REQUESTED BY:** Animal Care & Control and Community Development  
**SUMMARY BY:** Tina Roper

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## PROJECT DESCRIPTION / FACTS

Annually Animal Care and Control reviews Chapter 5 Animals chapter of the City Code.

Discussions with Community Development raised conflicts between Chapter 26 Land Use and Chapter 5 Animals with regards to animal regulations within the City Code. Staff determined that it was more appropriate to have animal regulations all within Chapter 5 to avoid conflicts with Chapter 26 Land Use.

## PROCUREMENT / FISCAL IMPACT

None

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**SUPPORT DOCUMENTS:** Ordinance 2024-552

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Intent to Adopt Ordinance 2024-552 Amending Chapter 5 Animals

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**City of Aztec**  
**Ordinance 2024-552**  
**An Ordinance Amending Chapter 5 Animals**

**WHEREAS**, annually the Animal Care and Control reviews Chapter 5 Animals chapter of the City Code; and

**WHEREAS**, discussions with Community Development raised conflicts between Chapter 26 Land Use and Chapter 5 Animals with regards to animal regulations within the City Code; and

**WHEREAS**, staff determined that it was more appropriate to have animal regulations all within Chapter 5 to avoid conflicts with Chapter 26 Land Use.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico, that Ordinance 2024-552 Amending Chapter 5, be adopted as attached.

**PASSES, APPROVED, SIGNED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024. By the Aztec City Commission, City of Aztec, New Mexico.

\_\_\_\_\_  
Michael A. Padilla, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk CMC

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

Advertised Date of Final Adoption: \_\_\_\_\_

Effective Date of Ordinance: \_\_\_\_\_

## Chapter 5 ANIMALS

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### ARTICLE I. IN GENERAL

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#### **Sec. 5-1. Penalty.**

Violations of this chapter are punishable as provided in [Section 1-8](#).  
(Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings as defined to them in this section, except where the context clearly indicates a different meaning:  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

##### **Abandon**

The leaving of any animal by any person without making effective provisions for its proper care, including but not limited to voluntarily vacating or being involuntarily removed from any residential premises. Failure to provide any animal with one or more of the necessities of life including air, adequate food, potable water, sanitary conditions, or protection from the heat, cold, or other elements of nature for twenty four (24) or more hours, or to leave in the custody of another person without their consent.

##### **Adoption**

The transfer of ownership of an animal that is impounded at the Aztec Animal Shelter to a qualified adopter.

##### **Animal**

Any vertebrate member of the animal kingdom excluding human beings.

##### **Animal Care and Control.**

The Department within the City of Aztec where Animal Control Officers and Animal Shelter Staff house stray and homeless animals and enforce the ordinances in this chapter.

##### **Animal Control Officer**

A person designated by the City to represent and act for the City in the impounding of animals, controlling of animals at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by state or federal law.

### **Animal unit**

For purposes of this Ordinance, the following animal equivalents shall obtain for a premises or lot providing further that said animals shall not run at large and further provided that no animals shall be kept nearer to the nearest neighbor's home than to the home of the owner:

One Animal Unit	= One cow + one calf standing by her side
" "	= One horse + one colt standing by her side
" "	= Eight goats (including not more than one male goat per five acres)
" "	= Twelve sheep
" "	= Five turkeys
" "	= Seven geese
" "	= Ten ducks, chickens or similar fowl

### **Anti-Escape Devise**

Housing, fencing, or other devises which prevents a dangerous dog from leaving property.

### **At Large**

To be free of physical restraint, on or off the Owner's property, that is not fully confined within a building, shelter, walled or fenced area or secured by a rope, chain or other restraining device, or restrained on a leash no longer than eight feet and held by a responsible person capable of controlling the animal. (Verbal commands do not constitute control of an animal.) Animals abandoned without obvious ownership are also considered at large.

This definition does not apply to:

- Animals in a city designated dog park
- Wild or feral animals
- Animals used by a police officer for law enforcement purposes
- Cats, as they are allowed to roam free.

### **Basic Grooming**

Maintaining the eyes, ears, beaks, hooves, feet, nails, coat, and skin of an animal.

### **Bite**

The puncture or tear of the skin inflicted by the teeth of an animal.

### **Bodily Injury**

A type of injury that would cause a reasonably prudent person to seek treatment from a medical professional or veterinarian without regard to whether the person actually sought the treatment.

### **Boarding**

A per day fee charged to the animal owner once the owner has been notified that their animal is at the Animal Care and Control Facility.

### **Breeder Permit**

A permit issued by Animal Care and Control to any person involved in the controlled breeding of dogs that are registered with AKC (American Kennel Club), or a Club

recognized by AKC, or the controlled breeding of cats that are registered with CFA (Cat Fanciers Association).

**Community Cat Caretaker**

Someone who is caring for cats they do not own. In this Chapter it refers to someone who is caring for a colony of outdoor cats.

**Chicken Hen**

A female chicken.

**Community Cat**

Community cat means any free roaming cat that has been ear-tipped, sterilized, and has received at least one (1) vaccination against rabies. A community cat is also defined as one that has been impounded and that is to be ear-tipped, sterilized, and vaccinated against rabies.

**Confined**

Restriction of an animal at all times by an owner or keeper to an escape proof building or other enclosure away from other animals and the public.

**Dangerous animal**

Any of the following:

- Any Animal which when unprovoked, attacks a human being and causes bodily injury, serious bodily injury or death and the attack occurs in a place other than an enclosure in which the animal was being kept.
- An animal that is at large and makes an unprovoked attack on a domestic animal that causes the death of the attacked animal; or an animal that is at large and makes an unprovoked attack on a domestic animal that causes serious bodily injury and the attacking animal has already made at least one (1) documented unprovoked attack on a previous occasion.

**Direct Physical Control**

Precautions in place so a person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm.

**Director**

The Executive Director of Animal Control and the Animal Shelter.

**Domestic Abuse Boarding**

A program at Aztec Animal Care and Control where animals owned by a victim of a Domestic Abuse Situation may obtain temporary housing at Aztec Animal Shelter for little or no cost to the victim.

**Domestic Animal**

Any animal that may be kept as a pet or as livestock within the City limits of Aztec so long as all provisions of this chapter are met, ownership of said animal is not prohibited by any international, federal, local or state law, and it is not a wild animal, as defined herein, including but not limited to the following animals:

- Reptiles - any non-venomous reptile that does not typically reach total lengths greater than eight (8) feet.
- Birds - any birds commonly kept as pets, or any bird kept for falconry purposes by a state and federally permitted falconer.
- Fish - any fish commonly kept as pets.
- Mammals - any mammal commonly kept as a pet or livestock including, but not limited to, dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, sugar gliders, horses, cows, pot belly pigs, alpacas and llamas.

### **Endangered Species**

A species is endangered if it is in jeopardy of extinction or extirpation from the state; a species is threatened if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range in New Mexico

### **Euthanasia**

The administration of a drug which shall cause the humane death of an animal. The administration of this drug shall only be given by a licensed Veterinarian or a Licensed Euthanasia Technician, certified through the State of New Mexico. Such method shall not destroy brain tissue necessary for laboratory examination for rabies.

### **Exposure to rabies**

The exposure resulting from a bite by an animal susceptible to rabies or from contact of the saliva of such animal with any break or abrasion of the skin.

### **Farm**

A tract or area owned by one (1) person acting as a unit which is used for the growing of the usual farm products and their corresponding storage as well as the raising thereon of the usual farm poultry and animals, except swine. A farm does not include commercial feed lots, commercial dairies or other intensive livestock raising on tracks of less than forty (40) acres. The farm shall include the sale and distribution of farm products other than machinery and signs not exceeding forty (40) square feet are allowed for the advertising of such farm products. Only products which are grown or raised upon the property will be eligible for sale thereby making a division between a major commercial enterprise and private farming.

### **Feral animal**

Any un-owned, untamed animal that will not voluntarily accept handling by humans despite usually being considered a domestic animal.

### **Field health office**

The health office(s) located in the county and administered by the division.

### **Health Services Division**

The health services division of the health and environment department of the state:

Post Office Box 968  
Santa Fe, New Mexico 87503

**Heat or season**

A regularly recurring state of estrus during which the female animal is capable of attracting or accepting the male for breeding or is capable of conceiving.

**Humane Trap**

Any trap designed to capture an animal without causing any injury to the animal

**Hybrid**

An animal created by breeding animals of different species. For purposes of this article, it includes, but is not limited to the hybrid offspring of domesticated dogs and wolves, or domesticated dogs and coyotes.

**Identification**

Any acceptable method, such as a microchip, identification tag, or tattoo, which can be used to readily trace the current owner of an animal.

**Impounding facilities**

Any Animal Care and Control Facility, animal shelter, kennel, veterinary hospital, lot premise or building maintained or contracted by a municipality or county for the care and custody of animals.

**Inhumane treatment**

Any treatment of an animal prohibited by any provision of this chapter

**Intact Animal**

Any animal that has not been sterilized.

**Isolation**

The confinement of animal in an escape proof run or cage so that there is no possibility of direct contact with other animals or humans.

**Laboratory**

The scientific laboratory division (SLD) of the health and environment department of the state, 700 Camino De Salud, Albuquerque, New Mexico 87106.

**Livestock**

Cattle, consisting of all bovine species; Horses, consisting of all equine species including mules, donkeys, sheep, consisting of all ovine species; goats, consisting of all caprine species; llamas or alpacas; rabbits; chickens; and pigs or hogs, consisting of all swine species (Does not include Pot Belly Pigs).

**Microchip**

A passive electronic device that is injected into an animal by means of a hypodermic-type syringe device and which is a component of a radio frequency identification (RFID) system (excluding any system that is not compatible with the scanner used by Aztec Animal Care and Control). Each microchip shall contain a unique and original number that is read by an electronic scanning device for the purpose of animal identification and recovery by the animal's owner. Microchips can be implanted by Animal Care and Control Staff or a Veterinarian of your choice.

**Multiple Animal Permit**

A permit issued by Animal Care and Control for any person within the City limits of Aztec wanting to have more than five (5) sterilized dogs or cats, providing all requirements are met.

**Nuisance**

An animal that:

- Damages, soils, or defecates on any private property or on public walks and recreation areas; or
- Causes unsanitary, dangerous, or offensive conditions; or
- Continuously barks, howls or makes noise common to its species.

**Owner**

An owner of an animal is a person who, for more than 14 days, owns, harbors, keeps, knowingly causes or knowingly allows an animal to be harbored or kept, has an animal in his care, has assumed ownership responsibility or who represents the owner, or has allowed a stray animal to remain on property owned, leased or controlled by him. A Community Cat Caregiver is exempt from being considered an Owner.

**Potable Water**

Water that is safe for drinking.

**Poultry**

Any chickens, turkeys, ducks, geese, guineas or other fowl excepting such recognized pet species as canaries, finches, parakeets, parrots, mynah birds, etc.

**Permitted Premises**

The establishment, household, property or site for which a valid permit has been issued by Animal Care and Control for use as a dangerous animal site, breeder site, or multiple animal site.

**Premises**

Any parcel of land and the structure(s) thereon.

**Proof of Ownership**

Documentation or evidence which proves to the satisfaction of the Director that the person is the owner of the animal, including, but not limited to, microchip identification, Veterinarian invoice, official registration or photographs of the animal.

**Provoked**

The response of an animal that a reasonable person believes the animal has taken to defend itself, its owner or family member, or another person within its immediate vicinity from assault, actual or perceived, or to defend real property belonging to its owner or family member.

**Qualified Adopter**

A person who is 18 years of age or older, who has never been convicted of any form of cruelty under any law, and has not been convicted two or more times for any violation of any ordinance included in this chapter, has never had any animal related permit revoked or suspended, has never failed to reclaim an animal from Aztec Animal Care and Control, has not surrendered an animal within one year of the time of adoption and has never been convicted of child or domestic abuse.



**Quarantine**

To confine and isolate from human beings and other animals in an approved quarantine facility or in all stipulations of a home quarantine when allowed by the Animal Care and Control Director. The quarantine period is ten (10) days from the date and time of the bite.

**Service animal**

An Animal trained by a certified guide dog school to lead blind persons; an animal trained by a certified hearing ear dog school to aid hearing impaired persons, or an animal approved by an institution or program approved by Animal Control, including the Vocational Rehabilitation Division of the New Mexico Department of Public Education to assist a mobility impaired person.

**Serious Bodily Injury**

Bodily injury that creates a substantial risk of death or, serious permanent disfigurement or the loss or function of any body part.

**Shelter**

A structure that is capable of providing cover and protection from the weather. A shelter must have at least three (3) sides, a top, a bottom, it must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

**Stray animal**

Any animal at large, any animal abandoned, or any animal whose owner is unknown to Animal Care and Control staff. Except cats, as they are allowed to roam free.

**Sterilized**

Any animal rendered incapable of reproduction.

**Unaltered**

An intact animal, an animal that is capable of reproduction.

**Vaccination against rabies**

The injection of an approved rabies vaccine by or under the supervision of a licensed veterinarian, given in an amount sufficient to provide immunity from rabies for a minimum of one year, as required by State Law.

**Veterinarian**

A person with a Doctor of Veterinary Medicine degree licensed to practice veterinary medicine in the state.

**Wildlife**

Any non-domesticated animal species, such as but not limited to: skunks, raccoons, bats, deer, coyotes, foxes, waterfowl, birds of prey, pigeons, migratory birds, porcupines, and snakes. Per State of New Mexico Department of Game and Fish Recommendations: Please be advised to avoid direct contact with wild animals. The public is advised to leave all wild animals in place even if they feel the animals are babies and appear to be orphaned or abandoned.

(Ord. 2023-528, eff. 2023-May-31)

**Sec. 5-3. Transportation of Animals.**

Nothing in this chapter shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

(Ord. 2007-344, eff. 2007-Apr-03)

**Secs. 5-4 to 5-200. Reserved.**

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## ARTICLE II. ADMINISTRATION AND PROCEDURES

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### DIVISION 1. REGULATIONS AND OFFICERS

#### **Sec. 5-201. Administration of Chapter.**

The Director is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the Director to carry out the intent and purpose of the Animal Control Chapter. The Director may delegate authority to duly appointed Animal Control Officer(s) as he or she deems expedient to carry out the provisions of this chapter.

(Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-202. Policy and Procedure.**

A Policy and Procedure Manual will be kept and maintained by the Animal Care and Control Director. This manual will contain information on procedures pertinent to this Department, such as, but not limited to cleaning procedures, adoption policies, care of animals and evacuation plans.

(Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-203. Animal Control Officers as Peace Officers for Issuance of Citations.**

The City Police, the Director and Animal Control Officers have the authority of Peace Officers to issue citations for violations of this chapter and to perform such other duties as are prescribed by the City Manager. An Animal Control Officer shall wear a uniform, and a badge, and a name tag identifying them as an animal control officer. The badge shall be returned to the Director upon the termination of his employment.

(Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-204. Right of Entry of Animal Control Officers.**

Animal control officers, in the performance of their duties, may enter upon private property, except a private residence, for the purpose of apprehending animals at large, stray animals, and checking on the welfare of animals.

#### **Sec. 5-205. Enforcement of Violations.**

Each 24 hour period of violation, and each separate animal or condition in violation of this chapter, can constitute a separate offense.

(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-206. Violation Process.**

1. Citations may be issued for any offense of this chapter with or without any warnings.
2. Courtesy Notice. A Courtesy Notice may be sent when violations are reported to, or observed by Animal Control. This is a first level warning and not a citation. This notice will simply advise the animal owner of the violation and give the owner a time frame in which to contact Animal Control to see if and when the issue can be resolved.

3. Intent of Violation Notice. If the animal owner does not respond to the Courtesy Notice within the time given then an Intent of Violation Notice will be sent out informing the animal owner of Animal Controls intent to issue a citation(s) if the issue is not corrected within a specific time frame. The Intent of Violation Notice is a second level warning and not a citation.
4. Citation. If a violation has not been corrected then a Citation from Animal Control will be issued.  
(Ord. 2018-470, eff. 2018-May-01)

**Secs. 5-207 to 5-220. Reserved.**

## **DIVISION 2. FACILITIES**

**Sec. 5-221. Established.**

There is established an Animal Care and Control facility located on Sabena Street, Aztec, New Mexico.

(Ord. 2007-344, eff. 2007-Apr-03)

**Sec. 5-222. Hours of Business.**

Animal Care and Control shall be kept open to the public for the transaction of business during the hours set by the Director.

(Ord. 2007-344, eff. 2007-Apr-03)

**Sec. 5-223. Unauthorized Removal of Animals.**

No person shall remove an impounded animal from an Animal Care and Control employee, Animal Care and Control vehicle, or the Animal Care and Control premises without lawful permission.

(Ord. 2007-344, eff. 2007-Apr-03)

**Sec. 5-224. Impoundment.**

It is the duty of the Animal Control Officers to take-up and impound any stray or any animal kept or maintained contrary to this chapter.

(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

**Secs. 5-225 to 5-230. Reserved.**

### **DIVISION 3. IMPOUNDING, SURRENDERING, REDEMPTION AND ADOPTION PROCEDURES**

#### **Sec. 5-231. Impounding, Intake Animals.**

1. All strays may be impounded.
2. When a stray is brought in by the public that person shall sign documentation stating that they are not the owner that they found the animal as a stray and request that Animal Care and Control impound as prescribed by law. It is not implied or guaranteed that any person bringing in a stray would be allowed to adopt the animal at the end of its stray hold.
3. Any stray which is impounded with a severe or life threatening injury or illness, shall be kept comfortable to the best of the Animal Care and Control's ability for the duration of the stray hold, however if such injury or illness is so severe that it is beyond Animal Care and Control's ability to alleviate suffering, then such animal shall be humanely euthanized immediately.
4. If a stray animal is wearing an ID tag, anti-rabies tag, or has an identifying tattoo or other identification such as a microchip, the animal shall be confined at Animal Care and Control for a period of at least six (6) days, during which time an attempt shall be made to locate and notify the owner. If a stray animal is not wearing a license, tag or other identification, the animal shall be impounded at Animal Care and Control for at least four (4) days. The Director may dispose of an impounded stray animal the day after the required impoundment period in the following manner:
  - (1) The animal may be adopted;
  - (2) Sent to Rescue; or
  - (3) Euthanized in a humane fashion.
5. If an animal is surrendered to the Animal Care and Control Facility the owner must sign a statement of surrender stating that they are the owner of the animal and that they now relinquish all rights and title and interest therein to the Animal Care and Control Department for the disposition of the animal as the Animal Care and Control Department deems best and waives any and all claims of damages against the Animal Care and Control Department and the City of Aztec.
6. When an owner surrenders their animal to the Animal Care and Control Facility, they will not be permitted to adopt from the facility for one year, unless they are surrendering the animal for euthanasia due to medical reasons.  
(Ord. 2023-528, eff. 2023-May-31; Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-232. Redemption Fees and Procedures.**

1. An owner reclaiming a dog or cat shall pay the city the established reclaim fee as specified in Article V of [Chapter 16 – Fee Schedule](#).

2. In addition the owner shall pay a sterilization fee (as established in Article V of [Chapter 16 Fee Schedule](#).) if the animal they are redeeming is not sterilized, regardless of the jurisdiction from where the animal came in from. If the owner lives within the city limits of Aztec, they will be given the option to either obtain a Breeder permit, intact animal permit or get their animal sterilized. An owner reclaiming for the second time a dog or cat for which a Breeder Permit or Intact Animal Permit has been issued will have the permit revoked and will be required to get their animal sterilized.
3. The owner of any impounded dog or cat that does not have an I.D. tag or microchip as required by this chapter may redeem the animal by paying the required fees to Animal Care and Control, as established in Article V of [Chapter 16 – Fee Schedule](#).
4. The owner of any impounded dog or cat, regardless of jurisdiction, that does not have proof of a current rabies vaccination as required by this chapter will pay a fee to Animal Care and Control as established in Article V of [Chapter 16 – Fee Schedule](#).
5. The owner also shall reimburse the city for all boarding, medical and maintenance costs incurred by the city during the impoundment.
6. When the owner of an impounded animal comes to redeem that animal the Director may ask that they bring proof of ownership; Documentation or evidence which proves to the satisfaction of the Director that the person is the owner of the animal, including, but not limited to, microchip identification, Veterinarian invoice, official registration or photographs of the animal.
7. An owner reclaiming an animal other than a dog or cat shall pay all reclaim fees established by the Animal Care and Control Director, and shall reimburse the city for all boarding, medical and maintenance costs incurred by the city during the impoundment.  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### **Sec. 5-233. Records Kept.**

A record of all animals impounded at Animal Care and Control shall be maintained for a period of three years. The record shall contain at least the following information:

1. A detailed description of the animal and picture when possible;
2. The manner and date of its acquisition by Animal Care and Control;
3. A copy of a valid driver's license from the person bringing in the animal;
4. The date and manner of its disposal;
5. The name, address and telephone number, copy of valid driver's license, of the party adopting or redeeming the animal;
6. All fees received; and
7. A record of all "dead on arrivals," including any identification information found on the animal and a description of the animal when possible.  
(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

**Sec. 5-234. Adoptions.**

1. The Animal Care and Control Director or his or her designee shall have the authority to deny the adoption of an animal in our care.
2. Animal Care and Control will not allow any dog or cat that has been impounded at Animal Care and Control to be adopted if Animal Care and Control knows the purpose is for resale. No dog or cat adopted from Animal Care and Control will be sold, leased or rented to another party.
3. All Adoption records shall remain confidential, for the privacy and protection of individuals involved. All rescue groups shall remain confidential, for the privacy and protection of the groups involved. Information concerning animals reclaimed by their owners shall remain confidential, for the privacy and protection of the owners involved. Law enforcement and other animal control agencies are exempt from the confidentiality provisions hereof.  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18)

**Sec. 5-235. Failure to return Adopted Animal for Spay/Neuter.**

All animals adopted from the Aztec Animal Care and Control Facility shall be spayed or neutered, prior to leaving the Facility unless age/weight or minor illness prevents surgery at that time. In which case said animal shall be brought back to the Facility for the scheduled appointment for spay or neuter no later than 3 months of age or when deemed medically fit regardless of the jurisdiction in which the animal resides.  
(Ord. 2014-436, eff. 2014-Mar-18)

**Secs. 5-236 to 5-300. Reserved.**

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## ARTICLE III. OWNER DUTIES

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### **Sec. 5-301. Liability of Damages Caused by Animals.**

If any animal shall do damage to either the body or the property of any person, the owner, or if the owner is a minor, the parent or guardian of such minor shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time of such damage, was committing a trespass or other tort or was teasing, tormenting or abusing such animal.

(Ord. 2023-528, eff. 2023-May-31; Ord. 2014-436, eff. 2014-Mar-18 Ord. 2007-344, eff. 2007-Apr-03)

### **Sec. 5-302. Restraint Devices.**

A rope, chain, or other device may be used to restrain an animal, provided the following criteria are met:

1. The device must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness, the rope, chain or other device may not be wrapped around the animal's neck. Choke or prong type collars shall not be used.
2. The device must be at least 12 feet long. The device must be fastened so the animal can sit, walk and lie down comfortably; and must be unobstructed by objects that may cause the device or animal to become entangled or strangled. The device must be an appropriate size for the animal and not so heavy that it restricts or burdens the animal's movements.
3. The animal must have easy access to adequate shade, shelter, food and potable water.
4. An animal that lives the majority of its life tied out on some form of a restraint device (more than 4 hours a day) must be spayed or neutered and will not be qualified for a Intact Animal Permit, or Breeders Permit nor would the owner qualify for a Multiple Animal Permit.
5. The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety. Feces will be cleaned **daily weekly**.
6. The area where the animal is confined must be kept free of insect infestation, such as ant hills, wasp's nests, and flea, tick and maggot infestations.

(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18 Ord. 2007-344, eff. 2007-Apr-03)

### **Sec. 5-303. Identification Required.**

1. Any person owning, possessing or harboring any dog or cat of three (3) months of age or over shall ensure that their animals have Identification Tags affixed to the collar or the animal has a microchip.

(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### **Secs. 5-304 to 5-400. Reserved.**



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## ARTICLE IV. PROHIBITED ACTIONS

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### DIVISION 1. IN GENERAL

#### **Sec. 5-401. Interference with Animal Control Officer.**

It is prohibited for any person to interfere with an Animal Control Officer in the performance of their duties required by this chapter. Interference shall be considered a misdemeanor.

(Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-402. Service Animals Trained to Assist the Impaired in Public Places.**

1. A service animal must be allowed to accompany the handler to any place in the building or facility where members of the public, program participants, customers, or clients are allowed. Even if the business or public program has a “no pets” policy, it may not deny entry to a person with a service animal. Service animals are not pets. So, although a “no pets” policy is perfectly legal, it does not allow a business to exclude service animals.
2. A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button.
3. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. The work or tasks performed by a service animal must be directly related to the individual’s disability. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor’s letter does not turn an animal into a service animal. However A public accommodation or facility is not allowed to ask for documentation or proof that the animal has been certified, trained, or licensed as a service animal; the only two questions that may be asked are:
  - 1) Is the animal required because of a disability?
  - 2) What work or task has the animal been trained to perform?
4. The handler is responsible for the care and supervision of his or her service animal. If a service animal behaves in an unacceptable way and the person with a disability does not control the animal, a business or other entity does not have to allow the animal onto its premises. Uncontrolled barking, jumping on other people, or running away from the handler are examples of unacceptable behavior for a service animal. A business has the right to deny access to a dog that disrupts their business.
5. The animal must be housebroken and the animal must be vaccinated in accordance with state and local laws.

(Ord. 2018-470, eff. 2018-May-01; Ord. 2007-344, eff. 2007-Apr-03)

**Sec. 5-403. Fraudulent Use of Anti-Rabies Tags.**

1. It is unlawful for any person to affix anti-rabies or a license tag to the collar or harness of any animal other than the animal for which the anti-rabies tag was issued.
2. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control, a stolen, counterfeit or forged rabies tag or vaccination certificate.  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

**Secs. 5-404 to 5-420. Reserved.**

**DIVISION 2. CRUELTY TO ANIMALS**

**Sec. 5-421. Inhumane Treatment of Animals.**

1. No person shall euthanize his own animal in a manner other than the one defined in this chapter.
2. No person shall cause, allow, or permit any animal to remain in its own filth.
3. The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety.
4. No Person shall fail to provide, at any time, any animal under his care to be without adequate wholesome food, potable water, shade, and shelter.
5. No person shall dock the tail or remove the dew claws of an animal over five (5) days of age, or crop the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the State of New Mexico.
6. No person shall fail to provide basic grooming for any animal
7. No person shall fail to seek medical attention for any animal having obvious injury, or illness, or is infected with any dangerous or incurable or painfully crippling disease. (This subsection shall not be construed to include veterinary hospitals or animals under active veterinary care.)
8. No person shall fail to notify Animal care and Control when any motor vehicle that he is in control of strikes an animal.
9. No person shall own any animal having an infestation of ticks, fleas, or other parasites which has not been treated by a veterinarian or with appropriate commercially available treatments.
10. No person shall have a collar or harness attached that is of inadequate size so that is restricting the animal's growth or causing damage to the animal's skin.
11. No person shall tease, taunt, willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance any animal.

12. No person shall place or confine an animal in a motor vehicle or trailer under conditions which may endanger the health of the animal due to temperature, lack of food or water, or other circumstances which may cause bodily injury or death to the animal.
13. No person shall cause, allow, or train any animal to fight another animal or be in possession of any animal fighting paraphernalia or training equipment.
14. No person shall abandon any animal that they have possession of at any business, on public property, or with any other person that has not agreed to be responsible for the care of the animal or abandon the animal at the Animal Care and Control Facility. Animals need to be surrendered can be turned over to a staff member of the Animal Care and Control Department during normal business hours.
15. No person shall make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. (It is not the intent of this subsection to prohibit the use of poisonous substances for the control of vermin of significance to public health.)
16. When an Animal Control Officer does not get a response from any notices left at the residence, and finds the animal to be without proper care, whether it be lack of food and or water, sickness or injury, the Animal Control Officer has the right to take the animal into protective custody. If at any time an Animal Control Officer finds an animal that is in imminent danger of death whether on private or public property the Animal Control Officer shall take the animal into protective custody and upon the advice of a licensed veterinarian, the Animal Control Officer may take such action as called for to prevent undue pain and suffering including basic medical treatment and or euthanizing the animal immediately.
17. When an Animal Control Officer finds an animal to be without proper care, whether it be lack of food and or water, sickness or injury, the Animal Control Officer has the right to take the animal into protective custody immediately. Animal Control will attempt to contact the owner. A tag will be left at the residence if the animal is removed from a residence. If we are not able to contact the owner and the owner does not respond to the notice left at the residence the animal will become the property of the Aztec Animal Care & Control Facility after 10 days and at that time the animal may be adopted out, sent to a rescue group or humanely euthanized.

(Ord. 2023-528, eff. 2023-May-31; Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-422. Foot Hold Traps Prohibited.**

It shall be unlawful for any person to set steel-jawed foot hold traps within the limits of the City of Aztec.

(Ord. 2023-528, eff. 2023-May-31; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Secs. 5-423 to 5-430. Reserved.**

## **DIVISION 3. NUISANCES**

### **Sec. 5-431. Animals at Large.**

1. It is unlawful for the owner of an animal to cause or allow the animal to be at large in or on any public property or any other property without the permission of the owner of the property.
2. It is unlawful to permit dogs in the streets or public places unless on a secure leash and under the immediate physical control, not voice control, of the person having custody thereof. No dog is allowed upon a public playground or on the premises of a public swimming pool or water-park or upon a school yard.
3. It is unlawful to Allow an animal to be free of physical restraint off the owners property, and an animal that is not fully confined within a building, shelter, walled or fenced area would be considered at large.
4. The Animal Control Officers have the right to impound domestic animals that are destroying public or private property or endangering the welfare of any person or animal that is lawfully on public or private rights-of-way. Any animal in violation of this subsection is declared to be a nuisance, a menace to the public health and safety and shall be impounded
5. The Animal Control Officers shall only pick up diseased and/or injured wildlife, upon the advice of the State of New Mexico Department of Game and Fish.  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### **Sec. 5-432. Animals Disturbing the Peace.**

No person shall allow an animal in his possession or control to persistently or continuously make noise common to its species, or otherwise to disturb the peace and quiet of the inhabitants of the city.

(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### **Sec. 5-433. Animal Defecation; Cleanup.**

1. It is unlawful for the owner of an animal to permit, either willfully or through failure to exercise due care or control, the animal to defecate upon public property or upon any private property other than the property of the owner of the animal without thoroughly removing and disposing of the feces.  
(Ord. 2007-344, eff. 2007-Apr-03)
2. A person owning or having care, custody, or control over a pet such as a dog or cat shall frequently clean and dispose of the waste from the animal in a watertight and fly tight receptacle, which shall be emptied daily and in such a manner so as to prevent a nuisance, noxious smells, or other health hazards.  
(Ord. 2017-467, eff. 2017-Nov-01)

### **Secs. 5-434 to 5-440. Reserved.**

## DIVISION 4. MISCELLANEOUS

### Sec. 5-441. Sale or Gift of Animals.

1. No person shall display, sell, offer for sale, barter, auction, give away, or otherwise dispose of any animal upon any street, sidewalk, Public Park, public right of way or other public property, including business or commercial private property open to the public.
2. No person shall offer a live animal as an incentive to purchase merchandise or as a premium, prize, award, or novelty.
3. No person shall offer for sale, sell, and barter or give away turtles except in conformance with appropriate federal regulations.  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### Sec. 5-442. Animals on Unenclosed Premises.

It is unlawful for any person to chain, stake out, graze or herd any animal, including, but not limited to, a dog, on any unenclosed premises in such a manner that the animal may go beyond the property line.

(Ord. 2007-344, eff. 2007-Apr-03)

### Sec. 5-443. Unlawful Retention of Stray Animals.

If a person does not have the knowledge and consent of the owner of an animal, then that person shall report the possession of the animal to Animal Care and Control no later than 24 hours after first coming into possession of the animal. The person shall give his name and address, a description of the animal, the circumstances under which he came into possession of the animal and the current location of the animal. He shall immediately surrender the animal to the Animal Control Officer upon demand.

(Ord. 2007-344, eff. 2007-Apr-03)

### Sec. 5-444. Poultry.

1. Any person who keeps or causes to be kept any poultry within the corporate limits of the city shall keep such poultry in a pen or similar enclosure preventing their roaming at large. Any such poultry at large may be impounded by Animal Care and Control. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.
2. Chicken hens are permissible, but must be couped (not free range), cannot exceed the established quantities for a parcel within its specified zoning district or violate any other uses permitted within specified zoning district.
3. A coop with four (4) square feet per chicken is the minimum size, however, it's important to note that providing more space, up to ten (10) square feet per chicken, can make for a much happier and healthier home for your chicken hens. This provides them with ample space to move around and help prevent overcrowding, stress, and potential diseases.

4. Roosters (male chickens), permissible only in the A-1 zoning district with parcels greater than 5.0 acres.  
(Ord. 2023-528, eff. 2023-May-25; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

**Sec. 5-445 Limit Number of Animals**

1. It is unlawful for any person to be the owner of, to keep, or to assist in keeping more than five (5) dogs, cats, or any combination of dogs and cats, without a permit.
2. It is unlawful for any person to have more than one animal unit per ½ acre of grazing, fenced pasture land.

**Secs. 5-446 to 5-500. Reserved.**

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## ARTICLE V. RABIES CONTROL

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### **Sec. 5-501. Rabies Vaccination Required.**

1. It is the duty of all persons owning or keeping a dog or cat over the age of four (4) months to have such animals vaccinated against rabies. The rabies vaccination shall be administered by a licensed Veterinarian as required by state law. A rabies certificate from a licensed Veterinarian shall be accepted as evidence of vaccination.
2. It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of rabies vaccination upon demand by the Director or by any Animal Control Officer.
3. A current rabies tag shall be securely affixed to the collar or harness of all dogs and cats and shall be worn by all dogs and cats. However, a rabies tag will not be accepted as proof for current rabies vaccine unless verified by the matching certificate.

(Ord. 2023-528, eff. 2023-May-25; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### **Sec. 5-502. Rabies Quarantine Area.**

Any dog, cat or other animal capable of carrying rabies which has bitten a person and punctured the skin, shall be confined and observed for a period of ten (10) days from the date of the bite at the Aztec Animal Shelter located at 825 Sabena St., Aztec NM 87410, or a Veterinary Hospital, or an approved fenced in area, kennel or cage.

(Ord. 2023-528, eff. 2023-May-25; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

**Secs. 5-503 to 5-600. Reserved.**

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## ARTICLE VI. DANGEROUS ANIMALS

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### Sec. 5-601. Dangerous Animals.

1. It is conducive to the promotion of the health and general welfare of the inhabitants of this city to require permits for dangerous dogs, and to establish regulations for the proper containment of the dogs.
  2. No person shall keep or harbor a dangerous animal within the city limits without a permit;
  3. Nor allow it to be at large within the city limits.
  4. Exceptions:
    - (1) The dog was used by a law enforcement official for legitimate law enforcement purposes;
    - (2) The threat, injury or damages was sustained by a person or domestic animal who was:
      - (a) Trespassing upon premises occupied by the owner or the dog;
      - (b) Provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or
      - (c) Committing or attempting to commit a crime; or
    - (3) The dog was:
      - (a) Responding to pain or injury;
      - (b) Protecting itself or its offspring; or
      - (c) Protecting or defending a human being or domestic animal from attack or assault.
- (Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

### Sec. 5-602. Permit Requirements.

1. A dangerous dog permit shall be required for each property where dangerous dogs are to be kept. Procedures for permit application, inspection of property, and issuance of dog identification tags will be established by the Director.
2. Permit applications shall include the following information:
  - (1) The owner name, address and telephone number of the property where dangerous dogs are to be kept;
  - (2) The name, address and telephone number of alternate contact who can be reached at any time during the day or night;



- (3) The location where the dog or dogs are to be housed on the property; and
  - (4) Any other information that the Director deems necessary by rule and regulation. Permit holders shall notify Animal Care and Control if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.
3. All dogs deemed dangerous by Animal care and Control will be spayed or neutered before any permits are issued.
  4. The Director or the designee shall inspect the property where the dangerous dog is to be housed when the dangerous dog permit is applied for and when it is renewed.
  5. If the inspection reveals that all the requirements are met, a fee (as established in Article V of Chapter 16 – Fee Schedule) shall be paid and a dangerous dog permit and special dangerous dog identification tags for the approved dog shall be issued by Animal Care and Control. The permit shall be displayed at the approved property and an identification tag shall be affixed to the collar of each dog.
  6. The dangerous dog permit shall be valid for one (1) year and must be renewed annually within thirty (30) days after the renewal date.
  7. Whenever there is a dangerous dog on the premises, the standards of this subsection, in addition to the other requirements and regulations, shall be complied with, as follows:
    - (1) Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house dangerous dogs.
    - (2) All gates and entrances to the area where the dangerous dog is housed shall be locked when not in use.
    - (3) Additional measures found necessary by the Director shall be taken to protect the public from accidental contact with any dangerous dog.
    - (4) Where dangerous dogs are kept outside, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the director.
    - (5) In order to control noise, the director may require a sight barrier which breaks the dog's line-of-sight.
    - (6) Where dangerous dogs are housed inside, exterior glass must be adequate, or additional protective measures must be taken by the owner, as required by the Director, to prevent the dog from jumping through it.
    - (7) The building and yard in which a dangerous dog is housed must be posted with bilingual, English and Spanish, or visual dangerous dog signs, approved by the director that shall not be more than two hundred feet (200') apart, and shall be at all property comers and at every entrance into the area

(8) For dangerous dogs that are transported in vehicles, measures prescribed by rule and regulation of the Director must be taken to protect the public from accidental contact with a dangerous dog.

(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

**Secs. 5-603 to 5-700. Reserved.**

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## ARTICLE VII. PERMITS

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### DIVISION 1. IN GENERAL

#### **Sec. 5-701. Expiration of All Permits.**

1. Permits shall expire one year after the date of issuance of the permit. An application for renewal shall be filed with Animal Care and Control 30 days before the date of expiration.
2. Failure to renew permits as specified shall result in the expiration of the permit or in the assessment of a late fee in addition to the cost of renewing the permit, as established in Article V of [Chapter 16 – Fee Schedule](#).

(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-702. Transferability of Permits.**

No permit is transferable from one person or place to another person or place.

(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Sec. 5-703. Notice of Changes.**

A permit holder shall notify Animal Care and Control of any changes which may affect the status of the permit and shall keep Animal Care and Control informed of all changes in name, location, address, home and business telephone number, of the site and activities covered by the permit.

(Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

#### **Secs. 5-704 to 5-720. Reserved.**

## **DIVISION 2. INTACT ANIMAL**

### **Sec. 5-721. Permit Required.**

1. No person may own or harbor an Intact Animal within the city limits of Aztec, unless the owner of said animal has acquired a permit from Animal Care and Control.
2. The Intact animal permit does not allow for breeding of any animals. A Breeder permit must be purchased separately if that is the intent for the animal.
3. The intact animal permit would only be issued in instances where your veterinarian could issue, in writing that by reason of the animal's age or health condition that spaying or neutering would be detrimental to the animal's health or that the animal is incapable of reproduction.
4. Animals that spend the majority of their life at the end of a restraint device (more than 4 hours a day); no permits will be granted for those animals.
5. The owner must pay the permit fee as established in Article V of [Chapter 16 – Fee Schedule](#).  
(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18)

### **Sec. 5-722. Permit Revocations.**

1. An Intact Animal Permit will be revoked immediately and the owner will be required to get the animal spayed or neutered if one of the following violations occurs:
  - (1) The animal is impounded for being at large after receiving the permit.
  - (2) The animal is at large after receiving the permit
  - (3) There is a reported bite by the permitted animal.
  - (4) There is a reported unprovoked attack upon another animal
  - (5) The animal was reported to be chasing livestock.  
(Ord. 2014-436, eff. 2014-Mar-18)

### **Sec. 5-723 Repeal of Decision.**

If any affected party wishes to appeal the Animal Care and Control Director's decision regarding a permit, the party may request a hearing before the City Commission. A written request for hearing must be filed at the Office of the City Clerk within five days of receipt of the Animal Care and Control Director's decision.  
(Ord. 2014-436, eff. 2014-Mar-18)

### **Secs. 5-724 to 5-730. Reserved.**

### **DIVISION 3. MULTIPLE ANIMAL PERMIT**

#### **Sec. 5-731. Limit on the Number of Dogs and Cats.**

1. It is unlawful for any person to be the owner of, to keep, to or to assist in keeping more than five (5) dogs, cats, or any combination of dogs and cats, in the City except in conformance with a Multiple Animal Permit issued under this section.
2. A Multiple Animal Permit may be issued by Animal Care and Control for the keeping of up to ten (10) dogs, cats, or combination under the following conditions:
  - (1) The applicant for the permit must show a plot plan of the premises where the animals are to be kept; identify the numbers of cats and dogs which are proposed to be kept, including the numbers of which are to be kept predominantly indoors and which are to be kept predominantly or entirely outdoors; and identify the number and approximate location of any outdoor shelters on the premises.
  - (2) In a residential zone, the area of the permitted site shall be limited to 10% of the total area of the premises.
  - (3) Within the area of the permitted site there will be:
    - (a) 75 square feet of area shall be provided for each animal weighing under 30 pounds;
    - (b) 100 square feet for each animal weighing between 30 and 49 pounds; and
    - (c) 125 square feet for each animal weighing 50 pounds or more.
3. Payment of the permit fee per year as established in Article V of [Chapter 16 – Fee Schedule](#).
4. Each animal must be spayed or neutered and must be current on rabies vaccinations as prescribed by State Law.
5. No person or household will be issued a permit for more than four (4) wolf hybrids, coyote hybrids or any combination thereof
6. The holder of a kennel permit understands that Animal Control will make random inspections with a 48 hour notice.
7. Each holder of a kennel permit shall comply with all provisions of this Chapter and shall keep the premises for which the permit is issued free from any obnoxious, offensive, or unsanitary condition.

(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18)

**Sec. 5-732. Revocation of Permit.**

1. Any permit issued under this section will be revoked if any if any the following conditions exist:
  - (1) The permitted has violated any ordinances of this Chapter or New Mexico laws relating to the keeping, care or use of any animal;
  - (2) The permitted has failed to pay the fee as established in Article V of [Chapter 16 – Fee Schedule](#);
  - (3) The permitted refuses to allow inspection, on forty-eight (48) hours written notice, of any animal covered by the permit or the premises in which the animal is kept.  
(Ord. 2014-436, eff. 2014-Mar-18)

**Sec. 5-733 Repeal of Decision.**

If any affected party wishes to appeal the Animal Care and Control Director's decision regarding a permit, the party may request a hearing before the City Commission. A written request for hearing must be filed at the Office of the City Clerk within five days of receipt of the Animal Care and Control Director's decision.  
(Ord. 2014-436, eff. 2014-Mar-18)

**Secs. 5-734 to 5-740. Reserved.**

**DIVISION 4. BREEDER PERMIT**

**Sec. 5-741. Breeder Permit Required.**

1. No owner of any dog or cat within the City limits shall cause or allow the dog or cat to breed without first obtaining a Breeder Permit.
2. Animal Care and Control shall administer a permit program to allow the breeding of cats and dogs consistent with the terms set forth in this Article.
3. The payment of a breeding permit fee per year as established in Article V of [Chapter 16 – Fee Schedule](#).
4. A permit may be issued by Animal Care and Control to any person involved in controlled breeding of dogs and cats which are registered with:
  - (1) AKC – American Kennel Club
  - (2) CFA – Cat Fanciers Association
5. All dogs or cats intended for breeding shall be current on all vaccinations including rabies as prescribed by state law.

6. All breeding permits shall contain the following terms and conditions and shall be subject to all of the following requirements:
  - (1) No offspring of the animal which has been bred may be sold or given away until the offspring has reached the age of at least eight (8) weeks and been immunized against common diseases.
  - (2) If within one year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found within six (6) months, the permit holder shall accept return of the animal if healthy, and shall become fully responsible for its care.
  - (3) Any breeding permit holder advertising to the public the availability of any animal for adoption or sale shall prominently display the holder's breeding permit number. The permit holder shall also provide the permit number to any person to whom any animal is sold or adopted.
  - (4) Within the area of a Breeder Permit site there will be:
    - (a) 75 square feet of area shall be provided for each animal weighing under 30 pounds;
    - (b) 100 square feet for each animal weighing between 30 and 49 pounds; and
    - (c) 125 square feet for each animal weighing 50 pounds or more.
    - (d) Sufficient area for birthing such as whelping box, and a quiet, private area.
  - (5) Animal Care and Control shall have the right to inspect the areas used by any breeding permit holder for the keeping of animal offspring, to determine compliance with the provisions of this Article.  
(Ord. 2023-528, eff. 2023-May-25; Ord. 2014-436, eff. 2014-Mar-18)

#### **Sec. 5-742. Enclosure for Breeding Animals.**

It is unlawful for any person to let any female animal breed to any male animal, except within an enclosure so arranged as to obstruct the animals completely from the view of all who have no proprietary interest in the breeding of the animals.  
(Ord. 2014-436, eff. 2014-Mar-18)

#### **Sec. 5-743. Restrictions.**

An owner shall not advertise sell, barter, exchange or give away any dog or cat within municipal boundaries unless the breeder permit number is displayed legibly. An owner shall furnish the breeder permit number to any prospective recipient requesting the number.  
(Ord. 2014-436, eff. 2014-Mar-18)

**Sec. 5-744. Revocation of Permit.**

1. Any permit issued under this section will be revoked if any if any the following conditions exist:
  - (1) The permitted has violated any ordinances of this Chapter or New Mexico laws relating to the keeping, care or use of any animal; or
  - (2) The permitted has failed to pay the fee as established in Article V of [Chapter 16 – Fee Schedule](#); or
  - (3) The permitted refuses to allow inspection, on forty-eight (48) hours written notice, of any animal covered by the permit or the premises in which the animal is kept.  
(Ord. 2014-436, eff. 2014-Mar-18)

**Sec. 5-745 Repeal of Decision.**

If any affected party wishes to appeal the Animal Care and Control Director's decision regarding a permit, the party may request a hearing before the City Commission. A written request for hearing must be filed at the Office of the City Clerk within five days of receipt of the Animal Care and Control Director's decision.  
(Ord. 2014-436, eff. 2014-Mar-18)

**Secs. 5-746 to 5-800. Reserved.**



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## ARTICLE VIII. SPAY AND NEUTER

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### **Sec. 5-801. Mandatory Spay and Neuter.**

No person shall own or harbor within the City of Aztec any cat or dog over the age of three (3) months which has not been spayed or neutered, unless:

1. That person holds either an Intact Animal Permit or a Breeders Permit for breeding cats or dogs issued under [Article VII of this Chapter](#); or
2. A veterinarian has certified, in writing, that by reason of the animal's age or health condition that spaying or neutering would be detrimental to the animal's health or that the animal is incapable of reproduction.

(Ord. 2018-470, eff. 2018-May-01; Ord. 2014-436, eff. 2014-Mar-18; Ord. 2007-344, eff. 2007-Apr-03)

# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** BUSINESS ITEM (D)  
**AGENDA TITLE:** Intent to Adopt Ordinance 2024-553 Amending Chapter 1  
Mandatory Fines

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**ACTION REQUESTED BY:** Animal Care & Control  
**SUMMARY BY:** Tina Roper

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## PROJECT DESCRIPTION / FACTS

Annually Animal Care and Control reviews Chapter 5 Animals chapter of the City Code.

Discussions with Community Development raised conflicts between Chapter 26 Land Use and Chapter 5 Animals with regards to animal regulations within the City Code. Staff determined that it was more appropriate to have animal regulations all within Chapter 5 to avoid conflicts with Chapter 26 Land Use.

With the modifications to Chapter 5 regulations, Mandatory Penalty and Fees of Chapter 1 needed to be amended to accommodate changes within Chapter 5.

## PROCUREMENT / FISCAL IMPACT

None

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**SUPPORT DOCUMENTS:** Ordinance 2024-553

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Intent to Adopt Ordinance 2024-553 Amending Chapter 1 Mandatory Fines

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**City of Aztec**  
**Ordinance 2024-553**  
**An Ordinance Amending Sec. 1-12. Mandatory Penalty and Fees of Chapter 1**

**WHEREAS**, the animal references within the Chapter 26 Land Use regulations are being removed; and

**WHEREAS**, those animal references are being incorporated into Chapter 5 Animals; and

**WHEREAS**, fines for said animal code needs to be updated within Chapter 1, Section 12 Mandatory Penalty and Fees.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico, that the Intent to Adopt Ordinance 2024-553, be adopted as attached.

**PASSED, APPROVED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 2024 and to become effective July 1<sup>st</sup>, 2024.

\_\_\_\_\_  
Michael A. Padilla, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk CMC

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

Advertised Date of Final Adoption: \_\_\_\_\_

Effective Date of Ordinance: \_\_\_\_\_

# Chapter 1

## Sec. 1-12. Mandatory Penalty and Fees; Disposition and Use of Fees.

1. Mandatory Penalty. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance shall be as follows:

- (1) Except for those violations of ordinances described in subsections 1-2 and 1-3 of this section, a fine of not more than five hundred dollars (\$ 500.<sup>00</sup>) or imprisonment for not more than ninety (90) days or both;
- (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$ 999.<sup>00</sup>) or imprisonment for not more than one hundred seventy-nine (179) days or both; and
- (3) For violations of a industrial user waste-water pretreatment ordinance as required by the United States Environmental Protection Agency, a fine of not more than nine hundred and ninety-nine dollars (\$ 999.00) a day for each violation.  
(Code 2007, 1-12-1)

2. Specific Penalty Schedule. A fine schedule for specific penalties.

(3) *Animals*. In reference to [Chapter 5](#).

Citing	Title	Appearance Required	Fine Amount
5-223	Unauthorized Removal of Animals	No	\$ 100
5-235	Failure to Return Adopted Animal for Spay/Neuter Surgery	No	\$ 200
5-301	Liability of Damages Caused by Animal	Yes	Set at Hearing
5-302	Restraint Devices	No	\$ 150
5-303	Identification Required	No	\$ 65
5-401	Interference with Animal Control Officer	Yes	Set at Hearing
5-402	Service Animals Trained to Assist	No	\$ 300
5-403	Fraudulent Use of Rabies and License Tags	No	\$ 100
5-421	Inhumane Treatment of Animals	Yes	Set at Hearing
5-422	Foot hold Traps Prohibited	Yes	Set at Hearing
5-431	Animals At Large		
	1 <sup>st</sup> Offense	No	\$ 100
	2 <sup>nd</sup> Offense	No	\$ 150
	3 <sup>rd</sup> Offense	No	\$ 200

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>
	4 <sup>th</sup> Offense	No	Set Hearing
5-432	Animals Disturbing the Peace		
	1 <sup>st</sup> Offense	No	\$ 100
	2 <sup>nd</sup> Offense	No	\$ 150
	3 <sup>rd</sup> Offense	No	\$ 200
	4 <sup>th</sup> Offense	No	Set at Hearing
5-433	Animal Defecation: Clean-Up	No	\$ 100
5-441	Sale Or Gift of Animals	No	\$ 200
5-442	Animals On Unenclosed Premises		
	1 <sup>st</sup> Offense	No	\$ 100
	2 <sup>nd</sup> Offense	No	\$ 150
	3 <sup>rd</sup> Offense	No	\$ 200
	4 <sup>th</sup> Offense	No	Set at Hearing
5-443	Unlawful Retention Of Strays	No	\$ 75
5-444	Poultry		
	1 <sup>st</sup> Offense	No	\$ 100
	2 <sup>nd</sup> Offense	No	\$ 150
	3 <sup>rd</sup> Offense	No	\$ 200
	4 <sup>th</sup> Offense	No	Set at Hearing
<b>5-445</b>	<b>Limit Number of Animals</b>	<b>No</b>	<b>\$ 100</b>
5-501	Rabies Vaccination Required	No	\$ 75
5-601	Dangerous Animal	Yes	Set at Hearing
5-721	Intact Animal Permit Required	No	\$ 250
5-731	Limit on the Number of Dogs and Cats (Multiple Animal Permit Required)	No	\$ 250
5-741	Breeder Permit Required	No	\$ 250
5-742	Enclosure for Breeding Animals	No	\$ 50
5-801	Mandatory Spaying and Neutering	No	\$ 250

(Ord. 2024-545, eff. 2024-July-1; Ord. 2023-529, eff. 2023-May-31; Ord. 2018--485, eff. 2019-Jan-13; Ord. 2018-472, eff. 2018-May-01; Ord. 2014-438, eff. 2014-Mar-18)

# Staff Report

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**MEETING DATE:** April 23, 2024  
**AGENDA ITEM:** Liquor License Hearing (A)  
**AGENDA TITLE:** 550 Pizzeria LLC Liquor License Hearing

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**ACTION REQUESTED BY:** Michael Grinnell, Owner  
**SUMMARY BY:** Karla Sayler

## PROJECT DESCRIPTION / FACTS

- The City of Aztec has received the attached certified letter from the New Mexico Regulation and Licensing Department indicating their conditional preliminary approval for a new restaurant liquor license for 550 Pizzeria.
- 550 Pizzeria is located at 119 N. Main, Aztec NM and is within 300 feet of a church.
- The State requires a public hearing to be held within forty-five (45) days after the City receives notice from the Division of Alcohol & Gaming Division (notice received March 18, 2024). The public hearing notice was published in the Tri-City Record NM on March 29, 2024, and April 5, 2024)

## PROCUREMENT / FISCAL IMPACT

None

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**SUPPORT DOCUMENTS:**

- Letter from The State Office
- State Liquor License Application

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**DEPARTMENT'S RECOMMENDED MOTION:** MOVE to Approve the New Liquor License for 550 Pizzeria located at 119 N. Main Ave., Aztec NM

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Rec'd  
3-18-24

March 13, 2024

Certified Mail No.: 7021 2720 0001 2204 9003

**City of Aztec**

% Karla Sayer, Clerk  
201 West Chaco  
Aztec, NM 87410

Name of Applicant: 550 Pizzeria LLC  
Doing Business As: 550 Pizzeria  
Proposed Location: 119 N. Main Ave., Aztec, NM 87410

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Conditional Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

**Notice of the Public Hearing** required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;





ABC has no preference in the option you choose.

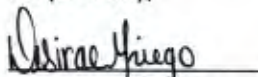
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

**The Applicant is seeking a Restaurant A Liquor License. APPLICANT IS REQUESTING A WAIVER AS THE PREMISES IS LOCATED WITHIN 300 FT OF THE NEAREST CHURCH.**

**Within thirty (30) days** after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



**Desirae D. Griego**

Admin Law Judge | Hearing Officer  
NM Regulation & Licensing Department  
Alcoholic Beverage Control Division  
Phone: (505) 476-4552 Fax: (505) 476-4595  
Email: Desirae.Griego@rld.nm.gov

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement







**NMRLD**  
NEW MEXICO  
REGULATION &  
LICENSING DEPARTMENT

NOV 3 2021

STATE OF NEW MEXICO  
MICHELLE LUJAN GRISHAM, GOVERNOR  
Linda M. Trujillo, Superintendent  
Andrew Vallejos, Director

**Restaurant Liquor License Application | \$200.00** Application Fee, non-refundable

ABC USE ONLY: Application Fee \$200.00 Received on: 9-28-23 Receipt No. \_\_\_\_\_  
License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Application Number: \_\_\_\_\_ Local Option District: Artec

**TYPE of APPLICATION:** *Check appropriate box*

- Restaurant A | Beer & Wine only | License Fee, pro-rated, due at final: \$1,050.00
- Restaurant B | Beer, Wine & Spirits | License Fee, pro-rated, due at final: \$10,000.00

**Applicant is:**  Individual  Limited Liability Company  Corporation  Partnership (General/Limited)

Applicant /Company Name: 550 Pizzeria LLC

D/B/A Name: 550 Pizzeria

Email: (required) 550pizzeria@gmail.com Business Phone No: 505-636-2261

Mailing Address: 119 N. Main Ave Artec, New Mexico 87410

Physical location, if different: \_\_\_\_\_

County: San Juan (Include Street number / Hwy number / State Road, City, State, and Zip Code)

Are alcoholic beverages currently being dispensed at the proposed location?  Yes  No If Yes, License #/Type: \_\_\_\_\_

As defined in §60-3A-3. V. "Restaurant", means an establishment having a New Mexico resident as a proprietor or manager ... as a place where food is prepared and served primarily for on-premises consumption to the general public in consideration of payment and that has a dining room, a kitchen and the employees necessary for preparing, cooking and serving food: ... does not include establishments as defined in rules promulgated by the director serving only hamburgers, sandwiches, salads and other fast foods:

I qualify as a "Restaurant"?  Yes  No

Is food service the primary source of revenue and accounts for 60% or more of the total gross receipts at current licensed premises?  Yes  No

Is Food Service Permit current?  Yes, attached  No

I have attached photos of the Dining Room and Kitchen and included a copy of the Menu.  Yes  No

Days and Hours of Operation? Monday-Saturday 11am -> 9 pm

I understand that a restaurant license requires that the establishment is not a bar-like setting and the hours for sales and/or service of alcoholic beverages are only from 7:00am to 11:00pm or until food sale and service ceases, whichever is earlier?  Yes  No

Contact Person: Michael Grinnell Phone #: 586-596-5261 Email: 550pizzeria@gmail.com





Application No. For 550 Pizzeria LLC

You must sign before a Notary Public.

I, (print name) Michael Grinnell, as (Title) Owner  
being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Signature of Applicant: [Signature] Date: 10/30/23

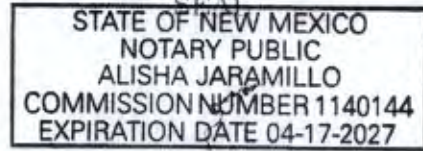
**Notary Public Use Only:** (State of New Mexico, County of San Juan)

SUBSCRIBED AND SWORN TO before me this 30th day of October, 2023

By Affiant: Alisha Jaramillo

Notary Public: [Signature]

My Commission Expires on: 4/17/27



**Local Option District Use Only:**

Local Governing Body of \_\_\_\_\_ City, County, Town, Village

Public Hearing held on \_\_\_\_\_ 20\_\_\_\_ Decision:  Approved  Disapproved

Signature of Official: \_\_\_\_\_ Title: \_\_\_\_\_

**ABC USE ONLY:**

APPROVED  DISAPPROVED, \_\_\_\_\_

Done this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED BY DIRECTOR: \_\_\_\_\_

**ASSIGNED LICENSE NO.** \_\_\_\_\_ **EXPIRES ON:** \_\_\_\_\_

Reviewed, with copy sent to Licensee via  Email,  Fax,  1<sup>st</sup> class mail

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





1. The land and building which is proposed to be the licensed premises is: (check one)

Owned by Applicant, copy of deed/document attached

Leased by Applicant, copy of lease/document attached

Other (provide details): \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Ran Trujillo

B. Date and Term of Lease: 8/21/23 1 year

3. Premises location is Zoned (example C-1, see Zoning Statement): \_\_\_\_\_

Zoning Statement attached,  Yes  No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Aztec Methodist Church Miles/feet: 248.4 ft.

Address/location of Church: 123 E. Chaco St. Aztec, NM 87410.

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Echo Aztec Pre-School Miles/feet: 705.9 ft.

Address/location of School: 322 N. Main Ave. Aztec, NM 87410.

6. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

7. Type of Operation:  Hotel  Lounge  Package Grocery  Racetrack

Restaurant  Craft Distiller  Small Brewer  Winery  Wholesaler

Other (specify): \_\_\_\_\_

\*NOTE: If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.





Mayor  
Michael A. Padilla Sr.

Mayor Pro-Tem  
Kenneth B. George



Commissioners  
Austin R. Randall  
Colby L. King  
Jim Crowley

September 19, 2023

New Mexico Regulations and Licensing Department  
Alcoholic Beverage Control Division  
P.O. Box 25101  
Santa Fe, NM 87504-5101

**Re: 550 Pizzeria - 119 N Main Ave, Aztec, NM**

To whom it may concern,

The property outlined in blue is located within the City of Aztec's C-1, Limited Retail/ Neighborhood Commercial District. Retail sales of alcohol are allowed use within the C-1 zoning district, pursuant to COA Sec. 26-2-61. Enclosed within this zoning letter is a zoning map of the subject property and link the City of Aztec Land Use Regulations. Please feel free to contact the Community Development Department at (505)334-7605, should you have any questions or concerns.

Kind regards,

  
Andrew DiCamillo

Community Development Director  
City of Aztec



Legend

C-1

Address

<http://www.aztecnm.gov/citycode/chapter26-landuse.pdf>