

RESOLUTION NO. 2023-21

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 310 NORTH WHITE SANDS BOULEVARD ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 310 North White Sands Boulevard, as more particularly described on the attached Exhibit 1 (the "Property"); and,

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

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

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

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

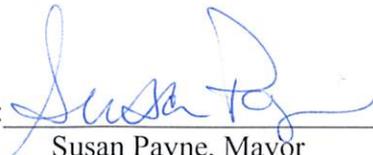
Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien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

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

PASSED, APPROVED AND ADOPTED, this 13th day of June 2023.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

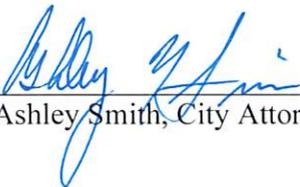


By: 
Susan Payne, Mayor

ATTEST:


Rachel Hughs, City Clerk

APPROVED AS TO FORM:


Ashley Smith, City Attorney



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Account: R010834

<u>Location</u>	<u>Owner Information</u>	<u>Assessment History</u>
Account Number R010834	Owner Name FRITZ, GEORGE	Actual (2023 - Residential Cap applied) \$57,828
Situs Address 310 N WHITE SANDS BLVD	Owner Address 309 N WHITE SANDS BLVD	Primary Taxable \$19,276
Previous Parcel ID 01-01157	ALAMOGORDO, NM 88310	Tax Area: 01_R Mill Levy: 26.030000
Parcel Sequence		Type Actual Assessed Acres SQFT
Neighborhood C31 - Commercial White Sands		Residential Land \$42,501 \$14,167 0.138
Tax Area 01_R		Residential Improvement \$15,327 \$5,109 939.000
Parcel Number 01N4055094095402		
Legal Summary Subd: ALAMO BLOCKS Lot: 7, 8 Block: 8		
Appraiser Other		

Transfers

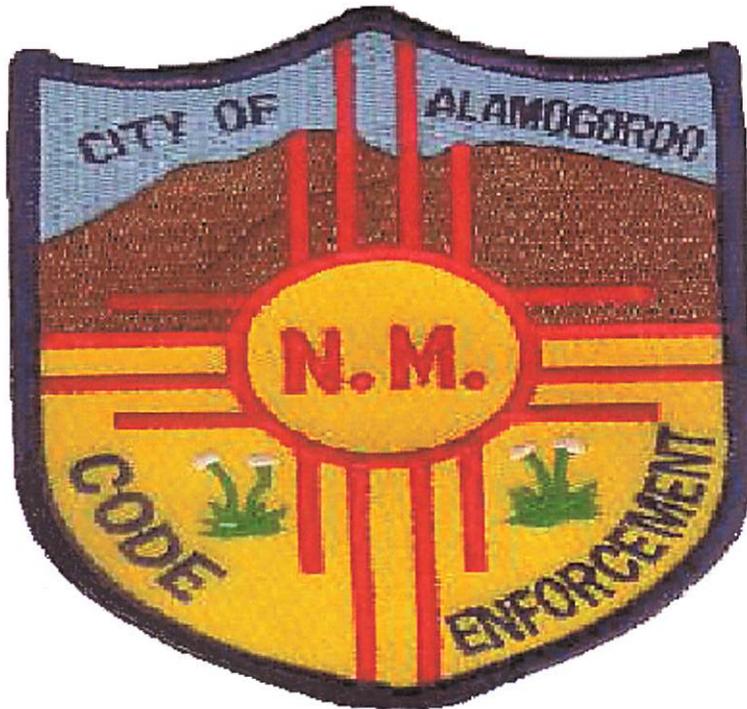
<u>Sale Date</u>	<u>Sale Price</u>	<u>Doc Description</u>
		Deed

Tax History

<u>Tax Year</u>	<u>Taxes</u>	<u>Images</u>
*2023	\$501.76	<ul style="list-style-type: none"> • Map • Sketch • GIS
2022	\$487.16	

* Estimated

Focusing On: 310 N WHITE SANDS BLVD ALAMOGORDO 88310



Case #: 202300927
Case Date: 04/20/23
Address Number: 310
Street Name: N. White Sands Blvd.
Complainant Phone: (575)439-4375
Description: Dilapidated Structure
Complainant Address: 2010 Oregon Ave.
Complainant Name: Sides
Reinspection: 05/12/2023
Compliance Inspection :
Property Owners : George Fritz
Court case number:
DOB:
ID #:
Court Date:
Status: Draft Resolution
Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094095402	310 N WHITE SANDS BLVD	Subd: ALAMO BLOCKS Lot: 7, 8 Block: 8	FRITZ, GEORGE		

Activities

Date	Activity Type	Description	Employee	Status
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04/20/2023	Inspection	<p>On 04/20/2023, I, Code Enforcement Manager Josh Sides, was informed of a dilapidated structure at 310 N. White Sands Blvd., Alamogordo, Otero County, New Mexico.</p> <p>I met with Code Enforcement Officer Otero at the property to discuss it. Officer Otero took me to the north side of the property, which by first observation, had been badly burned as a result of a fire inside. There was no door on the front of the property or window immediately adjacent to the door. There was heavy smoke damage to the exterior of the building. The facade of the building was burnt or had heavy smoke damage. There were cracks in the exterior wall of the north side of the building, and paint was missing in places. The window on the west side of the building was missing, and there was heavy smoke and fire damage to the exterior of the window up to the facade. The interior was missing sheetrock and was down to studs. A large hole in the ceiling and roof also allowed the elements into the building. The sheds on the property were leaning and looked to be a hazard.</p> <p>I requested help from Paul Bennett, Facility Maintenance Manager for the City of Alamogordo, to look at the property as he holds his General Contractors License. Paul stated that the building was not safe to inhabit and presented a risk to public safety should someone be able to get inside the structure readily. Paul further stated that the large shed presented an immediate risk of collapse.</p> <p>On 04/24/2023, I met with the City of Alamogordo Attorney's Office, the City of Alamogordo Engineering Department, and the Public Works Director for the City of Alamogordo to discuss this property. I learned that in 2022, an Administrative Search Warrant was executed on the property. However, there was no documentation as to the condition of the property. It was determined that declaring the property as unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will start from the beginning.</p> <p>On 04/24/2023, I drafted an International Property Maintenance Code Violation Letter to give to the Property owner, which through research of the Otero County Assessors Office, was identified as Mr. George Fritz. The letter was mailed certified to Mr. Fritz on 04/26/2023. The photographs I took of the property, a copy of the letter, and a copy of the certified envelope were uploaded to iWorQ.</p>	JOSH SIDES	Non-Compliance
05/22/2023	Re-Inspection	<p>On 05/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted an Administrative Search Warrant by 12th Judicial District Court Judge Bryant for the property at 310 N. White Sands Blvd.</p>	JOSH SIDES	Closed
05/23/2023	Re-Inspection	<p>On 05/23/2023, I, Code Enforcement Manager Josh Sides, executed an Administrative Search Warrant on the property at 310 N. White Sands Blvd., Alamogordo, Otero County, New Mexico, at approximately 2:30 PM MST.</p> <p>Assisting me with the execution of the search warrant were: Paul Bennett- Facility Maintenance Manager (COA) Jeremy Otero- Code Enforcement Officer (COA) Rocky Chavez- Code Enforcement Officer (COA) Sgt. Brown (APD) Ofc. Puente (APD) Ofc. Buffington (APD) Nancy Beshaler- Public Works Director (COA).</p> <p>The property's front door was not in place due to a fire in the building, allowing ease of entry into the property's interior. Upon entry, APD officers made sure there were no people inside or obvious hazards to the rest of the employees. Once APD officers declared the building safe, the rest of the employees made entry. I began to take photographs of the state of the interior of the building along with Code Officers Chavez and Otero, while Paul Bennett began to inspect the building., I observed there to be numerous hazards and violations of the International Property Maintenance Code associated with the</p>	JOSH SIDES	Closed

building. The violations of the International Property Maintenance Code were 305.1.1 Unsafe Conditions, 304.7 Roofs and Drainage, 305.4 Stairs and Walking Surfaces, 305.1 General, and 306.1.1 Unsafe Conditions (6)(6.4). All the pictures taken were uploaded to iWorQ. I collected samples of drywall and insulation for testing for asbestos. I posted the Search Warrant on the window of the property, and a copy was given to the executor of the property in person.

Violations

Date	Violation	Description	Notes	Status
04/20/2023	*8-03-080- International Property Maintenance Code Adopted	(a)With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.(b)Except as specified within section 8-03-150 and 8-03-160 of this section appeals from orders, decisions or determinations of the code official relative to the application and interpretation of this code shall be submitted to the International Code Council for official interpretation. The official interpretation shall constitute the final decision on any appeal.	Several violations of the International Property Maintenance Code exist at this property.	*Open
04/20/2023	IPMC 301.3 Vacant Structures and Land.	All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety	The structure is not maintained in a clean, safe, secure, or sanitary condition, causing a problem for public health and safety.	*Open
04/20/2023	IPMC 302.7 - Accessory Structures	Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.	The sheds of the property pose an immediate risk of collapsing.	*Open
04/20/2023	IPMC 302.9- Defacement of Property	No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.	There is an area of graffiti on the northeast corner of the building.	*Open
04/20/2023	IPMC 304.1 - General	The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	The exterior of the property is not maintained in good repair, structurally sound, or sanitary. It poses a risk to public health, safety, and welfare.	*Open
04/20/2023	IPMC 304.13 Window, skylight and door frames	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Several of the windows are missing or broken around the structure.	*Open
04/20/2023	IPMC 304.2 - Protective Treatment	Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather	The exterior surfaces of the building have areas of missing paint and have heavy smoke and fire damage.	*Open

resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

04/20/2023	IPMC 304.4 - Structural Members	All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.	The north exterior wall is cracking due to settling and poses a risk to safely support dead and live loads.	*Open
04/20/2023	IPMC 304.7 - Roofs and Drainage	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof of the structure has a large hole in it making it not weatherproof.	*Open
05/23/2023	IPMC 304.7 - Roofs and Drainage	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	Large hole in the roof allowing rainwater and elements into the west room.	*Open
05/23/2023	IPMC 305.1 - General	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	Interior of the property is not in good repair, structurally sound, or sanitary.	*Open
04/20/2023	IPMC 305.1 - General	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.	The interior of the structure is not in good repair, structurally sound, or sanitary with heavy smoke and fire damage.	*Open
05/25/2023	IPMC 305.1.1. - Unsafe Conditions	The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects. 3. Structures or components thereof that have reached their limit state. 4. Structural members are incapable of supporting nominal loads and load effects. 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects. 6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal	Due to a fire within, the structures components thereof have reached their limit state.	*Open

loads and resisting all load effects.

Exceptions:

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

04/20/2023	IPMC 305.3 - Interior Surfaces	All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.	Interior surfaces of the structure including windows and doors are not maintained in good, clean, or sanitary condition. Peeling paint is present on the exterior of the structure.	*Open
05/23/2023	IPMC 305.4 - Stairs and Walking Surfaces	Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	The floor in the west room has collapsed due to a fire within the structure.	*Open
05/23/2023	IPMC 306.1.1. - Unsafe Conditions	<p>Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:</p> <ol style="list-style-type: none">1. Soils that have been subjected to any of the following conditions:<ol style="list-style-type: none">1.1. Collapse of footing or foundation system.1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.1.4. Inadequate soil as determined by a geotechnical investigation.1.5. Where the allowable bearing capacity of the soil is in doubt.1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.2. Concrete that has been subjected to any of the following conditions:<ol style="list-style-type: none">2.1. Deterioration.2.2. Ultimate deformation.2.3. Fractures.2.4. Fissures.2.5. Spalling.2.6. Exposed reinforcement.2.7. Detached, dislodged or failing connections.3. Aluminum that has been subjected to any of the following conditions:<ol style="list-style-type: none">3.1. Deterioration.3.2. Corrosion.3.3. Elastic deformation.3.4. Ultimate deformation.3.5. Stress or strain cracks.3.6. Joint fatigue.3.7. Detached, dislodged or failing connections.4. Masonry that has been subjected to any of the following conditions:<ol style="list-style-type: none">4.1. Deterioration.4.2. Ultimate deformation.4.3. Fractures in masonry or mortar joints.4.4. Fissures in masonry or mortar joints.4.5. Spalling.	Interior of the building has several areas within that have fire damage beyond charring.	*Open

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

04/20/2023	IPMC 308.1 - Accumulation of Rubbish or Garbage	Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.	The interior of the structure if full of rubbish and garbage due to the fire within.	*Open
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Notes

Date	Note	Created By:
2023-05-11	05-11-2023. The signed certified mail receipt was returned to Code Enforcement at Fire Station #7. It was scanned and uploaded to the iWorq files.	Jessica Wing

Uploaded Files

Date	File Name
05/25/2023	15535561-310 N. White Sands Administrative Report.pdf
05/25/2023	15535535-JoshSides-05-23-2023-20-33-53-UTC-310 N White Sands SW.jpg
05/25/2023	15535536-JoshSides-05-23-2023-20-35-50-UTC-310 N White Sands SW.jpg
05/25/2023	15535530-JoshSides-05-23-2023-20-33-15-UTC-310 N White Sands SW.jpg
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05/25/2023	15535475-JoshSides-05-23-2023-20-37-02-UTC-310 N White Sands SW.jpg
05/23/2023	15513253-FILED Search Warrant 310 N White Sands.pdf
05/23/2023	15512536-bulk-footage-2023-05-23-21-20-22-UTC.zip
05/23/2023	15512537-bulk-footage-2023-05-23-21-20-02-UTC.zip
05/23/2023	15512538-bulk-footage-2023-05-23-21-19-44-UTC.zip
05/23/2023	15512539-bulk-footage-2023-05-23-21-19-29-UTC.zip
05/23/2023	15512535-bulk-footage-2023-05-23-21-20-56-UTC.zip
05/11/2023	15379991-North White Sands 310 Certified mail label signed.pdf
04/26/2023	15176845-N White Sands 310 IPMC.pdf
04/26/2023	15176846-N. White Sands 310 Certified mail scan IPMC.pdf
04/26/2023	15176847-N. White Sands Blvd 310 Certified labe pre-mailing.pdf
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04/26/2023	<u>15166830-JoshSides-04-25-2023-20-41-57-UTC-310 N White Sands Bl.jpg</u>
04/26/2023	<u>15166831-JoshSides-04-25-2023-20-42-11-UTC-310 N White Sands Bl.jpg</u>
04/26/2023	<u>15166832-JoshSides-04-25-2023-20-42-30-UTC-310 N White Sands Bl.jpg</u>