



ZONING ORDINANCE 2010-1 TOWN OF COCHITI LAKE

ASSEMBLY APPROVED, MAY 27, 2010

MAY 27, 2010

Zoning Board of Adjustment Approval, April 27, 2010

Second Approval by Zoning Board of Adjustment, May 17, 2010

Jim Hamilton, Chair
Mary Jean Linville
Raymond Sandor
Diane Burchard
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DOCUMENT MODIFICATIONS

DATE	PERSON	REASON
June 21, 2016	David Craig [board chair]	Added Change #6 (see page 5) Added Misc. Related Documents (see page 6)



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**TOWN OF COCHITI LAKE
BOARD OF ZONING ADJUSTMENT**

NEW MEXICO

ZONING ORDINANCE 2010-1

INCLUDES CHANGES AS OF MAY 26, 2016

Pursuant to the authority as written or amended of the New Mexico Statutes, annotated or unannotated, concerning the construction and registration of real property, and the authority conveyed to the Town Assembly of the Town of Cochiti Lake, New Mexico, a political subdivision of the Pueblo de Cochiti, and the authority of the Pueblo de Cochiti, the Town of Cochiti Lake does ordain the following:



ARTICLE I. GENERAL PROVISIONS

Section 1.1 Short Title

These regulations shall be known as the Zoning Ordinance of the Town of Cochiti Lake and may be referred to by that title, or as the "zoning regulations," or as "this Ordinance."

Section 1.2 Purposes

In order to promote and protect the public health, safety, peace, comfort and convenience, and to guide, control and regulate growth, development and maintenance of the Town of Cochiti Lake in accordance with the Master Lease, Town Charter, Protective Covenants, and General Development Plan; to lessen congestion in the streets and public ways; to facilitate development in accordance with the unique natural ecology and character of the land; to provide adequate light, air, privacy and convenience of access to property within the Town of Cochiti Lake; to secure safety from fire, flood waters, panic and other dangers; and to prevent the overcrowding of lands; the Town Assembly does ordain and enact into law the following zoning ordinance.

Section 1.3 Applicability

In applying the provisions of this Ordinance, the regulations shall be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare of the residents.

This Ordinance is not intended to abrogate, annul or impair any easement, covenant or other agreement between parties, except that where this Ordinance imposes a greater restriction, covenant or agreement, the restrictions and standards of this Ordinance shall control.

Section 1.4 Conformity

All buildings, structures and improvements or portions thereof, or use of such buildings or land, shall conform to the provisions of this Ordinance.

Section 1.5 Rules of Ordinance

This Ordinance shall be liberally construed to effectuate its intended purpose. No act, determination or procedure shall be invalidated by an error, irregularity or omission therein if the error, irregularity or omission does not adversely and substantially affect the rights of any private person or public agency.

The provisions of this Ordinance shall be severable in any article, section, paragraph, sentence, clause, phrase, word or provision of this Ordinance or the application thereof in any circumstance or to any private person or public agency if for any reason held invalid by a court of competent jurisdiction. Such decision shall not affect the validity of the remainder of this Ordinance or the application thereof in other circumstances or to other private persons or public agencies.

If the application of any provision or provisions of this Ordinance to any lot, parcel of land or uses thereof or improvements located thereon is found to be invalid or ineffective in whole or in part by any court of competent jurisdiction, the effect of such decision shall be limited to the property immediately involved in the controversy, and the application of any such provision to other properties and situations shall not be affected.



The Town Assembly hereby declares that it would have passed this Ordinance and each provision and section thereof, irrespective of the fact that any one or more of such provisions or sections be declared invalid.

Section 1.6 Statement of Scope and Intent

Unless otherwise stated, the regulations and standards contained in this Ordinance shall be the minimum requirements for the promotion and protection of the public safety, health and the general welfare.

Any Town Ordinance which is more restrictive must be appended hereto as an amendment to this Ordinance.

Section 1.7 Definitions

The definitions contained in this section govern the construction of this Ordinance, unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof. The words "shall" and "will" are mandatory and not directory. The word "include" is not intended to exclude from any category instances not listed. The word "Town" shall mean the Town of Cochiti Lake, New Mexico. The words "Town Assembly" and "Assembly" shall mean the Town Assembly of the Town of Cochiti Lake. The words "Board of Zoning Adjustment" and "Board" shall mean the Board of Zoning Adjustment appointed by the Town Assembly.

The following definitions govern this Ordinance, unless the context otherwise requires:

<u>Accessory Structure:</u>	A structure on a lot, other than a main or permitted building, which conforms to the standards applicable for the zoning district in which the structure is situated. An accessory structure is incidental and subordinate to the principal use of a lot or structure and must be located within the boundaries and setbacks of the lot on which the main building sits.
<u>Accessory Use:</u>	A use necessary to the operation or enjoyment of a lawfully permitted use when located on the same lot.
<u>Appropriate Official:</u>	An official of the Town of Cochiti Lake authorized or empowered by the Charter of the Town of Cochiti Lake, or any ordinance, rule or regulation adopted pursuant thereto to perform any duty or exercise any power to carry out the purposes of this Ordinance.
<u>Architectural Committee:</u>	A committee created to administer the restrictions and ensure high standards of development within the Town of Cochiti Lake as set forth in the document "Declaration of Protective Covenants." Members of this committee are appointed by the Executive Director of the Cochiti Community Development Corporation (CCDC), with the approval of the CCDC Board of Directors, and serve at their discretion.
<u>Block:</u>	The properties abutting on one side of a street and lying between the two nearest intercepting streets, or nearest intersecting or intercepting street and un-subdivided land.
<u>Board of Zoning Adjustment:</u>	A committee comprised of five (5) members, appointed by the Assembly of the Town of Cochiti Lake to administer the zoning powers delegated to the Town by the Town Charter.
<u>Boundary Lines:</u>	Lines that designate the limits of any district, lot, street or alleyway as shown on a Town of Cochiti Lake sectional map.
<u>Building:</u>	Any structure having a roof and used for the housing or enclosure of people, animals or property of any kind.
<u>Conditional Use:</u>	A use that may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Board of Zoning Adjustment.



**TOWN OF COCHITI LAKE
BOARD OF ZONING ADJUSTMENT**

NEW MEXICO

ZONING ORDINANCE 2010-1

INCLUDES CHANGES AS OF MAY 26, 2016

<u>Construction:</u>	Any installation, alteration, addition or demolition as provided in the State of New Mexico Construction Industries Licensing Act (CILA), 1978 NMSA 60-13-1 et. seq.
<u>Depth:</u>	The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.
<u>District:</u>	A portion of the Town of Cochiti Lake designated by its zoning district for specific permitted uses or conditionally permitted uses.
<u>Driveway:</u>	A private road, the use of which is limited to persons residing or working on the property assigned to the driveway and their invitees, licensees and visitors; that area which provides access to off-street parking or loading facilities.
<u>Dwelling Unit:</u>	One or more rooms which include at least one kitchen, one bathroom and one bedroom designed for or occupied by one (1) family. A "one family Dwelling Unit" is a building containing exclusively a single dwelling unit. A "one family Detached Dwelling" is a dwelling having a side yard on each side. A "Multiple Dwelling Unit" is a building containing two (2) or more dwelling units with each unit occupied by a family. For purposes of this definition, automobile trailers, RV's and temporary structures shall not be deemed dwellings.
<u>Family:</u>	An individual or two or more persons living as a single housekeeping unit. Unrelated persons are limited to four in a single-family dwelling unit.
<u>Fence/Wall:</u>	A barrier enclosing or bordering a field, yard or any area, usually made of posts and wire, wood, stone or stucco, used to prevent entrance, to confine or to mark a boundary.
<u>Floor Area:</u>	The total horizontal area in square feet on each floor within the interior walls of a structure, but not including the area of inner courts, shaft enclosures or exterior walls.
<u>Footprint:</u>	The total floor area of a building or buildings on a site, including basements, garages, portals, mezzanines, upper floors, and passageways as measured from the exterior faces of exterior walls.
<u>Frontage:</u>	The property line of a site abutting on a street, other than the side line of a corner lot. On a corner lot the frontage shall be calculated by using the narrowest width of the lot. On a through lot (one that has two or more lot lines separating the lot from a street that do not intersect to form a corner lot) the frontage shall be calculated by using such a lot line that serves as the primary access to the lot.
<u>Garage or Carport:</u>	An accessory structure or a portion of a main structure having a permanent roof and designed for the storage of motor vehicles.
<u>Greenbelt:</u>	An area of woods, parks, or open land within or surrounding a community. In this document most commonly refers to areas recognized as Cochiti tribal land such as vacant lots owned by the Pueblo de Cochiti and areas not subject to a sublease agreement within the Town of Cochiti Lake.
<u>Home Occupation:</u>	An occupation conducted in a dwelling unit.
<u>Lessee:</u>	A person or group that holds the lease of a property. For purposes of this Ordinance, "Lessee" refers to the Cochiti Community Development Corporation.
<u>Lessor:</u>	A person or group that leases property to another person or group. For purposes of this Ordinance, "Lessor" refers to the Pueblo de Cochiti.
<u>Lot:</u>	For zoning purposes, as covered in this Ordinance, a lot is a clearly defined piece of land of sufficient area and dimensions to meet the minimum zoning requirements for width, area, use and coverage, of the Zoning District in which it is located, and to provide such yards and other open spaces as are required herein. Such lot shall have frontage on a public street or on a private street approved by the appropriate official or appropriate officials of the Town of Cochiti Lake. Such lot may consist of all, portions, or combinations of lots of record, provided



that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. "Lot" shall include the words "plot" and "parcel."

Non-conforming Structure:

A structure which was erected prior to the adoption of this Ordinance, or any applicable amendment thereto, that does not conform with the standards of coverage, yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located.

Non-conforming Use:

A use of a structure, or land, which was approved prior to the adoption of this Ordinance, or any applicable amendment thereto, but which does not conform to the use regulations for the zoning district in which it is located.

Off-Street Parking:

A driveway, parking "pad" or a site, or portion of a site defined by lined spaces or signage clearly stating "Off-Street Parking" and devoted to the off-street parking of allowed motor vehicles.

One Ownership or Common Ownership:

Leasehold or sub-leasehold interest of a parcel or parcels of property or improvements located thereon or possession thereof under a contract to lease or to sublease by a person or persons, individually, jointly, in common or in any other manner whereby such property is under single or unified control.

Open Space (Useable):

An area or a series of areas on a lot that can be suitably utilized for recreation and outdoor living.

Open Space (Common):

A parcel or parcels of land within the Town of Cochiti Lake designed and intended for the use or enjoyment of residents of the Town. Common Open Space may contain such accessory structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and the public.

Permitted Uses:

A use that is allowed in a particular zoning district.

Person:

A natural person, corporation, firm, business trust, partnership, joint stock company, estate, trust, association, public agency or two or more persons having a joint or common interest.

Portal:

A porch or entrance, usually open on two or three sides, attached to a dwelling unit and covered by a roof supported by posts or columns.

Protective Covenants:

A sixteen-(16) point preamble to the Master Lease, recorded at the Pueblo de Cochiti on May 31, 1972, which establishes the authority of the Architectural Committee of CCDC and declares restrictions on the lots within the Town of Cochiti Lake. "Remedies" for the violation of these restrictions are defined in item number 12 of that document.

Public Agency:

Any agency, board, commission or department of the Town of Cochiti Lake, Sandoval County, the State of New Mexico or of the Pueblo de Cochiti or any administrative unit of the United States Government.

Recreational Vehicle:

A self-powered vehicle or a non-self-motive vehicle designed for human use or occupancy and equipped for recreational use.

Repair:

To restore to a good or sound condition after decay or damage resulting in no appreciable change in color, size or placement of any existing structure.

Sectional Map:

The surveyed area as shown on the map of the Town of Cochiti Lake.

Setback:

Minimum distance required between platted property lines and the front, rear, and sides of a structure.

Sign:

Any structure, part thereof or device or inscription which is located upon, attached to, or painted or represented on any land or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the



outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service business, profession, enterprise or industry.

<u>Sign Area:</u>	The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed, but including any sign tower.
<u>Site:</u>	A parcel of land, subdivided or unsubdivided, occupied or unoccupied, by a use or structure.
<u>Site Area:</u>	The total horizontal area included within the property lines of a site, including area subject to easements, but not including private streets or other rights of ways over which the public has a right of access, and not including area within the precise plan line of a future street.
<u>Street (public):</u>	A right-of-way dedicated to common and general use by the public, including any avenue, drive, boulevard, parkway, highway or similar way, and maintained by the Town, the County of Sandoval or the State of New Mexico.
<u>Street (private):</u>	A right-of-way or easement in private control, not dedicated to common and general use by the public, and not maintained as a public street.
<u>Structure:</u>	Anything constructed or erected which requires a location on the ground, including a building, or signs, but not including a swimming pool, a fence or a wall used as a fence. Any constructed or erected entity defined as a structure by the Covenants or Zoning Ordinance of the zoning district.
<u>Sublessee:</u>	A person who holds a sublease. For purposes of this Ordinance, "Sublessee" refers to individuals who have signed a sublease agreement with the Cochiti Community Development Corporation for a lot or lots within the lands known as the Town of Cochiti Lake.
<u>Swimming Pool:</u>	A pool, pond, lake or open lake capable of containing water to a depth greater than one and one-half feet at any point, the primary use of which is swimming or wading.
<u>Town:</u>	As used in this document, a political subdivision of the Pueblo de Cochiti known as the Town of Cochiti Lake and geographically identified as territory actually under lease to Lessee in accordance with the provisions of Section 3 of the Master Lease.
<u>Town Assembly:</u>	A five (5) member body of individuals elected by the residents of the Town of Cochiti Lake for the purpose of administering the Town Charter.
<u>Townhouse:</u>	A single-family dwelling attached to one or more other single-family dwellings and designed as a unit in an integral cluster of single-family dwellings.
<u>Use:</u>	The purpose for which land, premises or a structure is zoned.
<u>Use (Accessory):</u>	A use which is appropriate, subordinate and customarily incidental to the main use of the site and which is located on the same site as the main use.
<u>Variance:</u>	A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of actions of the applicant, a literal enforcement of this Ordinance would result in an unnecessary hardship. Financial gain or loss shall not be the determining factor in deciding a variance.
<u>Width:</u>	The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.



<u>Yard:</u>	An open space on the same site as a structure, unoccupied from the ground upward, including a front yard, side yard, rear yard or space between structures.
<u>Yard, Front:</u>	A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.
<u>Yard, Rear:</u>	A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.
<u>Yard, Side:</u>	A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.



ARTICLE II. DESIGNATIONS OF ZONING DISTRICTS

Section 2.1 Zoning Districts

In order to carry out the purposes and provisions of this Ordinance, the several classes of General Zoning Districts hereby established and into which the Town of Cochiti Lake is divided, are designated as follows:

<u>MAP SYMBOL:</u>	<u>DISTRICT DESIGNATIONS:</u>
R-1	Single Family Residential
R-T	Single-Family Townhouses
P	Public District
G-B	Greenbelt



ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 Zoning Maps

The designations, locations and boundaries of the districts established by this Ordinance shall be shown upon the zoning map of the Town of Cochiti Lake. The designations shall consist of a series of numbered sectional maps. If any uncertainty exists as to the boundary of any district as shown on the sectional maps, the following rules shall apply:

1. Where boundary lines are indicated as following streets and alleys, they shall be construed as following the center lines thereof.
2. Where boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
3. Where a boundary line divides a lot or crosses un-subdivided property, the location of such boundary shall be as indicated upon the zoning map using the scale appearing on the map(s).
4. Where a lot held in one (1) ownership is divided by zoning district boundary lines, the entire lot shall be construed to be within the less restricted zoning district.
5. Where further uncertainty exists, the Board of Zoning Adjustment, upon written application, or on its own motion, shall determine the location of a disputed boundary, after giving due consideration to the apparent indicated location and the scale of the zoning map and the express purposes of this Ordinance.

Zoning Map Incorporated herein: The zoning map of the Town of Cochiti Lake referred to in this section (3.1), the original of which is on file with the Town Clerk, together with all legends, symbols, notations, references and other matter shown thereon, is hereby incorporated as though fully set forth; and the designations, locations and boundaries of districts shall be as shown, subject to the provisions of Section 3.1 or any subsequent amendments that might affect Section 3.1.

Section 3.2 Conformity of Uses

Except as otherwise provided herein, land, buildings and premises in any zoning district shall be used only for the purposes listed as permitted in that zoning district and in accordance with the regulations established for that district.

An appropriate official of the Town of Cochiti Lake shall issue a permit to the effect that the use or proposed use of a building or premises conforms to the provisions of this and related ordinances and to the approval of the Architectural Committee of CCDC, prior to the occupancy of any building erected, enlarged or structurally altered, or where any vacant land is proposed to be occupied or used.



Section 3.3 Conformity of Buildings and Spaces

No building shall be constructed, reconstructed, enlarged, altered or relocated so as to have or result in a greater height, a higher proportion of lot coverage, a greater number of dwelling units, less required open space or less off-street parking space, than is permissible under the limitations set forth herein for the district in which such building is located.

No required open space or off-street parking space existing or provided hereafter on any building shall be reduced below the minimum requirements set forth in this Ordinance.

Section 3.4 Conformity of Lots

No lot shall be created or reduced so as to be smaller in dimension or area than allowed by this Ordinance under Section 7.5

No lot shall be created or reduced in relation to any building thereon so as to create a violation of any of the requirements of this Ordinance.

Section 3.5 Public Services

This Ordinance shall not limit or interfere with temporary use of any property as a public voting place, or with the construction, installation or operation by any public agency or private corporation of any street, of any utility pipe, conduit or sewer, for any power, transmission, communication, or transportation line, or of incidental appurtenances to any of the above when located in a street, alley or utility easement.



ARTICLE IV. RESIDENTIAL ZONING DISTRICTS

Section 4.1 Uses

The permitted uses and standards in Single-Family Residential Districts R-1 and R-T are intended to be applied in those areas to be developed for Single Family residences, buildings that contain exclusively single dwelling units. All lots shall be developed in accordance with Section 7.5 "Residential Site Requirements."

Section 4.2 Uses Subject to Approval

The following uses in single family residential districts, R-1 and R-T, shall be subject to approval of the Board of Zoning Adjustment, in accordance with the Covenants of the Master Lease and the enumerated uses in this Ordinance:

1. Temporary signs advertising temporary uses on the site.
2. Home occupations conducted in a dwelling unit, provided that:
 - a. Not more than two persons, other than members of a family residing on the premises, shall be regularly engaged in such occupation.
 - b. The use of the dwelling unit for any home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; this includes accessory buildings used in the conduct of the home occupation.
 - c. There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation.
 - d. Primary sale of goods in connection with such home occupation shall be that which is prepared or produced on the premises.
 - e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Parking for employees and for customers or clients of such home occupation shall be provided off the street and other than in a required front yard. The inability to provide for off-street parking, may, by itself, be grounds for denying home occupation.
 - f. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit.
3. Any permitted use in a G-B District.
4. Temporary structures and operations in connection with, and on the site of, building or land development, including grading, paving, installation of utilities, erection of structures for storage of equipment and building materials and other items. All such structures shall be completely removed within thirty (30) days after the completion or termination of such work.
5. Accessory uses and accessory structures in Single Family Residential Districts, provided they are in accordance with the standards enumerated in these Ordinances and the Protective Covenants.



ARTICLE V. GREENBELT DISTRICT

Section 5.1 Uses

This zoning district classification is intended to be applied in areas to be preserved in Open Space. The Town Assembly recognizes the importance of preserving areas within the Town of Cochiti Lake in their natural state and of preserving their natural beauty, and of providing natural areas integrally related to the developed areas of the Town.

Section 5.2 Prohibited Uses

1. In a Greenbelt Zoning District, no off-road motorized vehicle of any type shall be operated or used except as allowed for emergency vehicle use.
2. Horseback riding is prohibited in a Greenbelt Zoning District.



ARTICLE VI. PUBLIC DISTRICT

Section 6.1 Uses

This zoning district classification is intended to be applied in areas where the land is leased by the Town of Cochiti Lake or other public agency and is used for public or governmental purposes.

Section 6.2 Permitted Uses

The following are permitted uses in the zoning district P:

1. Libraries
2. Fire protection and central facilities
3. Town administration
4. Municipal maintenance facilities
5. Community gardens
6. Recreational use and exercise areas
7. Any other use or uses sponsored by the Town of Cochiti Lake or any public agency that are consistent with the purposes of this Ordinance and within the designated Public District zoning area (P).



ARTICLE VII. GENERAL ZONING STANDARDS

Section 7.1 Construction Standards

The purpose of this section is to promote the general welfare of the residents of the Town of Cochiti Lake and the general public by providing for the protection of their lives, property, and economic well-being against substandard or hazardous construction, alteration, installation, connection, demolition or repair work. Further, this section will prescribe the minimum qualifications of contractors doing work within the Town, as well as standards of construction, in order to ensure that all construction located within the Town equals or exceeds recognized standards of building construction. These construction standards include the following:

1. The Declaration of Protective Covenants, dated May, 1972, shall prevail in all sections of this Ordinance. These Covenants describe "Restrictions" which run with the lots and apply to all sublessees of record and their executors, administrators, heirs at law, successors and assigns.
2. All construction shall be according to the provisions of Title 14 of the currently adopted New Mexico Administrative Code, which includes the latest editions of the following codes: the Uniform Building Code as published by the International Conference of Building Officials; the New Mexico Building Code; the National Electrical Code as adopted by the State of New Mexico Electrical Board; and the New Mexico Plumbing and Natural Gas Codes. The regulations shall be modified to incorporate amendments and additions to these codes as they are made and recognized in New Mexico.
3. All construction permits shall be issued to appropriately licensed persons as provided in the Construction Industries Licensing Act, 1978 NMSA 60-13-1 et. seq. and Title 14 of the New Mexico Administrative Code. A Homeowner's Permit or any other permit allowed by law, rule or regulation of the Construction Industries Division of the State of New Mexico may be issued as provided in Section 60-13-3.D of the New Mexico Construction Industries Licensing Act or the Construction Industries Division of Rules and Regulations.
4. All new home construction requires the written approval of the Architectural Committee of CCDC and the Cochiti Lake Board of Zoning Adjustment.

Section 7.2 Building Permits

The following Building Permit Regulations apply within the Town of Cochiti Lake:

1. Approval from the Architectural Committee of CCDC and the Cochiti Lake Board of Zoning Adjustment must be obtained prior to the start of any and all construction. Information/Procedure packets are available from the Town of Cochiti Lake Administrative Offices, 6515-A Hoochaneetsa Blvd, Cochiti Lake, NM 87083.
2. A building permit must be issued by the State of New Mexico Construction Industries Division before construction on any building is allowed to begin.
3. Submittal documents for approval shall include, but not be limited to, two (2) copies of the site and plot plan indicating the positioning of the structure, clearance of all lot lines, location of existing sewer and underground electrical lines, all external elevations, all structural details stamped and signed by a licensed structural engineer, and a fee in the amount of \$100.00 for review.



4. Submittal documents shall be delivered to the Town Clerk. The Town Clerk shall forward all documents to the Board of Zoning Adjustment for review. A written approval form, signed by at least three members of the Zoning Board, including the chairman, will be provided to the applicant, if approved. If not approved, a written explanation of the reason(s) for disapproval and the corrective measures needed, will be provided the applicant.
5. Zoning Board of Adjustment will respond to submittals within 30 days.
6. In the event any construction is started without a permit having been issued by the Architectural Committee, the Board of Zoning Adjustment, or the Construction industries Division of the State of New Mexico, no work will be allowed to continue until approvals and permits are obtained and an additional fee of \$200.00 is remitted to the Town Clerk.
7. Failure to comply with sections 7.1 or 7.2 shall result in the refusal, by the Board of Zoning Adjustment of the Town of Cochiti Lake, to issue building permits to the non-complying contractor/owner until all deficiencies have been corrected and unpaid fees, taxes, or other monies owed the Town have been paid.

Section 7.3 Alterations

The following regulations apply to any alterations to property within the Town of Cochiti Lake:

1. Approval from the Architectural Committee of CCDC must be obtained prior to the start of any and all construction which will in any way result in greater height, a higher proportion of lot coverage, alteration of existing structural configuration, or increase the living space in any existing building.
2. Approval from the Cochiti Lake Board of Zoning Adjustment must be obtained prior to the start of any and all construction which will in any way result in greater height, a higher proportion of lot coverage, alteration of existing structural configuration, or increase the living space in any existing building.
3. All external alterations, such as room additions, storage sheds, fences, portals, walls and garages, shall comply with all setbacks as required in Section 7.5 of this Ordinance, and shall require the approval of the Architectural Committee of CCDC and the Cochiti Lake Board of Zoning Adjustment. The Town of Cochiti Lake permit fee for room additions, storage sheds, landscaping, fences, portals, walls and garages is \$25.00.

Section 7.4 Repairs

1. Repairs to structures within the Town of Cochiti Lake will not be subject to approval by the Board of Zoning Adjustment or the Architectural Committee of CCDD as long as there is no change in color, size or placement of any existing structure.
2. Painting and stuccoing of any existing structures, fences, doors, trims or roofs will not be subject to review providing colors acceptable to the Architectural Committee of CCDC are used. Color changes are subject to review and approval.



Section 7.5 Residential Site Requirements

The purpose of this section is to prescribe setback and other general requirements in all residential zoning districts(R-1 and R-T).

In District R-1 the following regulations shall apply:

1. Minimum site area shall be six thousand (6,000) square feet.
2. Minimum average site width shall be sixty (60) feet.
3. Minimum front yard setback shall be twenty (20) feet.
4. Minimum side yard setback shall be five (5) feet.
5. Minimum rear yard setback shall be twenty (20) feet.
6. Corner lots shall have no less than a ten-(10) foot setback from the side street, and the narrower of the corner setbacks shall be the front of the lot.
7. Maximum building height shall be thirty-five (35) feet and no more than two (2) stories.
8. There shall be a minimum of two (2) parking spaces located in the front yard setback.
9. On irregularly shaped lots or on lots with yards that have changes of elevation of ten (10) feet or more, measured from a point fifty (50) feet from the front property line, a reduction of front setback requirements of up to seventy-five percent (75%) may be permitted.
10. Patios and patio covers may locate in the rear yard setback but must maintain a ten- (10) foot setback from the rear property line and a five- (5) foot setback from the side property line.
11. Two lots may not be developed as a single unit.
12. All structures built on undeveloped lots shall have at least one full bathroom and one full kitchen contained in the building, and shall conform to all requirements of this Ordinance and the requirements of the Architectural Committee of CCDC.



In District R-T the following regulations shall apply:

1. Minimum site area shall be one thousand eight hundred seventy-five (1,875) square feet.
2. Minimum average site width shall be twenty-five (25) feet.
3. Minimum front yard setback shall be five (5) feet.
4. Minimum side yard setbacks shall be zero (0) feet.
5. Minimum rear yard setback shall be fifteen (15) feet.
6. Maximum building height shall be thirty-five (35) feet and no more than two (2) stories.
7. Minimum parking spaces per unit shall be two (2) and shall be included within said unit.
8. Patios and patio covers may locate in the rear yard setback but must maintain a ten-(10) foot setback from the rear property line, with no requirement for side yard setback.
9. Two lots may not be developed as a single unit.
10. Corner lots shall have no less than a ten-(10) foot setback from the side street, and the narrower of the corner setbacks shall be the front of the lot.
11. All structures built on undeveloped lots shall have at least one full bathroom and one full kitchen contained in the building, and shall conform to all requirements of this Ordinance and the Architectural Committee of CCDC.
12. All newly constructed townhouses shall have double interior walls between individual units.
13. There shall be a minimum of two (2) off-street parking spaces for every newly constructed townhouse.



Section 7.6 Parking and Loading

The purpose of this section is to provide standards for the Town of Cochiti Lake's public and private streets, avenues, byways, roadways and parking areas. The intent of these standards is to prevent congestion or disfigurement of public and private streets and to promote the safety and welfare of all town residents and visitors. The following standards apply:

1. On-street parking is allowed unless designated "no parking," "loading zone," or by a posted sign or painted curb.
2. Parking cannot obstruct or create a hazard for a resident or obstruct the right-of-way for police, fire, ambulance and other emergency or public vehicles.
3. Parking cannot obstruct a driveway or public right-of-way.
4. Each Single Family Residence (R-1) must have a minimum of two (2) parking spaces.
5. No parking shall be permitted in side yard setbacks.
6. All recreational and utility vehicles including, but not limited to, campers, RV's, trailers, motor homes, boats and other watercraft, trailers or oversized vehicles will normally be stored at the CCDC storage lot, the Town storage lot, or other storage facility. Storage may be on an owner's lot.

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7. Unlicensed vehicles, trailers, boats, RV's, watercraft or any licensable entity without current tags may not be parked on public streets or in any off-street parking areas within the Town of Cochiti Lake. Storage may be on an owner's lot.

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8. No semi truck cabs (pull tractors) and their trailers or other oversized commercial vehicles may be permanently parked in the Town of Cochiti Lake.
9. No parking is allowed on greenbelt, right-of-way property or vacant lots.
10. In public parking areas within zoning district "P," there will be one parking space for every two employees and one additional space for every two volunteers during scheduled work periods.
11. Parking for residents and visitors in the public zoning district "P" is in designated parking spaces surrounding the building or on the street.
12. When new parking spaces for public district "P" are calculated, any fractional number will be adjusted downward to create a whole space of adequate size to allow automobile and/or truck parking.
13. Vehicles may not park on town property, public zoning district "P," for more than twenty-four (24) hours.



14. Recreation and utility vehicles including, but not limited to, campers, RV's, trailers, motor homes, boats, and other watercraft, trailers or oversized vehicles shall not park on any town street. Vehicles in violation will be towed at owner's expense.

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PARKING VIOLATIONS:

A violation of any part of the parking section (7.6) of this Zoning Ordinance will result in a certified letter from the Town of Cochiti Lake to the vehicle owner of record. The letter will state the nature of the violation and notify the violator to take appropriate corrective action. If correction is not made within seven (7) days, the Town of Cochiti Lake will request the Sandoval County Sheriff's Department or the appropriate authority to issue a citation to the violator. After the issuance of a citation, failure to respond to the request for corrective action within seventy-two (72) hours will result in the violator's vehicle being towed away at the violator's expense.

Repeat violations by a vehicle owner/resident will result in an immediate citation and towing of the vehicle at the owner's expense.

FEES FOR VIOLATIONS:

Correction made after 7-day notice	No Fee
Citation by Sandoval County	Fee set by Sandoval County
Towing	Citation fee plus towing expense



Section 7.7 Landscaping Regulations

The purposes of these standards are to prevent erosion and other adverse environmental effects resulting from land development activities and to provide for proper landscaping drainage, grading and maintenance of all sites developed for human use or occupancy.

1. All landscape plans and landscaping related to new home construction, home remodel or fence or shed construction must be approved by the Architectural Committee of CCDC and the Board of Zoning Adjustment of the Town of Cochiti Lake. The Town of Cochiti Lake permit fee for landscaping is \$25.
2. All persons developing or improving land or constructing any structure on land shall take whatever actions are necessary to preserve and protect existing vegetation. Such persons shall protect and preserve or cause to be protected and preserved insofar as reasonably practical the maintenance of such development, improvements and structures.
3. In landscaping plan submittals for lots within the Town of Cochiti Lake, all large trees, small and medium trees, evergreens and shrubs will be selected from Sandoval County's "Plant List" as contained in Sandoval County Comprehensive Zoning Ordinance, Section 10(4)E. Copies of this list are available at Town Hall.
4. In areas not adjacent to public open spaces or in the Memorial Garden, plants not listed in #3 (above) may be permitted provided that proper environmental safeguards are observed to ensure no damage occurs to existing native plants.
5. In no event shall any fence restrict, interfere with or block any significant view from on or off the site. In no case shall any fence be higher than six (6) feet, as measured from the top of original ground level to the topmost point of the fence. All fences in any landscape plan shall be suitable in design and appearance and of suitable materials and approved by the Architectural Committee and shall comply with this Zoning Ordinance.
6. On corner lots, no fence or landscaping shall restrict, interfere with, or block any significant view of cross vehicular traffic approaching such corner.



Section 7.8 Animal Regulations

The purpose of this section is to provide standards for animals and protect and enhance the character and nature of residential areas. The following standards shall apply in all areas, R-1, R-T, GB and P.

1. No livestock, poultry, swine or other animals shall be raised or bred.
2. It is unlawful for any person to allow or permit any animal to run at large in or on any street, arroyo, sidewalk, vacant lot, "greenbelt," or other unenclosed space within the Town of Cochiti Lake. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and the owner(s) will be issued a citation by Sandoval County Animal Control.
3. Residents may keep, for their personal enjoyment, household pets such as, but not limited to, cats, dogs and birds. All dogs, at all times, shall be under the control of the owner either by leash, inside the home, or in fenced confinement.

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May 26, 2016*

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4. It is unlawful to chain an animal to a stationary post, pole, or other immovable object by means of any instrumentality or other extension device, including, but not limited to, a chain, tether, coil or rope, and leaving such animal unattended for more than one hour in a twenty- four (24) hour period. During any temporary tethering, animals will be provided adequate shelter, food and water.
5. It is unlawful for any person to keep or harbor a vicious animal in the Town of Cochiti Lake. A vicious animal means any animal which shall bite or in any other manner attack or attempt to attack any person or other animal. Any animal that bites, attacks or attempts to attack any person or other animal while on its owner's or keeper's premises, or which is provoked to attack, shall not be deemed a vicious animal.
6. It is unlawful for any person to allow pets to bark or howl unreasonably or otherwise disturb the peace and quiet of the residents of the Town of Cochiti Lake. Further, it is unlawful for any person to keep or be allowed to keep animals in such a manner as to allow noxious or offensive odors to emanate from their property or otherwise endanger the health and welfare of the residents of the Town of Cochiti Lake.
7. All animal refuse and deposits are the responsibility of the animal's owner and should be cleaned up and properly disposed of by the owner.
8. It shall be unlawful to intentionally trap a pet that has a collar or other identifying tag. No person shall remove any collar, or tag, from the collar of any animal without the owner's consent.
9. Violations related to domestic animals in the Town of Cochiti Lake covered by section 7.8 of this Zoning Ordinance and by Sandoval County Ordinance #02-02-21.8B will be enforced by the Sheriff's Department of Sandoval County. Sandoval County Animal Control officers shall have the authority to issue citations.



10. In the event of jurisdiction discrepancies between Sandoval County Animal Ordinance #02-02-21.8B or the Town of Cochiti Lake Zoning Ordinance #2010-1, or either entity refuses or is unable to enforce these ordinances, the State of New Mexico Statutes, Chapter 77-1A-1 through 6 shall prevail.

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*REFERENCES: Sandoval County Animal Ordinance #02-02-21.8B
State of New Mexico Statutes, Chapter 77-1A-1 through 6
(a.k.a. "New Mexico Dangerous Dog Act")*

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Section 7.9 Residential Maintenance

The purpose of this section is to remind residents of their responsibilities for residential maintenance and upkeep as stated in the Protective Covenants.

1. All lots and structures shall be maintained, used and constructed so as not to be annoying or unsightly or a nuisance or constitute a violation of state, federal or local laws, regulations or restrictions or disturb the peace and comfort of other occupiers.
2. No refuse, junk, or abandoned vehicles of any kind shall be kept on any lot within the Town of Cochiti Lake.
3. All clotheslines, garbage cans, equipment, coolers, wood piles and storage piles shall be concealed from the view of neighboring lots and streets.

Section 7.10 Discharge of Firearms

1. It shall be unlawful for any person, firm, corporation or other entity to discharge any firearm or projectile within the limits of the Town of Cochiti Lake, including, but not limited to, handguns, rifles, shotguns, BB guns, air or gas-powered pellet guns, arrows, or any other projectile from either a gun or any other instrumentality. This prohibition shall not be construed to prohibit any police officer or other officer of the law from discharging a firearm or other projectile in the performance of their duty.
2. Unlawful discharge of firearms within the Town of Cochiti Lake shall be punishable by a fine of up to \$1,000 for the first violation and \$2,500 for a second or subsequent violation. Each incident in violation of Section 7.10 constitutes a separate violation.



ARTICLE VIII. SIGN REGULATIONS

Section 8.1 Residential Signs

The purpose of this section is to control signage within the Master Lease premises of the Town of Cochiti Lake pursuant to resolution of the Board of Directors of the Cochiti Community Development Corporation on August 22, 1989. Enforcement of Town of Cochiti Lake sign regulations is the sole responsibility of CCDC.

1. A nameplate not more than one (1) square foot in area, non-illuminated, shall be permitted on the premises of any home in the Town of Cochiti Lake to identify a single family home.
2. One real-estate sign, advertising a residence "For Sale," of not more than six (6) square feet in area and four (4) feet in height, non-illuminated, shall be permitted on the premises for sale or lease. Such sign shall be removed by the buyer or lessee within fifteen (15) days after the close of escrow, rental or lease. "Pointer" signs giving directions to an open house or a house for sale must be permitted by the Cochiti Community Development Corporation pursuant to Section 8.2.
3. No sign shall be attached or affixed to any natural object.

Section 8.2 Temporary Signs

1. A temporary sign of any nature, character or purpose (political, seasonal, garage sale, etc.), non-illuminated and not more than six (6) square feet in area and four (4) feet in height may be permitted on the premises upon receipt of a permit from the Cochiti Community Development Corporation office.
2. Temporary signs shall be completely removed within six (6) months from the date on which a permit is issued.
3. No sign may be attached or affixed to any natural object.

Section 8.3 Commercial Signs

1. Commercial/Business signs advertising or marketing any nature of professional services shall not be permitted on any lot in the Town of Cochiti Lake.

Section 8.4 Emergency Signs

1. Illuminated signs for emergency purposes (damage, repair, and maintenance) are allowed when placed there by the Pueblo de Cochiti, The Town of Cochiti Lake or Sandoval County Road Crews.

Section 8.5 Unauthorized Signs

1. Any sign which does not conform to these standards is deemed a trespass, unless the prior approval of the Cochiti Community Development Corporation Board of Directors has been obtained for the specific sign.
2. Any unauthorized sign shall be removed and confiscated by Cochiti Community Development Corporation. The owner of any unauthorized sign may redeem it by paying Cochiti Community Development Corporation for costs and storage.



ARTICLE IX. BOARD OF ZONING ADJUSTMENT

Section 9.1 Establishment and Membership

1. Pursuant to Article X, Section 1000, of the Charter of the Town of Cochiti Lake, there is hereby established a Board of Zoning Adjustment which shall consist of five (5) members, appointed by the Town Assembly. The members shall serve for overlapping terms of three years or thereafter until their successors are appointed, except that the original appointments shall be one for one year, two for two years and two for three years. Vacancies on the Board shall be filled for the unexpired term in the same manner as for any other appointment to a board or commission of the Town.
2. Three members of the board constitute a quorum. The chairman shall be designated by the Town Assembly after a vote of the Board of Zoning Adjustment to recommend a chair to the Assembly. Members shall be removed for cause by the Town Assembly upon written charges and after public hearing. Members shall receive no compensation for services rendered in the normal course of business of the board, provided that expenses incurred by board members in performance of their duties shall be recoverable from the Town of Cochiti Lake in an amount not exceeding twenty-five dollars (\$25.00) per board meeting.
3. All board members shall be residents of the Town of Cochiti Lake.
4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep permanent records of all of its recommendations, decisions and actions. Such records shall be open for public inspection under such reasonable conditions as the board shall determine appropriate.
5. The board shall meet at such times and at such places within the Town of Cochiti Lake as are necessary to accomplish the purposes of this Ordinance. Seventy-two (72) hour advance posting of all meetings of the board is required; postings will appear in the mail room.
6. The board shall, by general rule, adopt such rules, regulations and policies as are necessary to administer and enforce the provisions of this Ordinance. A majority vote of all of its members shall constitute approval of an application or of a motion or any other matter requiring board approval.
7. The board, any members of the board, or any combination thereof that is a quorum, may meet with an applicant for submission of an application, provided that no statements or representations made in such meeting shall be binding on the board, or any members of the board. Binding decisions will be made only at public meetings.



Section 9.2 Powers and Duties

The Board of Zoning Adjustment shall have the following powers and duties:

1. Unless and until a separate and distinct planning commission is established by the Town Assembly, may act as the planning commission for the Town of Cochiti Lake and may exercise all powers granted to municipal planning commissions under appropriate New Mexico State enabling legislation;
2. May act as the Zoning Commission of the Town of Cochiti Lake;
3. To administer and to enforce the provisions of this Ordinance in accordance with the manner provided by the Town Assembly;
4. To exercise any other additional powers that the Town Assembly may delegate to it.

Section 9.3 Zoning Administration

The Board of Zoning Adjustment, after appointment by the Town Assembly, shall be the administration for itself.



ARTICLE X. ZONING PROCEDURES

Section 10.1 Amendments

1. Whenever the public necessity, convenience and general welfare require, the Town Assembly may, by Ordinance, amend any part of this Ordinance. Such amendments may include classifications of property, reclassifications of property (changes in zoning district boundaries), changes in the text of this Ordinance or establishment, abolition or modification of a setback line. The procedures for amendments shall be as specified in this section and the Applications and Hearings sections.
2. An amendment may be initiated by the Town Assembly or by a resolution of intention by the Board of Zoning Adjustment or, except for changes in the text of the Ordinance, by application of one or more interested lessees or sublessees of property or their interested agents. An interested lessee or sublessee is hereby defined as the lessee or sublessee of real property that is within the area included in the application.
3. The Board of Zoning Adjustment shall hold a public hearing on the proposed amendments. If, following its hearing, the Board finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall approve such amendment or part; otherwise, it shall disapprove the same. If approved by the Board in whole or in part, the proposed amendment or part shall be presented to the Town Assembly together with a copy of the resolution of approval, and the Town Assembly may adopt such amendment, or part, by a majority vote. Disapproval of the proposed amendment, or part, by the Board may be appealed in a public hearing conducted by the Town Assembly.
4. In all cases, the action of the Board of Zoning Adjustment shall be final, except upon the filing of a valid appeal to the Town Assembly as provided in Section 10.6 appeals, in the case of a proposed amendment or part that had been initiated by application to reclassify property or to establish, abolish or modify a setback line.
5. No application for a building permit on any property line or for any other permit or license for a new use of any property filed subsequent to the day that an application has been filed or resolution of intention has been adopted for the reclassification of such property or for the establishment or change of a building setback line thereon, shall be approved by the Town Assembly while proceedings are pending on such reclassification or establishment or change of setback line, unless the construction and use proposed under that permit or license would conform both to the existing classification of such property or setback line thereon and also to the different classification or setback under consideration in those proceedings; provided that if final action on such reclassification or establishment or change of building setback line has not been taken by the Town Assembly in one year after the start of the proceedings, conformity to the different classification or setback under consideration shall no longer be required.



Section 10.2 Conditional Uses

1. The Board of Zoning Adjustment shall hear and make determination regarding applications for the authorization of conditional uses in the specific situations for which such authorization is specified elsewhere in this Ordinance. The procedures for conditional uses shall be as specified in this section and in Section 10.5, "Hearings."
2. A conditional use action may be initiated by application of a lessee, a sublessee, or authorized agent for the lessee or sublessee of the property for which the conditional use is sought.
3. After its public hearing on the application, the Board of Zoning Adjustment may approve the application and authorize a conditional use if the facts presented are such to establish that the proposed use or feature, at the size, height, bulk and intensity contemplated and at the proposed location, is compatible with the neighborhood or its street.
4. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing in the vicinity or injurious to property, improvements or potential construction in the vicinity, with respect to aspects, including the following:
 - a) The nature of the proposed site, including size and shape and the proposed size, shape and arrangement of structures;
 - b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking;
 - c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking, service areas, lighting and signs;
 - e) That such use or feature as proposed will comply with the applicable provisions of this Ordinance and will not adversely affect the Architectural Committee rules or the Covenants.
5. An action of the Board of Zoning Adjustment, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Town Assembly as provided in Section 10.6 of this Ordinance.
6. When authorizing a conditional use as provided herein, the Board of Zoning Adjustment or the Town Assembly on appeal, shall prescribe such additional conditions, beyond those specified in this Ordinance as are in its opinion necessary to secure the objectives of the Ordinance. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Ordinance and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a ninety-(90) day period.
7. Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use.



8. Whenever any conditional use has been established as authorized the use or feature authorized may continue so long as it is not changed to another use or feature, or discontinued for a continuous period of one year, or otherwise abandoned. Any restoration of a use or feature so abandoned, and any change to another use or feature that is classified as a conditional use in the district in which it is located, shall be permitted only if authorized through the same procedures as a new conditional use. Where a use or feature classified as a conditional use in the district in which it is located lawfully exists at the effective date of this Ordinance, such use or feature shall be deemed to be a permitted conditional use without further authorization.
9. Conditional use permits are terminated upon transfer of the lease.

Section 10.3 Variances

1. The Board of Zoning Adjustment, at the written request of a lessee or sublessee, may grant a variance from the requirements established by this Ordinance.
2. All variances from, or modification of, any provision or requirement of this Ordinance shall be approved by the Board of Zoning Adjustment pursuant to the provisions of this Section 10.3.
3. The purpose of a variance from the requirements of this Ordinance is to allow variation from, and modification of, the strict application of the requirements of this Ordinance, where by reason of the shape, design or configuration of the specific property, or other extraordinary situations or conditions of such property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve serious practical or technical difficulties or would cause undue hardship unnecessary to carry out the spirit, intent and purpose of this Ordinance. The Board of Zoning Adjustment shall have the power to grant such variances only to the extent necessary to overcome such serious practical or technical difficulties or unnecessary hardships.
4. No variance shall be granted in whole or in part whose effect would be substantially equivalent to a significant revision in the requirements contained in this Ordinance or which would permit any land use not otherwise expressly permitted at that subject location, or which would be substantially equivalent to a reclassification of property.
5. A variance action may be initiated by application of the lessee or sublessee or an authorized agent for such lessee or sublessee of such property for which the variance is sought.
6. Whenever a variance is required for a proposal also requiring a conditional use permit, application for the variance shall be included in the application. Such conditional use permit shall be processed and considered as part of said application.
7. The Board of Zoning Adjustment shall hold a public hearing on the application. No variance shall be granted in whole or in part unless there exists, and the Board of Zoning Adjustment specifies in its findings as part of a written decision, facts sufficient to establish:
 - a. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;



- b. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant of the property;
 - c. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district;
 - d. That the granting of such variance will not be materially a detriment to the public welfare or materially injurious to the property or improvements in the vicinity; and
 - e. That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance and will not adversely affect the Architectural Committee rules or the Covenants.
8. The action of the Board shall be final, except upon the filing of a valid appeal to the Town Assembly as provided in Section 10.5, Hearings.
 9. In granting any variance as provided herein, the Board of Zoning Adjustment or the Town Assembly on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Ordinance. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or conditions so imposed shall constitute a violation of this Ordinance and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a ninety-day (90) period.

Section 10.4 Applications

1. The Board of Zoning Adjustment shall prescribe the form of applications for amendments, conditional uses and variances.
2. All applications shall be filed with the Town Clerk. The Board of Zoning Adjustment shall, by general rules, establish rules and regulations to govern the filing of applications with the Board.
3. The content of applications shall be in accordance with the policies, rules and regulations of the Board of Zoning Adjustment. All applications shall be upon forms prescribed therefore, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. The applicant may be required to file with the application the information needed for the preparation and mailing of notices as specified in Section 10.5 (Hearings) of this Ordinance.
4. Each application filed by or on behalf of one or more applicants shall be verified by at least one such applicant or authorized agent attesting to the truth and correctness of all facts, statements, and information presented.
5. Before accepting any application for filing, the Board shall charge a non-refundable fee as follows:
 - a. For each application for a variance, the filing fee shall be \$50, plus administrative and legal fees.



- b. For each application for authorization of a conditional use the filing fee shall be \$50 plus administrative and legal fees.

Section 10.5 Hearings

1. When an action for an amendment, conditional use or variance has been initiated by application or otherwise, the Board of Zoning Adjustment shall set a time and place for a hearing thereon within a reasonable period.
 - a. Notice of the time, place and purpose of such public hearing shall be given pursuant to appropriate New Mexico state enabling legislation and shall be given in a manner calculated to give full opportunity to all known interested parties and to the general public to attend such hearings and to participate in the matters at issue therein.
 - b. Such notice of a public hearing on a proposed amendment to this Ordinance shall be sent by certified mail, return receipt requested, to lessees or sublessees of land within the area proposed to be changed by a zoning regulation.
 - c. In all other instances when such a public hearing is to be held pursuant to the provisions of this Ordinance, such notice shall be given by publication in a newspaper of general paid circulation in the area of the Town or County. Such notice shall be published at least twice. The first such notice shall be published at least fifteen (15) days prior to the date of the hearing.
 - d. In all instances, such notice of the public hearing shall be sent by certified mail, return receipt requested, to the applicant or other person initiating the action.
 - e. The Board of Zoning Adjustment shall be authorized to give notice of such public hearing in any other manner considered appropriate.
2. In all actions for amendments, conditional uses and variances the Board of Zoning Adjustment shall make all necessary investigations and studies and submit findings to the Assembly of the Town of Cochiti Lake at the time of the hearing.
3. A record shall be kept of the pertinent information presented at the hearing on any action for an amendment, conditional use or variance, and such record shall be maintained as a part of the permanent public records of the Board of Zoning Adjustment.
4. The Board of Zoning Adjustment shall render a written decision specifying the reasons for the Board action on an application for amendment, conditional use or variance within sixty (60) days of the date of filing the application. Such time limitation may be extended upon agreement between the parties. A copy of such decision shall be sent by certified mail, return receipt requested, to the applicant.
5. In the event that an application for an amendment, conditional use or variance shall be denied by the Board of Zoning Adjustment or by the Town Assembly, no application proposing an amendment, conditional use or variance, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the Board of Zoning Adjustment or the Town Assembly within a period of one year from the effective date of final action upon the earliest application.



Section 10.6 Appeals

1. Appeals to the Town Assembly from decisions of the Board of Zoning Adjustment shall be taken pursuant to the provisions of appropriate New Mexico state enabling legislation and to provisions of this Ordinance.
2. Any aggrieved person may file an appeal from the Board of Zoning Adjustment decision on an application for an amendment, conditional use or variance with the Town Assembly. Such appeal shall be filed within seven (7) working days of the date of the decision of the Board. Such appeal shall state with specificity the alleged error or abuse of discretion by the Board. An appeal, validly filed, shall stay all proceedings in furtherance of the action appealed from.
3. The Town Assembly, pursuant to its rules and regulations for public hearings, shall hold a public hearing on the appeal within thirty (30) days from the day the appeal was filed. The Town Assembly shall establish the rules governing filing of such appeals.
4. The Town Assembly, after conclusion of the public hearing, by majority vote of all of its members, shall either approve or disapprove of the action by the Board. In the event that the Town Assembly disapproves of the action of the Board, it shall prescribe in its resolution such conditions as are, in its opinion, necessary to secure the objectives of this Ordinance.



ARTICLE XI. ENFORCEMENT

Section 11.1 Enforcement

1. The Board of Zoning Adjustment shall have the authority to enforce this Ordinance against violations thereof by any or all of the following actions:
 - a. To serve notice upon the lessee or sublessee of the property involved requiring the cessation, removal or correction of any use or feature in violation of this Ordinance;
 - b. To call upon the attorney for the Town of Cochiti Lake to maintain an action for injunction to restrain or abatement to cause the correction or removal of any such violation;
 - c. To call upon the Sandoval County Sheriff's Office to enforce Town of Cochiti Lake parking regulations and Sandoval County animal control regulations.
2. The Town Assembly, on its own initiative or upon request of the Board of Zoning Adjustment, in enforcing this Ordinance, shall exercise the full extent of powers granted pursuant to the Town Charter.



ARTICLE XII. EFFECTIVE DATE


DULY ENACTED this 27th day of MAY, 2010 by the Assembly of the Town of Cochiti Lake at a Duly called meeting thereof, at which a quorum was present, 5 voting for and 0 opposed. This Ordinance supercedes and cancels Ordinance 1982-2 and all subsequent amendments.

This Ordinance shall become effective (30) days after it is adopted by the Town Assembly.


Kenneth Kiesling, Mayor

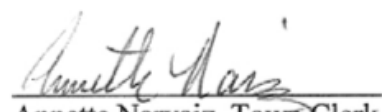

Anthony Da Silva, Assembly


Linda Bradshaw, Assembly


Freda Donica, Mayor Pro Tem


Mary Ann Closson, Assembly

ATTEST:


Annette Narvaiz, Town Clerk



Ordinance 2010-1



CHANGES



Change # 1

December 16, 2010 --- Section 7.6 Parking and Loading

**Off-Street Parking of Recreational and Utility Vehicles
Moratorium -- One year**

Resolution 2010-26



TOWN OF COCHITI LAKE
RESOLUTION 2010-26

A Resolution Concerning Off-Street Parking of Recreational and Utility Vehicles:

Whereas, 7.6.6 of the current Zoning Ordinance reads; All recreational and utility vehicles including, but not limited to, campers, RV's, trailers, motor homes, boats, and other watercraft, trailers or oversized vehicles will normally be stored at the CCDC storage lot, the Town storage lot, or other storage facility. Storage may be on an owner's lot provided the stored vehicle is out of sight of other homes or street view, and does not restrict the view, of residents;

Whereas: A Town storage lot nor sufficient parking at the CCDC storage lot have not been provided for residents to access at this time;

This Resolution hereby creates a moratorium for the above section of the Zoning Ordinance with a sunset date of one year after passage.

DULY ADOPTED this 16TH day of December, 2010 by the Assembly of the Town of Cochiti Lake at a meeting thereof; at which a quorum was present, 5 voting for and 0 voting against.

Pro Votes

Ken Kiesling

Freda Donica

Tony Da Silva

Mary Ann Closson

Linda Bradshaw

Dissenting Votes

Freda Donica, Mayor

Annette Narvaiz, Town Clerk



Change # 2

February 24, 2011 --- Section 7.8 Animal Regulations

**Ordinance 2010-1 Amendment # 1
Animal Regulations**

7.8.10 added



AMENDMENT (1) TO ORDINANCE 2010-1
ANIMAL REGULATIONS

Town of Cochiti Lake Zoning Ordinance


BE IT ORDAINED BY THE ASSEMBLY OF THE TOWN OF COCHITI LAKE
that the following Section 7.8(10) be added as Amendment (1) to Ordinance 2010-1:

Section 7.8(10). In the event of jurisdiction discrepancies between Sandoval County Animal Ordinance #02-02-21.8B or the Town of Cochiti Lake Zoning Ordinance #2010-1, or either entity refuses or is unable to enforce these ordinances, the State of New Mexico Statutes, Chapter 77-1A-1 through 6 shall prevail.

DULY ADOPTED this 24th day of February, 2011, by the Assembly of the Town of Cochiti Lake, at a meeting thereof, at which a quorum was present, 3 voting for and 2 voting against.

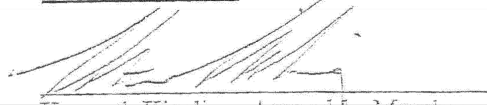
Pro Votes


Freda Donica, Mayor


Anthony D2 Silva, Assembly member


Mary Ann Closson, Assembly Member

Dissenting Votes


Kenneth Kiesling, Assembly Member


Linda Bradshaw, Assembly Member

Attest:


Annette Narvaiz, Town Clerk



Change # 3

December 15, 2011 --- Section 7.6 Parking and Loading

**Off-Street Parking of Recreational and Utility Vehicles
Moratorium -- No sunset date**

Resolution 2011-9



TOWN OF COCHITI LAKE
RESOLUTION 2011-9

A Resolution Concerning Off-Street Parking of Recreational & Utility Vehicles:

Whereas, 7.6.6 of the current Zoning Ordinance reads; All recreational and utility vehicles including, but not limited to, campers, RV's, trailers, motor homes, boats, and other watercraft, trailers or oversized vehicles will normally be stored at the CCDC storage lot, the Town storage lot, or other storage facility. Storage may be on an owner's lot provided the stored vehicle is out of sight of other homes or street view, and does not restrict the view, of residents;

Whereas: A Town storage lot or sufficient secure parking at the CCDC storage lot has not been provided for residents to access.

This Resolution hereby creates a moratorium for the above section of the Zoning Ordinance with no sunset date after passage.

DULY ADOPTED this 15th day of December, 2011 by the Assembly of the Town of Cochiti Lake at a meeting thereof; at which a quorum was present, 3 voting for and 0 voting against.

Pro Votes

Ken Kiesling

Mac Poling

Sue Kinzie

Dissenting Votes

Kenneth Kiesling, Mayor

Annette Narvaiz, Town Clerk



Change # 4

February 27, 2014 --- Section 7.8 Animal Regulations

**Ordinance 2010-1 Amendment # 2
Animal Regulations**

7.8.3 changed



AMENDMENT (2) TO ORDINANCE 2010-1
ANIMAL REGULATIONS

Town of Cochiti Lake Zoning Ordinance

BE IT ORDAINED BY THE ASSEMBLY OF THE TOWN OF COCHITI LAKE
that the following Section 7.8.3:

“Residents may keep, for their personal enjoyment, a reasonable number of household pets such as, but not limited to, cats, dogs, and birds. All pets, at all times, shall be under the control of the owner either by leash, inside the home, or in fenced confinement.”

Be changed to:

“Residents may keep, for their personal enjoyment, household pets such as, but not limited to, cats, dogs, and birds. All pets, at all times, shall be under the control of the owner either by leash, inside the home, or in fenced confinement.”

As Amendment (2) to Ordinance 2010-1

DULY ADOPTED this 27th day of February, 2014, by the Assembly of the Town of Cochiti Lake, at a meeting thereof, at which a quorum was present, 3 voting for and 1 voting against.

Bill Kaltenbaeh, excused

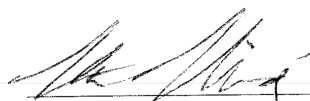
Pro Votes

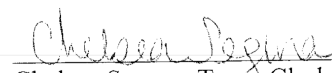
Suzanne Gray
Sarah Stanwell
David Valley

Dissenting Votes

Ken Kiesling

Attest:


Kenneth Kiesling, Mayor


Chelsea Segura, Town Clerk



Change # 5

February 27, 2014 --- Section 7.6 Parking and Loading

**Ordinance 2010-1 Amendment # 3
Recreational vehicle parking**

**7.6.6 changed
7.6.7 changed
7.6.14 added**



**AMENDMENT (3) TO ORDINANCE 2010-1
Recreational Vehicle Parking**

Town of Cochiti Lake Zoning Ordinance

BE IT ORDAINED BY THE ASSEMBLY OF THE TOWN OF COCHITI LAKE
that the following Section 7.6.6:

“All recreational and utility vehicles including, but not limited to, campers, RV’s, trailers, motor homes, boats, and other watercraft, trailers or oversized vehicles will normally be stored at the CCDC storage lot, the Town storage lot, or other storage facility. Storage may be on an owner’s lot provided the stored vehicle is out of sight of other homes or street view, and does not restrict the view of residents.”

Be changed to:

“All recreational and utility vehicles including, but not limited to, campers, RV’s, trailers, motor homes, boats, and other watercraft, trailers or oversized vehicles will normally be stored at the CCDC storage lot, the Town storage lot, or other storage facility. Storage may be on an owner’s lot.”

And

The following Section 7.6.7:

“Unlicensed vehicles, trailers, boats, RV’s, watercraft or any licensable entity without current tags may not be parked on public streets or in any off-street parking areas within the Town of Cochiti Lake. Storage may be on an owner’s lot provided the stored vehicle is out of sight of other homes or street view, and does not restrict the view of any resident.”

Be changed to:

“Unlicensed vehicles, trailers, boats, RV’s, watercraft or any licensable entity without current tags may not be parked on public streets or in any off-street parking areas within the Town of Cochiti Lake. Storage may be on an owner’s lot.”

And

Add a new Zoning Ordinance Section 7.6.14 stating:

“Recreation and utility vehicles including, but not limited to, campers, RV’s, trailers, motor homes, boats, and other watercraft, trailers or oversized vehicles shall not park on any town street. Vehicles in violation will be towed at owner’s expense.”



TOWN OF COCHITI LAKE
BOARD OF ZONING ADJUSTMENT

NEW MEXICO

ZONING ORDINANCE 2010-1

INCLUDES CHANGES AS OF MAY 26, 2016

As Amendment (3) to Ordinance 2010-1

DULY ADOPTED this 27th day of February, 2014, by the Assembly of the Town of Cochiti Lake, at a meeting thereof, at which a quorum was present, 4 voting for and 0 voting against.


Bill Kattenbach, excused


Pro Votes

Ken Kiesling
Suzanne Gray
Sara Stankell
David Valley

Dissenting Votes

Attest:


Kenneth Kiesling, Mayor


Chelsea Segura, Town Clerk



Change # 6

May 26, 2016 --- Section 7.8 Animal Regulations

**Ordinance 2010-1 Amendment # 5
Animal Regulations**

7.8.3 changed



AMENDMENT (5) TO ORDINANCE 2010-1
Animal Regulations

Town of Cochiti Lake Zoning Ordinance

BE IT ORDAINED BY THE ASSEMBLY OF THE TOWN OF COCHITI LAKE
that the following Section 7.8.3:

"Residents may keep, for their personal enjoyment, household pets such as, but not limited to, cats, dogs, and birds. All **pets**, at all times, shall be under the control of the owner either by leash, inside the home, or in fenced confinement."

Be changed to:

"Residents may keep, for their personal enjoyment, household pets such as, but not limited to, cats, dogs, and birds. All **dogs**, at all times, shall be under the control of the owner either by leash, inside the home, or in fenced confinement."

DULY ADOPTED this 26th day of May, 2016, by the Assembly of the Town of Cochiti Lake, at a meeting thereof, at which a quorum was present, 4 voting for and 0 voting against.

David Valley, excused

Pro Votes

Alan Plaza, Mayor
Bill Riker, Mayor Pro Tem
Suzanne Gray
Sarah Stansell

Dissenting Votes

Attest:

Alan Plaza

Alan Plaza, Mayor

Chelsea Segura

Chelsea Segura, Town Clerk



MISC. RELATED DOCUMENTS

**These are documents which are referenced by this ordinance.
They are listed here so this information can be easily found.**



Misc. Related Document

Sandoval County Animal Ordinance #02-02-21.8B

February 2002



SANDOVAL COUNTY

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**SANDOVAL COUNTY ORDINANCE NO. 02-02-21.8B
RELATING TO ANIMAL CONTROL IN SANDOVAL COUNTY**

SECTION 1. DEFINITIONS.

1. "ANIMAL" means any vertebrate members of the animal kingdom excluding humans.
2. "COUNTY OF SANDOVAL" or "COUNTY" shall include all unincorporated areas within the boundaries of the County of Sandoval, including privately owned land but excluding areas within the limits of any incorporated municipality or within an Indian Pueblo or Reservation boundaries.
3. "BITE" means any actual puncture or tear of the skin inflicted by the teeth of an animal.
4. "ENCLOSED LOT" means parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.
5. "ESTRAY" means any animal found running at large.
6. "NUISANCE" means, but is not limited to, defecation, urination, disturbing the peace with loud or continuous barking, emitting noxious or offensive odors onto neighboring properties or otherwise endangering the well being of the inhabitants of Sandoval County.
7. The "OWNER" of an animal is a person who owns, harbors, or keeps, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care, or who permits an animal to remain on or about his premises.
8. "TO RUN" or "RUNNING AT LARGE" is to be free of physical restraint beyond the boundaries of the premises of the owner.
9. "VACCINATION" is protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, State of New Mexico Rabies Control Act of 1959, as amended; given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year.
10. "VICIOUS ANIMAL" means any animal which shall bite or in any other manner attack or attempt to attack any person or other animal within the county of Sandoval, except that any animal that bites, attacks, or attempts to attack any person or other animal within the County of Sandoval, upon its owner's or keeper's premises, or which is provoked to attack, shall not be deemed a vicious animal.
11. "LIVESTOCK" means horses, cattle, pigs, sheep, goats, rabbits and/or fowl or any other animals used for agricultural purposes.



SANDOVAL COUNTY

11/27/11 8:58 AM

12. "QUARANTINE" is to detain or isolate an animal suspected of contagion.
13. "COMMERCIAL ANIMAL ESTABLISHMENT" means any establishment or premises, operating for profit, where six (6) or more dogs and/or cats aggregate thereof, over four (4) months of age are boarded, kept, or maintained for any purpose whatsoever; it includes kennels, grooming parlors, and pet shops.
14. "NON-PROFIT ANIMAL FACILITY" means any facility or premises, not operating for profit, where six (6) or more dogs and/or cats or aggregate thereof, over four (4) months of age are kept or maintained; it includes shelters, refuges, private hobby kennels, and hobby breeders, with the exception of State inspected veterinary hospitals, Federal inspected laboratory facilities and zoos.
15. "KENNEL" means any commercial animal establishment or premises where animals are boarded, kept or maintained.
16. "GROOMING PARLOR" means any commercial animal establishment or part thereof, or premises maintained for the purposes of offering animals cosmetic services.
17. "SHELTERS" means any non-profit animal facility whose primary function is to bring aid and comfort to animals.

SECTION II. AUTHORITY OF SHERIFF AND ANIMAL CONTROL OFFICERS

The Sandoval County Sheriff's Officers and the Animal Control Officers shall have the authority to issue citations for violation of this Ordinance and to perform such other duties as are prescribed herein. The Animal Control Officers shall carry identification certifying him/her as being an Animal Control Officer. The Animal Control Officers shall be under the supervision of the Sandoval County Sheriff's Department.

SECTION III. IMPOUNDING ESTRAYS, RECORDS TO BE KEPT, REDEMPTION FEES, NOTICE REQUIRED, and OWNER'S IMPOUNDMENT.

1. No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours without first reporting the possession of such animal to the Sandoval County Animal Control Officer, giving his name and address, and a true and complete statement of the circumstances under which he took the animal, a description of the animal and the precise location where such animal is confined.
2. It shall be the responsibility of an animal owner redeeming an animal legally impounded under the provisions of this Ordinance to reimburse the Animal Control Facility for animal boarding or other costs. The County Manager shall prescribe the amount of the impoundment fee approximately based upon actual cost.



SANDOVAL COUNTY

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3. The Animal Control Officer shall maintain a record of all animals impounded. The record shall contain at least the following information:
 - a. A complete description of the animal;
 - b. The date and manner of its acquisition;
 - c. The date, manner and place of impoundment.

SECTION IV. ANIMAL BITES, RABIES, INJURED ANIMALS.

1. The Provisions of Sections IV through VI shall not apply to livestock.
2. Rabies Vaccinations. It is the duty of all persons owning or keeping a dog or cat or any member of the canine or feline family over the age of three months, to have such animals vaccinated against rabies. An owner shall furnish proof of vaccination to the County upon demand.
3. Rabid Animal. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or exposed to rabies shall be confined at once in a secure place by the owner.
4. Animal Biting a Person.
 - a. The owner of an animal that bites a person and a person bitten by an animal have a duty to report that occurrence to a County Animal Control Officer within 24 hours. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer if the County Animal Control Supervisor deems it necessary to impound said animal for a period of observation. The Animal Control Officer may order the owner of such animal to place the animal in quarantine on the owner's premises.
 - b. A physician who renders professional treatment to a person bitten by an animal shall report the fact he has rendered professional treatment to the County Animal Control Supervisor within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the County Animal Control Officer in ascertaining the immunization status of the animals.
 - c. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary and appropriate for public protection by the Supervisor of the County Animal Control. The Supervisor of the County Animal Control Office may consent to confinement on the owner's premises.
 - d. Restraint of Animals. Every person owning or having charge, custody, or care or control of any dog shall keep such animal exclusively upon his own premises or under the owner's control.
 - e. Female Dogs or Cats in Mating Season to be Confined. Any person in control of a female dog or cat in mating season shall confine such dog or cat as to preclude other dogs or cats from attacking or being attracted to such female animal.

SECTION V. PROHIBITED ACTIVITIES.

1. Animals Running at Large. It is unlawful for any person to allow or permit any animal to



SANDOVAL COUNTY

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- run at large in or on any street, alley, sidewalk, vacant lot, public property, other unenclosed place in the County; or private property without the permission of the owner thereof. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and shall be taken up and impounded. A working dog performing such acts as herding or search and rescue under the control and supervision of owner/handler shall not be considered as unleashed while performing these duties. A hunting, obedience, tracking or show dog shall not be considered unleashed while performing in the above capacities. The provisions of this subsection shall not apply to livestock.
2. Vicious Animals. It is unlawful for any person to keep or harbor a vicious animal in the County of Sandoval. Any person attacked by a vicious animal while on public property may use necessary force to repel said attack. After a judicial determination that an animal is vicious the owner or keeper of such vicious animal shall destroy it humanely or turn such animal over to an animal control officer for destruction.
 3. Animals Disturbing the Peace. It is unlawful for any person to allow any animal to unreasonably bark or howl or otherwise to disturb the peace and quiet of the inhabitants of the County of Sandoval, to keep or maintain in such a manner as to allow noxious or offensive odors to emanate from the property, and to otherwise endanger the health and welfare of the inhabitants of the County of Sandoval. The provisions of this section shall not apply to livestock.
 4. Dogs Trained to Assist the Blind, Deaf and/or Handicapped Allowed in Public Places. It is unlawful for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude therefrom any dog which has been trained to assist the blind, deaf, and/or disabled provided that such dog be in the company of the blind, deaf, and/or disabled person whom it was trained to assist in conformance with N.M.S.A. 28-11-3 (1978).

SECTION VI. CRUELTY TO ANIMALS PROHIBITED.

1. Physical Abuse. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club, or other object; mutilate, burn, or scald with any substance, overdrive or otherwise cruelly set upon any animal except that necessary force may be employed to drive off vicious or trespassing animals. Hunting or fishing in accordance with law shall not be construed as a violation of this section.
2. Care and Maintenance. It is unlawful for any person to fail, refuse, or neglect to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, shade, ventilation, care, or shelter to maintain good health.
3. Abandonment of Animals. It is unlawful for any person to abandon any animal within the County of Sandoval.



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4. Animal Poisoning. It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance that has in any manner been treated or prepared with any harmful poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin of significance to the public health.
5. Animal Fights; Including Fowl. It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animals.
6. It shall be unlawful for any person to interfere, hinder or prevent the Animal Control Officers or Sheriff's deputies in enforcing any provision of this Ordinance.
7. Right of Entry. The animal control officer, in performance of his duties, may enter upon private property except into a private residence, for the purpose of apprehending animals running at large and stray animals.

SECTION VII. ANIMAL KILLING OR INJURING LIVESTOCK AND/OR PROTECTED WILDLIFE - DAMAGES - ANIMAL TO BE KILLED.

If any animal shall kill or injure any livestock and/or protected wildlife, the owner or keeper of such animal shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction. It shall be unlawful to keep such animal after it is known the animal has killed or injured livestock and/or protected wildlife. It shall be the duty of the owner to surrender the animal to Animal Control for proper humane euthanization upon order of the court after a finding that the animal has killed or injured livestock and/or protected wildlife. It shall be the right of any owner of livestock and/or protected wildlife so killed or injured by the actions of any animal to kill the animal while it is upon property controlled by the owner of the livestock and/or protected wildlife.

SECTION VIII. PENALTY, SAVINGS, REPEALING, REVIVOR, EMERGENCY CLAUSE.

1. Penalty Clause. Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred (\$300) dollars and/or imprisonment for a period not exceeding ninety (90) days. Each day this Ordinance is violated shall be considered a separate offense.
2. Savings Clause. If any of the sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately.
3. Repealing Clause. All County Ordinances and other ordinances and parts thereof that solely relate to animals or the control of the same heretofore imposed by the County and that are in conflict herewith are hereby repealed. Any conflict between this Ordinance and any previously enacted ordinance not repealed herein shall be controlled by this Ordinance.



Misc. Related Document

**State of New Mexico Statutes, Chapter 77-1A-1 through 6
"New Mexico Dangerous Dog Act"**



NEW MEXICO DANGEROUS DOG ACT

NMSA 77-1A-1 to 77-1A-6

SOURCE

http://www.animallaw.info/statutes/stusnmst77_1_1_19.htm#dangerous

February 22, 2011

Dangerous Dog Laws

§ 77-1A-1. Short title

§ 77-1A-2. Definitions

§ 77-1A-3. Exceptions

§ 77-1A-4. Seizure of dog; petition to court

§ 77-1A-5. Registration and handling requirements for dangerous and potentially dangerous dogs

§ 77-1A-6. Prohibited acts; penalties

§ 77-1A-1. Short title

This act may be cited as the "Dangerous Dog Act".

Added by L. 2005, Ch. 61, § 1, eff. June 17, 2005.

§ 77-1A-2. Definitions

As used in the Dangerous Dog Act:

A. "animal control authority" means an entity authorized to enforce the animal control laws of a city, county or state, whether acting alone or in concert with other governmental authorities. In those areas not served by an animal control authority, the sheriff or municipal law enforcement shall carry out the duties of the animal control authority under the Dangerous Dog Act;

B. "dangerous dog" means a dog that caused a serious injury to a person or domestic animal;

C. "owner" means a person who possesses, harbors, keeps or has control or custody of a dog or, if that person is under the age of eighteen, that person's parent or guardian;

D. "potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors:

(1) causing an injury to a person or domestic animal that is less severe than a serious injury;

(2) chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or

(3) acting in a highly aggressively manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure;

E. "proper enclosure" means secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area but does not include chaining, restraining or otherwise affixing the animal to a stationary object; and

F. "serious injury" means a physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.



Added by L. 2005, Ch. 61, § 2, eff. June 17, 2005.

§ 77-1A-3. Exceptions

A dog shall not be declared a dangerous or potentially dangerous dog if:

A. the dog was used by a law enforcement official for legitimate law enforcement purposes;

B. the threat, injury or damage was sustained by a person or domestic animal who was:

(1) trespassing upon premises occupied by the owner or the dog;

(2) provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) committing or attempting to commit a crime; or

C. the dog was:

(1) responding to pain or injury;

(2) protecting itself or its offspring; or

(3) protecting or defending a human being or domestic animal from attack or assault.

Added by L. 2005, Ch. 61, § 3, eff. June 17, 2005.

§ 77-1A-4. Seizure of dog; petition to court

A. If an animal control authority has probable cause to believe that a dog is a dangerous dog and poses an imminent threat to public safety, the animal control authority may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

B. If an animal control authority has probable cause to believe that a dog is a potentially dangerous dog and poses a threat to public safety, the animal control authority may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

C. After seizure, the animal control authority shall impound the dog pending disposition of the case or until the owner has fulfilled the requirements for a certificate of registration pursuant to the provisions of Section 5 of the Dangerous Dog Act.

D. After seizure:

(1) the owner may admit that the dog is dangerous or potentially dangerous and comply with the requirements for a certificate of registration pursuant to Section 5 of the Dangerous Dog Act; or

(2) the animal control authority may, within fourteen days after seizure of the dog, bring a petition in court seeking a determination of whether the dog is dangerous or potentially dangerous. If the court finds, by clear and convincing evidence, that the dog is dangerous and poses an imminent threat to public safety or potentially dangerous and poses a threat to public safety, the court shall order the owner to comply with the registration and handling requirements for the dog and obtain a certificate of registration within thirty days or have the dog humanely destroyed. If the court does not make the required findings pursuant to this paragraph, the court shall immediately order the release of the dog to its owner.

E. If the owner does not admit that the dog is dangerous or potentially dangerous and the animal control authority does not bring a petition in court within fourteen days of seizure of the dog, the court shall immediately order the release of the dog to its owner.

F. If the owner admits that the dog is dangerous and transfers ownership of the dog to the animal control authority, the animal control authority may humanely destroy the dog.



G. A determination that a dog is not dangerous or potentially dangerous shall not prevent an animal control authority from making a subsequent application for seizure based on the dog's subsequent behavior.

Added by L. 2005, Ch. 61, § 4, eff. June 17, 2005.

§ 77-1A-5. Registration and handling requirements for dangerous and potentially dangerous dogs

A. An animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes that:

- (1) the owner is able to keep the dog under control at all times;
- (2) a license, if applicable, has been issued pursuant to the requirements of the jurisdiction;
- (3) the dog has a current rabies vaccination;
- (4) the owner has a proper enclosure for the dog;
- (5) the owner has paid an annual fee, if applicable, established by the animal control authority to register a potentially dangerous dog;
- (6) the dog has been spayed or neutered;
- (7) the dog has been implanted with a microchip containing owner identification information that is also provided to the animal control authority; and
- (8) the owner has entered the dog in a socialization and behavior program approved or offered by the animal control authority.

B. If a dog previously determined to be potentially dangerous has not exhibited any of the behaviors specified in Subsection D of Section 2 of the Dangerous Dog Act for thirty-six consecutive months, the owner may request the animal control authority in the jurisdiction to lift the requirements for registration pursuant to this section. If the animal control authority has no reasonable basis to believe that the dog has exhibited the behaviors specified, it shall relieve the owner of the requirements of this section.

C. An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to the requirements of Subsection A of this section, establishes that:

- (1) the owner has paid an annual fee, if applicable, established by the animal control authority to register a dangerous dog;
- (2) the owner has written permission of the property owner or homeowner's association where the dangerous dog will be kept, if applicable;
- (3) the dangerous dog will be maintained exclusively on the owner's property except for medical treatment or examination;
- (4) when the dangerous dog is removed from the owner's property, the dog shall be caged or muzzled and restrained with a lead no longer than four feet, and the dog shall be under complete control at all times;
- (5) the dangerous dog will not be transported in a vehicle that might allow the dog to escape or gain access to any person or animal outside the vehicle; and
- (6) a clearly visible warning sign with a conspicuous warning symbol indicating that there is a dangerous dog on the premises is posted where the dog is kept and is visible from a public roadway or from fifty feet, whichever is less.

D. An animal control authority may order the immediate impoundment or humane destruction of a dog previously determined to be a dangerous dog if the owner fails to abide by the conditions for registration, confinement or handling set forth in this section.

Added by L. 2005, Ch. 61, § 5, eff. June 17, 2005.



§ 77-1A-6. Prohibited acts; penalties

A. It is unlawful for an owner of a dangerous or potentially dangerous dog to:

- (1) keep the dog without a valid certificate of registration;
- (2) violate the registration and handling requirements for the dog;
- (3) fail to notify the animal control authority immediately upon:
 - (a) the escape of the dog; or
 - (b) an attack by the dog upon a human being or a domestic animal;
- (4) fail to notify the animal control authority of the dog's death within five business days;
- (5) fail to notify the animal control authority within twenty-four hours if the dog has been sold or given away and provide the name, address and telephone number of the new owner of the dog;
- (6) fail to surrender the dog to an animal control authority for safe confinement pending a determination of the case when there is reason to believe that the dog poses an imminent threat to public safety; or
- (7) fail to comply with special handling or care requirements for the dog that a court has ordered.

B. Whoever violates a provision of Subsection A of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978 and, for a second or subsequent offense, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

C. An owner of a dangerous or potentially dangerous dog that causes serious injury or death to a domestic animal, without provocation, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

D. An owner of a dangerous or potentially dangerous dog that causes serious injury to a human being, without provocation, is guilty of a third degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

E. An owner of a dangerous or potentially dangerous dog that causes the death of a human being, without provocation, is guilty of a third degree felony resulting in the death of a human being and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

F. Prosecution pursuant to this section requires a showing that:

- (1) an owner knew of the propensity of a dog to inflict serious injury; or
- (2) the dog had previously been found by a court to be a dangerous or potentially dangerous dog.

Added by L. 2005, Ch. 61, § 6, eff. June 17, 2005.