

**CHAVES COUNTY BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING AGENDA**

December 18, 2014 –9:00 a.m.

**Chaves County Administrative Center – Joseph R. Skeen Building
Commission Chambers - #1 St. Mary's Place**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

DETERMINATION OF QUORUM

APPROVAL OF MINUTES

PRESENTATIONS

AGENDA ITEMS

A. PUBLIC HEARINGS

1. Adoption of Revision #3 to Ordinance #44, Chaves County Right-of-Way Use Permit Ordinance
2. Amendment to Ordinance #7, Chaves County New Mexico Zoning Ordinance, by Adding Article XX and Adding Definitions to Article II

B. AGREEMENTS AND RESOLUTIONS

3. Amendment #1 to Agreement A-14-019 between Chaves County and Roswell Chamber of Commerce for Economic Development Services
4. Resolution R-14-063-Adopting a Courthouse Policy
5. Resolution R-14-064-Approval of Budget and Transfer Adjustments
6. Resolution R-14-065-Authorizing the Submission of an Application under the 2015 Community Development Block Grant (CDBG) Program

C. OTHER BUSINESS

7. 2015 Chaves County Annual Road Hearing Schedule

APPROVAL OF CHECKS

APPROVAL OF REPORTS

**UNSCHEDULED COMMUNICATIONS LIMITED TO FIVE MINUTES PER VISITOR
NO FORMAL ACTION TAKEN BY COMMISSION**

- **COUNTY MANAGERS' COMMUNICATIONS**
- **COMMISSIONER'S COMMUNICATIONS**
- **SIGNATURE OF DOCUMENTS**
- **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing of a meeting, please contact the County Commissioner's office at 575-624-6600. This should be done at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the County Commissioner's office if a summary or other type of accessible format is needed.

AGENDA ITEM: __1__

Public Hearing Regarding Adoption of
Revision #3 to Ordinance #44, Chaves
County Right-of-Way Use Permit Ordinance

MEETING DATE: December 18, 2014

STAFF SUMMARY REPORT

ACTION REQUESTED BY: Sonny Chancey, Public Services Director

ACTION REQUESTED: Conduct Public Hearing/Approve Ordinance

ITEM SUMMARY:

Adoption of Revision #3 to Ordinance #44, Chaves County Right-of-Way Use Permit Ordinance, authorizes revisions of traffic control plans, depth requirements for trenching and excavations and requirement for permittee to have a copy of the permit on site at all times during construction.

This is a public hearing and has been properly advertised. The proposed Ordinance revisions have been made available to the public and in the Chaves County Clerk's Office and on the Chaves County website.

Staff recommends approval of Revision #3 to Ordinance #44.

SUPPORT DOCUMENTS: Revision #3/Ordinance #44

SUMMARY BY: Sonny Chancey

TITLE: Public Services Director

**ADOPTION OF REVISION #2 #3
TO ORDINANCE #44, CHAVES COUNTY
RIGHT-OF-WAY USE PERMIT ORDINANCE**

On the ~~8th~~ 18th day of ~~December, 1999~~ December, 2014, a public hearing was held by the Board of Chaves County Commissioners to consider adopting Revision #2 #3 to Ordinance #44, the Chaves County Right-of-Way Use Permit Ordinance. Revision #2 #3 includes the additions, changes and amendments provided herein.

SECTION VII – PERMIT WARRANTY AND RESTRICTIONS

- A. The permittee is required to correct incomplete or defective materials and workmanship performed under each permit.
- B. The permittee must restore the street sub-base and surface to its original condition. Upon failure of the permittee to do so within twenty-four (24) hours after notice from the County, the County may cause to have such work done, and the cost thereof charged to the permittee.
- C. The permittee must take appropriate measures to maintain safe and adequate passage of vehicle and pedestrian traffic as required by the County.
- D. In the event that the permittee causes damage to the existing utilities (and for this purpose, pipe coating or other encasement or other devices are considered a part of the utility). The owners must be notified immediately, and the damage repaired or paid for by the permittee. Further, the permittee is responsible for the proper installation of any diversion or ponding devices necessary for protection of property and structures, and shall be responsible for repair or payment of damages caused to property or structures by permittee's failure to properly provide such devices.
- E. The permittee shall keep all roadways and right-of-ways usable and in safe condition. All traffic control plans and construction signing shall be reviewed and approved by the Road Operations Director and shall be in accordance with the MUTCD (Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration).

SECTION VIII – CONSTRUCTION REQUIREMENTS

- A. The permittee prior to making any excavation or paving cut, shall adequately barricade the area to be excavated and shall comply with the Uniform Traffic Code of the State of New Mexico.
- B. All material excavated must be piled and maintained so as to not endanger the public. In order to expedite the flow of traffic or keep dirt and dust from spreading or flying the permittee must use guards or other methods and/or shall water the excavated material. The permittee shall remove all rubbish, excess earth, rock and other debris resulting from the excavation work immediately upon completion of backfilling as required by Section VII. Upon failure to do so within twenty-four (24) hours after notice from the County may do so and charge the cost to the permittee.

C. In the event grade changes are made in the County road or the County right-of-way is widened or realigned which necessitates relocation of any installation, permittee upon receiving written notice from the County, will contact the Road Department to coordinate relocation of his/her facilities. The relocation shall be done by the permittee within a reasonable time (usually sixty (60) days) and at his/her own expense. If the permittee is unable or refuses to comply, the County may cause the work to be done with the permittee paying the cost thereof.

D. The County will endeavor to give the applicants sufficient notice of any proposed construction or maintenance work on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any cable, pipeline or any tile line belonging to the permittee, in order that the permittee may arrange to protect his lines.

E. The permittee will comply with the New Mexico "One Call System" and will have a log number given by "One Call" for underground utilities location on a project site during all construction work resulting from this permit.

F. The permittee agrees to give the County at least four (4) days notice of its intention to start construction on the County right-of-way. Said notice shall be in writing to the County Road Superintendent.

G. The depth requirements for all trenching and excavating shall be as follows:

1. Gas lines shall be a minimum of four (4') feet in depth from the lowest point within the County right-of-way.
2. Water lines shall be a minimum of two (2') feet in depth from the lowest point within the County right-of-way.
3. All other lines shall be a minimum of two (2') feet in depth from the lowest point within the County right-of-way.
4. Exceptions to the minimum depths may be authorized by the Road Superintendent or his representative.

H. All trenching and excavations under County roadways shall be sleeved.

SECTION X – INSPECTIONS

A. The County may make such inspections as are reasonably necessary in the enforcement of this Ordinance.

B. Acceptance or approval of ditching, excavation, backfilling, and restoration of surface by the County does not prevent the County from asserting claim against the permittee for incomplete or defective workmanship or materials. The presence of a representative of the County during the performance of the work does not relieve the permittee of his responsibilities hereunder.

C. The permittee or his/her representative, subcontractor, shall have a copy of the permit on site at all time during construction for review by the Road Superintendent or his representative.

SECTION XI – FEES

- A. The fees will cover the permit, plan checking, and inspection.
- B. The amount of the permit fee will be computed as follows:
 - 1. There shall be a minimum fee for each permit in the amount of \$50.00. This includes one installation up to ten feet long, off of the traveled roadway.
 - 2. Each additional foot of underground installation in a County maintained right-of-way shall be calculated as follows (**based on project total feet**):
 - a. ~~First 1,000 feet~~ **0 feet to 1,000 feet maximum** at \$0.50 per foot.
 - b. ~~1,001 feet to 2,000 feet~~ **0 feet to 2,000 feet maximum** at \$0.40 per foot.
 - c. ~~2,001 feet to 5,000 feet~~ **0 feet to 5,000 feet maximum** at \$0.30 per foot.
 - d. ~~5,001 feet to 10,000 feet~~ **0 feet to 10,000 feet maximum** at \$0.20 per foot.
 - e. Over 10,000 feet at \$0.10 per foot.
 - f. Installations in a non-maintained right-of-way shall not be assessed an additional fee in excess of the minimum permit fee.
 - 3. Each additional foot of aerial installation at \$0.10 per foot.
 - 4. Each excavation of a non-paved, maintained roadway at \$120.00 each.
 - 5. Each jacking and boring under a maintained roadway at \$50.00 each.
 - 6. Each excavation of a paved roadway at \$1,100.00 each.
- C. Payment shall be made in the form of a check, money order, or draft made payable to Chaves County Road Fund.
- D. The County reserves the right to waive the fees on aerial crossing provided the crossing does not effect the right-of-way.
- E. The County reserves the right to waive fees for entry into a substructure opening.
- F. The County reserves the right to waive or amend any of the foregoing fees on a case by case basis.

DONE this 8th ~~December, 1999~~ **18th day of December, 2014.**

ORDINANCE #44

**CHAVES COUNTY RIGHT-OF-WAY USE PERMIT
Amended December 18, 2014**

BE IT ORDAINED by the County Commissioners of Chaves County:

SECTION 1 - TITLE

This Ordinance will be known as the Chaves County Right-of-Way Use Permit Ordinance.

SECTION II - GENERAL POLICY

A. It shall be unlawful for any person to make any excavation, pavement cut, or remove pavement from any County street or road right-of-way without first applying for and securing a permit from Chaves County, complying fully with all provisions of this Ordinance.

B. Should any conflict exist between the provisions of this Ordinance and other applicable laws the most stringent regulation shall apply.

SECTION III - DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations will have the meaning given herein.

A. "Applicant" means any person required to apply for a permit.

B. "County" means that portion of the geographic limits of Chaves County lying outside the boundaries of all incorporated municipalities.

C. "Excavation" means a hole, trench, ditch, or depression in a public place resulting from the removal or moving the pavement, dirt, or other material by a person.

D. "Facility" means any pipe, pipeline, tube, main, service vent, vault, manhole, meter, regulator, valve, conduit, pole, pole line, anchor, cable, structure or object of any kind of character whether enumerated herein or not which is or may be lawfully constructed, left, placed or maintained upon, along, across, under, or over any public place.

E. "Person" means an individual, estate, trust, receiver, cooperative association, club, corporation, franchised utility company, firm, partnership, joint venture, syndicate or other entity.

F. "Permittee" means a person whose application has been approved by Chaves County.

G. "Public Place" means all property owned or maintained by the County including but not limited to streets, highways, alleys, planes, sidewalks, plazas, parks, easements, right-of-ways, curbs, and drainage ways.

H. "Right-of-Way" means any County land or other place, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

I. "Substructure" means any facility located below the surface of any public place.

J. "Substructure opening" means an opening into a lawful substructure, the top of which is flush with the adjoining surface of a public place and which is so constructed as to permit frequent openings without injury or damage to a public place and without removal of pavement, dirt, or other material.

SECTION IV - PERMITS AND APPROVALS

A. Except as hereinafter provided in this Section, and in Section V of this Ordinance, no person may commence any excavation in any County street or road right-of-way unless a permit for such excavation is first obtained from the County. The permit will be valid for ninety (90) days, at which time it will expire. Construction commenced after the expiration date shall be in violation of this Ordinance, unless a written request for extension of the termination date has been filed and approved by the Road Superintendent.

B. A permit shall be required for excavation of a substructure opening.

C. A permit shall be required for aerial crossings of County right-of-ways.

D. No permit is required for entry into an excavated substructure opening, unless the substructure is located where a traffic hazard can exist.

SECTION V - APPLICATION

Every person required to obtain a permit by this Ordinance must make application therefore to the County Road Superintendent or his designated representative.

A. The Application shall state:

1. The name, telephone number, address, and place of business of the applicant, name of contact person;
2. A description of the location and dimensions of the proposed excavation, including a plan view and cross-section view of the proposed project;
3. The method by which the proposed excavation will be accomplished;

4. The purpose of the facility to be installed therein;
5. The estimated length of time required to complete the work, including backfilling and removal of all obstructions, materials and debris, and the restoration of the surface. A duly issued permit shall be the authority of the applicant to excavate in the public place for which the permit is granted.

B. The application shall be reviewed by the County Road Superintendent. Applications for driveways, drainage culverts, irrigation lines, utility distribution and service lines and associated facilities shall be subject to approval by the County Road Superintendent. All other applications shall be subject to approval by the Chaves County Board of Commissioners.

C. All road crossings on paved roads shall be performed by boring or jacking rather than excavating. All crossings shall be clearly marked.

SECTION VI - LIABILITY

All persons required to apply for a permit under this Ordinance shall provide a certificate of insurance satisfactory to the County showing that he/she has such insurance as will protect him/her from claims or damages because of bodily injury, including death, to his/her employees and all other; and from claims for damage to property, any and all of which may arise out of or result from his/her operations, including completed operations, in connection with the making of an excavation or the entering into a substructure opening, whether such operations be by himself or any subcontractor or anyone directly or indirectly employed by him.

SECTION VII - PERMIT WARRANTY AND RESTRICTIONS

A. The permittee is required to correct incomplete or defective materials and workmanship performed under each permit.

B. The permittee must restore the street sub-base and surface to its original condition. Upon failure of the permittee to do so within twenty-four (24) hours after notice from the County, the County may cause to have such work done, and the cost thereof charged to the permittee.

C. The permittee must take appropriate measures to maintain safe and adequate passage of vehicle and pedestrian traffic as required by the County.

D. In the event that the permittee causes damage to the existing utilities (and for this purpose, pipe coating or other encasement or other devices are considered a part of the utility). The owners must be notified immediately, and the damage repaired or paid for by the permittee. Further, the permittee is responsible for the proper installation of any diversion or ponding devices necessary for protection of property and structures, and shall be responsible for repair or payment of damages caused to property or structures by permittee's failure to properly provide such devices.

E. The permittee shall keep all roadways and right-of-ways usable and in safe condition. All traffic control plans and construction signing shall be reviewed and approved by the Road Operations Director and shall be in accordance with the MUTCD (Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration).

SECTION VIII - CONSTRUCTION REQUIREMENTS

A. The permittee prior to making any excavation or paving cut, shall adequately barricade the area to be excavated and shall comply with the Uniform Traffic Code of the State of New Mexico.

B. All material excavated must be piled and maintained so as to not endanger the public. In order to expedite the flow of traffic or keep dirt and dust from spreading or flying the permittee must use guards or other methods and/or shall water the excavated material. The permittee shall remove all rubbish, excess earth, rock and other debris resulting from the excavation work immediately upon completion of backfilling as required by Section VII. Upon failure to do so within twenty-four(24)hours after notice from the County may do so and charge the cost to the permittee.

C. In the event grade changes are made in the County road or the County right-of-way is widened or realigned which necessitates relocation of any installation, permittee upon receiving written notice from the County, will contact the Road Department to coordinate relocation of his/her facilities. The relocation shall be done by the permittee within a reasonable time (usually sixty (60) days) and at his/her own expense. If the permittee is unable or refuses to comply, the County may cause the work to be done with the permittee paying the cost thereof.

D. The County will endeavor to give the applicants sufficient notice of any proposed construction or maintenance work on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any cable, pipeline or any tile line belonging to the permittee, in order that the permittee may arrange to protect his lines.

E. The permittee will comply with the New Mexico "One Call System" and will have the log number given by "One Call" for underground utilities location on a project site during all construction work resulting from this permit.

F. The permittee agrees to give the County at least four (4)days notice of its intention to start construction on the County right-of-way. Said notice shall be in writing to the County Road Superintendent.

G. The depth requirements for all trenching and excavating shall be as follows:

1. Gas lines shall be a minimum of four (4') feet in depth from the lowest point within the County right-of-way.
2. Water lines shall be a minimum of two (2') feet in depth from the lowest point within the County right-of-way.
3. All other lines shall be a minimum of two (2') feet in depth from the lowest point within the County right-of-way.
4. Exceptions to the minimum depths may be authorized by the Road Superintendent or his representative.

H. All trenching and excavations under County roadways shall be sleeved.

SECTION IX - BACKFILLING

Unless specifically exempted in writing, any person who trenches or excavates within a public place for any purpose whatsoever is required to backfill a trench or excavation as follows:

A. All backfilling of trenches shall be thoroughly compacted in layers of six inches (6") or less in depth to a ninety-five percent (95%) maximum density. Backfilling of trenches within the right-of-way but not under the travelled road, shall be compacted sufficiently to avoid settlement. All work shall be done in a workman-like manner and the ground left in neat condition. All work must be satisfactory to the Road Superintendent or his designated representative.

B. Backfill and compaction inspections shall, to the extent practical, be made by the County.

C. In the event the compacted backfill fails to meet the density requirements of this Section or otherwise fails as evidenced by settlement of the trench or excavation the County may order the faulty backfill material removed, replaced and recompacted to the required density specified herein; and the County may also order the replacement of all pavement destroyed or damaged as a result of the backfill failure settlement. The cost incurred by the County shall be paid by the permittee.

SECTION X - INSPECTIONS

A. The County may make such inspections as are reasonably necessary in the enforcement of this Ordinance.

B. Acceptance or approval of ditching, excavation, backfilling, and restoration of surface by the County does not prevent the County from asserting claim against the permittee for incomplete or defective workmanship or materials. The presence of a representative of the County during the performance of the work does not relieve the permittee of his responsibilities hereunder.

C. The permittee or his/her representative, subcontractor, shall have a copy of the permit on site at all time during construction for review by the Road Superintendent or his representative.

SECTION XI - FEES

A. The fee will cover the permit, plan checking, and inspection.

B. The amount of the permit fee will be computed as follows:

1. There shall be a minimum fee for each permit in the amount of \$50.00. This includes one installation up to ten feet long, off of the traveled roadway.
2. Each additional foot of underground installation in a County maintained right-of-way shall be calculated as follows(based on project total feet):
 - a. 0 feet to 1,000 feet maximum at \$0.50 per foot.
 - b. 0 feet to 2,000 feet maximum at \$0.40 per foot.
 - c. 0 feet to 5,000 feet maximum at \$0.30 per foot.
 - d. 0 feet to 10,000 feet maximum at \$0.20 per foot.
 - e. Over 10,000 feet at \$0.10 per foot.
 - f. Installations in a non-maintained right-of-way shall not be assessed an additional fee in excess of the minimum permit fee.

3. Each additional foot of aerial installation at \$0.10 per foot.
4. Each excavation of a non-paved, maintained roadway at \$120.00 each.
5. Each jacking or boring under a maintained roadway at \$50.00 each.
6. Each excavation of a paved roadway at \$1,100.00 each.

C. Payment shall be made in the form of a check, money order, or draft made payable to Chaves County.

D. The County reserves the right to waive the fees on aerial crossings provided crossing does not affect the right-of-way.

E. The County reserves the right to waive fees for entry into a substructure opening.

SECTION XII - DOUBLE FEES

Where work for which a permit is required is started prior to obtaining a permit, the fees specified above shall be doubled, but the payment of such doubled fees shall not relieve any persons from full compliance with the requirements of this Ordinance in the execution of the work nor from any other penalties provided by law.

SECTION XIII - PENALTY

In addition to any other liability imposed by law, any person who shall violate the provisions of this Ordinance may, upon conviction, be punished by a fine of not more than \$300.00 or by imprisonment in the County jail not to exceed ninety (90) days, or to both such fine and imprisonment in the discretion of the judge. Each day of violation shall be considered a separate offense.

SECTION XIV - REGULATIONS

The County may promulgate such rules and regulations as may be required to implement this Ordinance.

SECTION XV - SEVERABILITY

If any part of application of this Ordinance is held invalid, the remainder of its provisions applicable to other situations or persons shall not be affected.

SECTION XVI - SUSPENSION OR CANCELLATION OF PERMIT

The County is authorized or empowered to suspend, cancel, or

withdraw any permit issued by the County for the performance of any work not being done in compliance with this Ordinance.

SECTION XVII - VARIANCES

A. A variance will be considered should problems arise concerning compliance by the Permittee with this ordinance. A request for a variance must be submitted to the Road Department in writing, and set forth the problems encountered and justification for granting the request.

B. The request for a variance shall be reviewed by the County Road Superintendent, subject to approval by the Chaves County Board of Commissioners.

SECTION XVIII - APPEALS

In the event any applicant is aggrieved by the refusal of the County to grant any permit, the denial of a request for time extension or the suspension, cancellation or withdrawal of any permit] pursuant to Section XVI, the applicant may, within ten (10) calendar days of the aggrieved action, submit to the County Road Superintendent a request for hearing in front of the Chaves County Road Committee. In the event the applicant aggrieved by the Road Committee's decision, the applicant may file a written notice of appeal to the Chaves County Board of Commissioners. The Notice of Appeal must be filed in the office of the County Clerk within ten (10) calendar days of the Road Committee's decision. The Chaves County Board of Commissioners shall consider the appeal within thirty (30) calendar days of its filing at the County Clerk's office.

DONE this 18th day of December, 2014.

APPROVED AS TO FORM
& LEGAL SUFFICIENCY:

CHAVES COUNTY BOARD OF COMMISSIONERS

Stanton L. Riggs
County Attorney

James W. Duffey, Chairman

ATTEST:

Kyle. D. "Smiley" Wooton, Vice-Chair

Dave Kunko
County Clerk

Kim Chesser, Member

Robert Corn, Member

Greg Nibert, Member

AGENDA ITEM: 2

Public Hearing Regarding Proposed Amendment to Ordinance #7, Chaves County New Mexico Zoning Ordinance, by Adding Article XX and Adding Definitions to Article II

MEETING DATE: December 18, 2014

STAFF SUMMARY REPORT

ACTION REQUESTED BY: Stanton L. Riggs

ACTION REQUESTED: Remove from Table, Conduct Public Hearing and Approve Amendments

ITEM SUMMARY:

Proposed amendments to Ordinance #7 add a new article to be titled Article XX, that regulates the locations, permitting, licensing and operation of sexually-oriented businesses/adult entertainment enterprises; and add definitions to Article II describing and defining such land uses; providing for the licensing, administration and enforcement of such land uses, and providing for the control and inspection of such land uses; identifying performance standards and requirements such land uses shall adhere to when locating within Chaves County and providing for the protection of the health, safety and welfare of all citizens of Chaves County

This is a public hearing and has been properly advertised. The proposed amendments to Ordinance #7 have been made available to the public in the County Clerk's Office and on the County website.

Staff recommends approval of amendments to Ordinance #7.

SUPPORT DOCUMENTS: Proposed Amendments to Ordinance #7

SUMMARY BY: Stanton L. Riggs

TITLE: County Manager

AMENDMENT TO ORDINANCE NUMBER 7

AN AMENDMENT TO THE CHAVES COUNTY NEW MEXICO ZONING ORDINANCE NUMBER 7, ADDING A NEW ARTICLE TO BE TITLED ARTICLE XX, THAT REGULATES THE LOCATION, PERMITTING, LICENSING AND OPERATION OF SEXUALLY-ORIENTED BUSINESSES/ADULT ENTERTAINMENT ENTERPRISES; ADDING DEFINITIONS TO ARTICLE 2 DESCRIBING AND DEFINING SUCH LAND USES; PROVIDING FOR THE LICENSING, ADMINISTRATION AND ENFORCEMENT OF SUCH LAND USES, AND PROVIDING FOR THE CONTROL AND INSPECTION OF SUCH LAND USES; IDENTIFYING PERFORMANCE STANDARDS AND REQUIREMENTS SUCH LAND USES SHALL ADHERE TO WHEN LOCATING WITHIN CHAVES COUNTY, AND PROVIDING FOR THE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF ALL CITIZENS OF CHAVES COUNTY.

WHEREAS, the Planning Department has defined and provided a minimal amount of regulations to address sexually-oriented businesses/adult entertainment enterprises in order to protect the health, safety, morals and general welfare of the citizens of Chaves County, and to establish reasonable and uniform regulations to prevent the deleterious locations and concentration of sexually oriented businesses within the County; and

WHEREAS, sexually-oriented businesses/adult entertainment enterprises lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism within the Chaves County Code to make the owners of these establishments responsible for the activities that occur on their premises; and

WHEREAS, sexually-oriented businesses/adult entertainment enterprises have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns; and

WHEREAS, sanitary conditions in some sexually oriented businesses/adult entertainment enterprises are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities; and

WHEREAS, the Chaves County Planning Commission, at a properly noticed public hearing, and after taking public testimony, did approve and make recommendations within the scope of their authority of the amendments to the Zoning Ordinance to the Board of Chaves County Commissioners; and

WHEREAS, Article I, Section II, Zoning Authority of County, of the Chaves County Zoning Ordinance, provides the Board of Chaves County Commissioners the power to review and approve all amendments to the Zoning Ordinance; and

WHEREAS, it is the opinion of the Board of Chaves County Commissioners that the amendments proposed herein by the Planning Department are proper and necessary to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the citizens of Chaves County.

NOW, THEREFORE, BE IT RESOLVED by the Chaves County Commissioners

- 1. THAT THE SEVENTH REVISION** to the Chaves County New Mexico Zoning Ordinance shall be recorded on this date, and shall be as follows:

ARTICLE XX

SEXUALLY-ORIENTED BUSINESSES AND ADULT ENTERTAINMENT ENTERPRISES

Sections:

- 20.1 Purpose and intent.
- 20.2 Sexually Oriented Business/Adult Entertainment Enterprise Definition.
- 20.3 Findings.
- 20.4 Applicability.
- 20.5 Special Use Permit Required
- 20.6 Application forms – Information required.
- 20.7 Licensing Requirements, applications, fees.
- 20.8 Performance standards and requirements.
- 20.9 Administration and enforcement.
- 20.10 Control and inspection of premises, general requirements.
- 20.11 Control and inspection of premises, adult encounter centers and motels.
- 20.12 Appeals.
- 20.13 Amortization.
- 20.14 Exceptions.
- 20.15 Public nuisance.

20.16 Severability.

20.17 Effective date.

Section 20.1 Purpose and intent.

The purpose of this article is to regulate the location, licensing and operation of adult entertainment enterprises in order to promote and protect the general public health, safety and welfare of all Chaves County citizens and in order to preserve and protect the quality of life in Chaves County neighborhoods through effective land use planning and reasonable zoning regulation in light of the findings set forth in Section 20.2, and to regulate the display of adult-oriented materials by other commercial establishments.

This article treats sexually oriented businesses/adult entertainment enterprises differently from other commercial enterprises because of potential markedly negative secondary effects upon their surrounding communities and neighborhoods. These distinctions will also provide for reasonable alternative avenues of communication which do not violate the First and Fourteenth Amendments of the United States Constitution.

The regulations set forth in this article are not designed to suppress the expression of unpopular views and behaviors, but rather to minimize children's and the general public's exposure to negative effects associated with sexually oriented businesses/adult entertainment enterprises, to prevent sex-related crimes, vandalism, and criminal activities related to alcohol and drug abuse, to protect the county's retail trade, to maintain property values, to minimize impacts on police services, to minimize sexual harassment of the public, and to protect and preserve the quality of the county's residential neighborhoods, commercial districts, and recreational activities.

Section 20.2 Sexually Oriented Business/Adult Entertainment Enterprise, Definition.

A Sexually Oriented Business/Adult Entertainment Enterprise (hereinafter referred to as an "Adult Entertainment Land Use or an Adult Entertainment Enterprise") means an establishment including but not limited to, an adult arcade, adult cabaret, adult bookstore, adult lounge, adult encounter center, adult lotion or massage parlor, adult modeling studio, adult motel, adult movie, adult movie theater, adult panoram establishment, adult video store, live adult entertainment establishment, massage parlor, nude or semi-nude model studio, sexual encounter center or establishment, or any similar establishment to which customers are invited or permitted access and which, for consideration of any kind, offers sexually-oriented or "adult" materials to such customers when: (a) any live, video or film adult materials are displayed to customers while on the premises of the establishment; or (b) adult materials, constituting either ten percent (10%) or more of the establishment's stock in trade, as computed by items offered for sale, or ten percent (10%) of gross revenue, are offered for the off-

premises display to customers. Adult Entertainment Enterprises and related activities are further defined in Article II, Rules of Construction and Definitions.

Section 20.3 Findings.

The uses and activities defined and regulated in this article may potentially be detrimental to the public health, safety and welfare of the citizens of Chaves County and to the reasonable and orderly growth and development of Chaves County and therefore must be reasonably regulated for the following reasons:

- A. The text of Ordinance Number 7, the Chaves County Zoning Ordinance, contains no provisions nor any regulatory language to identify or address sexually-oriented businesses/adult entertainment enterprises, and therefore needs to be revised;
- B. Numerous communities have experienced negative secondary impacts resulting from adult entertainment land uses;
- C. Chaves County's concern for the adverse secondary impacts of adult entertainment land uses is exacerbated by its proximity to, and interrelationship with, adult entertainment land uses within the Roswell-Chaves County Extraterritorial Zone (ETZ), where reasonable regulations of such uses have been developed and adopted;
- D. The Chaves County Comprehensive Plan strongly supports a policy that adjacent land uses be compatible;
- E. Adult entertainment land uses are incompatible with certain existing land uses such as residences, churches, parks, public building (which the public is authorized to attend); religious institutions, public or private schools, boys clubs, girls clubs, licensed child care facilities, licensed child care centers, or similar existing youth organizations, and similar uses;
- F. Adult entertainment land uses reduce the desirability and value of residential property;
- G. Adult entertainment land uses negatively impact the character of established neighborhoods;
- H. Concentration of adult entertainment land uses degrades the quality of the areas in which they are concentrated and causes a decline in desirability and value of surrounding properties;
- I. Even in dispersal models, adult entertainment land uses may be expected to have adverse secondary impacts on adjacent commercial and business uses unless subject to reasonable regulation relating to exterior decor and signage;
- J. Increased levels of criminal activity occur on and around adult entertainment land uses which implicate health and safety resources of Chaves County;

- K. On-premises criminal activity may occur on and/or near adult entertainment uses, unless such premises are subject to reasonable regulations relating to licensure, interior design and on-premises conduct of licensees;
- L. Utilization of one (1) mile as the requisite spacing between each adult entertainment land use and other adult entertainment land uses, and between adult entertainment land uses and incompatible land uses (defined in Article II), will provide adequate separation of these uses while simultaneously providing adequate locations for prospective adult entertainment land uses;
- M. Implementation of a modified dispersal approach to the regulation of adult entertainment uses, together with reasonable regulation of licensure of such uses, is the least restrictive alternative means available to accomplish the substantial governmental interest in protecting and preserving the quality of the county's neighborhoods while still preserving adequate site opportunities for the siting of adult entertainment enterprises and those who wish to patronize such enterprises/land uses;
- N. Licenses for adult entertainment land uses shall not be issued to convicted felons;
- O. Major routes into and out of Chaves County provide residents and visitors alike with an impression of the County and its environs. As such, Adult Entertainment Enterprises shall not be sited or located immediately adjacent to the following roadways and highways:
 - US Highway 70,
 - US Highway 82,
 - US Highway 285,
 - US Highway 380,
 - State Road 2,
 - State Road 13
 - Roswell Relief Route; and
- P. The public welfare is served by the screening of adult materials from view by minors or from outside of the business establishment.

Section 20.4 Applicability.

Any person proposing to develop an adult entertainment enterprise in the unincorporated area of the county shall first apply for and receive site plan approval from the Director. All subsequent construction shall comply with the provisions of Section 20.7 and Section 20.8, and all applicable county codes, and the approved site plan.

Section 20.5 Special Use Permit Required.

- A. Except as provided in subsection D of this section, after the effective date of this article, no adult entertainment enterprise shall be operated or maintained in the unincorporated areas of Chaves County without first obtaining a Special Use Permit pursuant to the requirements of Article XVIII, and a Land Use Permit, pursuant to the requirements of Article XIX of this ordinance, issued by the Chaves County Planning Department after a public hearing. Prior to obtaining a Special Use Permit and a Land Use Permit, applicants for adult entertainment enterprises shall apply for and have a background check completed by the Chaves County Sheriff's Office.
- B. A Special Use Permit/Land Use Permit shall be issued only for one adult entertainment enterprise located at a fixed location or on one parcel of land. Any person, partnership, or corporation which desires to operate more than one adult entertainment enterprise shall obtain a Special Use Permit/Land Use Permit for each such enterprise.
- C. No Special Use Permit/Land Use Permit or interest in a Special Use Permit/Land Use Permit may be transferred to any person, partnership, or corporation. If an operator wants to transfer an adult entertainment enterprise license, in accordance with the provisions of section 20.7 of this article, he or she shall first make application for a new Special Use Permit/Land Use Permit.
- D. All adult entertainment enterprises existing at the effective date of the ordinance codified in this article must submit an application for a Special Use Permit/Land Use Permit within one (1) year of the date of the passage of the ordinance. If an application is not received within the one (1) year time period, the existing adult entertainment enterprise shall immediately cease operation until such permits are obtained. Adult entertainment enterprises are subject to the amortization requirements of Section 20.13.
- E. Applications for Special Use Permits/Land Use Permits shall be required to meet the following conditions:
 - 1. Location Requirements. Adult entertainment enterprises shall be permitted only within the unincorporated areas of the county that are zoned for Commercial, Zone C, Type I (Article XI), or Industrial, Zone D (Article XIII), and only if they meet all of the locational requirements set forth in this section.
 - 2. Adult entertainment enterprises shall apply for and obtain a Special Use Permit/Land Use Permit, per the requirements of Article XVIII and Article XIX, respectively.
 - 3. Adult entertainment enterprises shall be prohibited within one (1) mile of any incompatible land use, as defined in Article II, Section 2, of the unincorporated areas of the county.
 - 4. Adult entertainment enterprises shall be prohibited from locating within one (1) mile of any other adult entertainment enterprise.

5. Adult Entertainment Enterprises shall be prohibited from locating within 1,500 feet of the rights-of-way of the roadways identified in Section 20.3 (O).

Section 20.6 Application forms – Information required.

Application forms for obtaining the required Special Use Permit and site plan approval for any adult entertainment enterprise shall be provided by the Department. A complete application shall contain the following information:

- A. Name, address, and telephone number of the applicant and/or operator, and all persons owning an interest including all individuals having a corporate or partnership interest in the property and operation of the enterprise, including officers, directors, significant shareholders in the business operation (individuals or entities owning 10% or more of the business enterprise).
- B. Type of Enterprise. The applicant shall identify the type or types of adult enterprises to be operated by the prospective licensee (e.g., arcade, bookstore, lounge, encounter center, lotion or massage parlor, modeling studio, motel, adult movie theater, video store, etc.), and shall specify whether the enterprise will involve live on-premises display or other on-premises display.
- C. Owners and Operators. The applicant shall furnish the following information regarding owners and/or operators of the enterprise:
 1. Date of birth, street and mailing address of the intended operator, together with any and all aliases used by the intended operator;
 2. The name, date of birth, street and mailing addresses of any owner, together with any and all aliases used by any such owner;
 3. The name under which the enterprise is to be operated and the form of business under which the enterprise will operate; and
 4. Certified copies of assumed business name certificates, articles of incorporation with current amendments, certificates of authority, certificates of limited partnerships and qualification documents shall, as applicable, be furnished with the application.
- D. Employee Information. The applicant shall furnish the names, dates of birth, street and mailing addresses of all present or intended employees.
- E. Location and Related Information. The applicant shall furnish the address and legal description of the parcel of land on which the enterprise is to be located, including section, township and range, parcel and tax lot numbers, and acreage, together with the identification of the estate which the enterprise holds in the land, and shall furnish the planned hours of operation during which the enterprise will conduct any business.

- F. The ingress and egress from existing and proposed private or public roads;
- G. A current assessor's map, including the scale, of the property and all surrounding parcels located within one (1) mile of the subject property;
- H. Adjacent land uses and zoning of all properties located within one (1) mile of the boundaries of the subject property;
- I. A site plan drawn to scale showing the proposed building(s) and all elevations, details of entrances and windows, the location of advertising signs, the location of parking areas and the number of parking spaces, lighting plans for parking areas, entrances, exits, and fences. The site plans shall illustrate all proposed exterior and interior signage, and include drawings, elevation renderings and dimensions of all elevations and signage. All interior plans shall be drawn to scale and be accurate to plus or minus six (6) inches, and shall also include the applicable requirements contained within Sections 20.7, 20.8, and Article XIX, Land Use Permits, of this ordinance.
- J. Documentation that no other adult entertainment enterprise or non- adult entertainment enterprise is operating in the same building, structure, or portion thereof of the building; and
- K. A completed background check report from the Chaves County Sheriff's Office.

Section 20.7 Licensing requirements, applications, fees.

In addition to obtaining a Special Use Permit, no person shall engage in or conduct any business constituting an adult entertainment enterprise without having a current and approved adult entertainment license issued pursuant to this section.

Applications for a license, whether original, transfer or renewal, must be made to the Department by the intended operator of the adult entertainment enterprise. If the subject property is not owned by the operator, a certified copy of all lease agreements signed by the property owner, under oath, shall be made a part of the application. Applications shall be made by hand delivery to the Department during regular business hours, Monday through Friday, excluding holidays. Applications for licenses shall be made on a form to be furnished by the Department. The application shall be accompanied by an application for site plan review pursuant to sections 20.6 and 20.8 of this article.

A. License applications—Contents.

- 1. Upon Special Use Permit approval, the applicant shall make application for an Adult Entertainment Enterprise License with the Department. The applicant shall provide the same information on the License application as is contained in section 20.6.

B. License applications, fees.

The application shall be accompanied by payment in full in accordance with the fee schedule contained in Appendix A.

C. License applications, signatures and affirmations.

No application will be accepted for filing unless signed by each owner and/or operator, as defined in this ordinance, and unless accompanied by a statement under oath by the intended operator that he or she has personal knowledge of the information contained in the application, that the information furnished therein is true and correct, and that the intended operator has read the provisions of this article.

D. License, Issuance and denial.

Within thirty (30) working days of acceptance for filing of an application, the Director shall classify the type(s) of adult entertainment activity proposed by the applicant/operator within the categories set forth in Section 20.2, and shall grant or deny an adult entertainment enterprise license to the applicant/operator, and provide written notice to the applicant/operator of his or her decision. The Director shall issue an adult entertainment enterprise license to the applicant/operator unless one or more of the following conditions exist:

1. The adult entertainment enterprise fails to obtain a Special Use Permit;
2. The adult entertainment enterprise fails to meet the location requirements set forth in Section 20.8 of this article;
3. Site plans submitted in support of the application fail to demonstrate compliance with applicable requirements of this article;
4. The intended operator, any owner, or any present or intended employee has been convicted of any of the following offenses:
 - a. Any of the offenses set forth in NMSA 1978, § 30-37-1 et seq. (Sexually Oriented Material Harmful to Minors), NMSA 1978, § 30-6A-1 et seq. (Sexual Exploitation of Children), NMSA 1978, § 30-8-8.1 (Abatement of House of Prostitution), NMSA 1978, § 30-9-1 et seq. (Sexual Offenses).
 - b. The equivalent of the aforesaid offenses outside the State of New Mexico.
5. The applicant/operator failed to supply all the information required on the application;

6. The applicant/operator knowingly gave materially false, fraudulent or untruthful information on the application;
7. The applicant, operator, or any owner has, within one (1) year of the date of filing of application, had an adult entertainment enterprise license revoked under this article or a substantially similar ordinance or law.
8. Any individual convicted of any felony, regardless of the jurisdiction in which it was committed.

E. License, term and renewal, transferability.

1. Term and Renewal. Each adult entertainment enterprise license shall be valid for a period of one (1) year and shall expire on the anniversary of the date of issuance of the license, unless sooner revoked, or surrendered. Each adult entertainment enterprise license shall be subject to renewal as of its expiration date by the filing of a permit and license renewal application with the Director. Renewal applications must be filed at least thirty (30) days prior to the expiration date of the permit that is to be renewed.
2. Transferability.
 - a. An adult entertainment enterprise license is personal to the operator and owner or owners designated in the application, but may be transferred pursuant to this section. A transfer application must be filed within thirty (30) days prior to any change in owners or operators designated in the application. A transfer application shall be made by hand delivery to the Department during regular business hours, Monday through Friday, excluding holidays. Applications for transfers shall be made on a form or forms to be furnished by the Department.
 - b. The form of application for transfer shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended by the transfer application. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein, that the information is true and correct, and that the person signing the application has read this article.
 - c. No transfer application shall be accepted for filing unless accompanied by payment of the fees prescribed in Section 20.7(B).
 - d. Transfer approval shall be valid for the remaining term of the original license.
 - e. In the event that a transfer application is not timely filed, then the license shall be invalid for any purpose relating to the operation of the adult entertainment enterprise, and any transfer shall thereafter be treated as an original application.

F. License, validity, posting requirements.

Any adult entertainment enterprise license furnished pursuant to this article shall be valid only at the location for which it is issued. Each such license must be prominently posted at or near the entrance of the adult entertainment enterprise at a location where the same is clearly visible to customers and law enforcement personnel. Any such license shall be posted in a manner to prevent damage or alteration.

G. License revocation.

1. The Director shall initiate revocation of any adult entertainment enterprise license issued pursuant to this article for any one or more of the following reasons:
 - a. The owner or operator of the adult entertainment enterprise has knowingly allowed a person under eighteen (18) years of age to enter the premises;
 - b. The adult entertainment enterprise no longer conforms to the requirements of Sections 20.8 or 20.9;
 - c. Two (2) or more separate violations of the provisions of Sections 20.7(8), 20.10 or 20.11 have occurred within a consecutive twelve (12) month period; PROVIDED, that convictions shall not be deemed separate if they arise from a single inspection;
 - d. The operator of the adult entertainment enterprise knowingly gave materially false, fraudulent or untruthful information on the original application, transfer application or renewal application;
 - e. The adult entertainment enterprise has been closed for business for a period of thirty (30) consecutive days, unless such closure is due to a casualty beyond the control of the owner and the owner is proceeding with due diligence to reopen the adult entertainment enterprise;
 - f. The adult entertainment enterprise has undergone a change of ownership or operator for which a transfer application was required, but not timely filed pursuant to this article;
 - g. The operator or any owner of the adult entertainment enterprise is convicted, or knowingly retains the services of an employee who has been convicted, without regard to appellate review, of any offense set forth in Section 20.7 (D) of this article.
2. Prior to the revocation of any adult entertainment enterprise license, the Chaves County Sheriff shall investigate the grounds alleged to determine whether probable cause for revocation may exist and, if so, the Director shall notify the operator or owner in writing of the reasons for the proposed revocation, and shall grant such operator or owner the opportunity to appear before the Chaves County Board of County Commissioners at a time

and place specified within such notice. Such hearing shall be in conformity with Article 1 (6) (C) of this ordinance.

H. Unlawful practices.

1. No person or commercial establishment shall:
 - a. Engage in or conduct any business as an adult entertainment enterprise without first acquiring an adult entertainment enterprise license in accordance with this article;
 - b. Forge, alter or counterfeit, or possess a forged, altered, counterfeit or expired adult entertainment enterprise license as defined by this article.
2. No adult entertainment enterprise shall:
 - a. Engage in or conduct any business except as classified in or where authorized by a current and valid adult entertainment enterprise license;
 - b. Fail to comply with or maintain compliance with any express terms or conditions of an adult entertainment enterprise license issued pursuant to this article or with any of the interior or exterior requirements set forth in this article;
 - c. Fail to report a change in operators or owners or to conduct any business after such change without filing an application for transfer as required by this article;
 - d. Fail to post any current and valid adult entertainment enterprise license as required by this article;
 - e. Fail to surrender any adult entertainment enterprise license within thirty (30) days of the cessation of business, transfer, expiration, suspension or revocation thereof.

Section 20.8 Performance standards and requirements.

A. Application of Standards. After the effective date of the ordinance codified in this article, any building, structure, or tract of land developed, constructed, or used for any sexually oriented business or adult entertainment enterprise purposes as defined in this article shall comply with the following performance standards. However, these standards are only minimum, and stricter standards may be required by other regulations, including building codes, fire codes, or regulations governing sewage disposal or water service.

1. Building Facade. All adult entertainment enterprises building facades, exteriors, and exits must generally resemble surrounding buildings. All window areas shall be covered or made opaque and no signs shall be placed in any window. Illustrations or other representations depicting partially or totally nude male and/or female figures shall not be posted or painted on any exterior wall of a building used for adult entertainment, or on any door or apparatus attached to such building.

2. Signs. All adult entertainment enterprises shall comply with the following sign regulations:
 - a. No off-premise signage shall be permitted.
 - b. The amount of total allowable sign area shall not exceed a total of 60 square feet. No signs, either on-premise or off-premise, shall be placed within 1,500 feet of the highways and roadways specified in Section 20.3 (O).
 - c. No merchandise or pictures of the products or entertainment on the premises shall be displayed on signs or in window areas or any area where they can be viewed from outside the building.
 - d. A one-square foot sign may be placed on the door to state hours of operation and admittance to adults only.
3. Parking and Lighting Regulations. On-site parking shall be required and regulated in accordance with Article XVI, and in addition shall meet the following requirements:
 - a. All parking areas must be visible from the fronting street. All on-site parking areas and premises entries shall be illuminated from dusk until dawn with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and walkways. An on-premises exterior lighting plan shall be submitted to the Department with the site plan.

Section 20.9 Administration and enforcement.

- A. Administration. All applications for site plan approval under this article shall be made to the Department. It shall be the duty of the Director or his or her designee to process any application pursuant to this article, and to administer the provisions of this article. The Director shall prepare any forms necessary to administer the provisions of this article.
- B. Final Site Plan Approval. The Director shall grant final site plan approval provided the application complies with the performance standards and requirements listed in Article I Section 5. As a condition of final site plan approval and before the issuance of any building permits, the applicant shall obtain a background clearance from the Chaves County Sheriff's Office. The background clearance shall become part of the Special Use Permit/Land Use Permit Case File. A copy of the report shall also be kept on file with the Adult Entertainment Enterprise License.
- C. In the event an adult entertainment enterprise is legally established in accordance with the requirements of this article and (1) a sensitive land use locates within the required separation distance or (2) boundaries for residential zones in the county are modified, a legally established adult entertainment enterprise shall be considered conforming. Proprietors of such enterprises shall apply for and obtain a Certificate of Non-Conforming Use from the Department. However, if

the adult entertainment enterprise ceases to be in operation for a period exceeding sixty (60) days, then the use shall be considered non-conforming. Decisions as to the conformity of the adult entertainment enterprise shall be rendered by the Director, and may be appealed in accordance with the provisions contained in Article II (H) (9) of this ordinance.

- D. Enforcement. It shall be the duty of the Director to see that this article is enforced through the proper legal channels. The County Building Official shall issue no permits for the construction, alteration, or repair of any building or part thereof, unless such plans and intended use of such building conform in all respects with the provisions of this article.
- E. Fees. The fees for processing applications, appeals, and for other administrative actions under this article are contained within the Appendix, and shall be from time to time established by resolution of the Board.
- F. Violations – Penalties. It is a civil infraction for any person to violate this article or assist in the violation of this ordinance. Violations are subject to the provisions of Article I Sections 5 and 6. Any violation shall be a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this article.

Section 20.10 Control and inspection of premises, general requirements.

It shall be unlawful for any adult entertainment enterprise or any employee, operator or owner thereof:

1. To refuse to permit inspection of the premises of an adult entertainment enterprise, other than adult motels, at any time during business hours by representatives of any state or Chaves County fire, health, building or law enforcement agencies;
2. To permit or allow the obstruction of view of any customer at any location on the premises, other than restrooms;
3. To provide for, or to permit or allow, the locking of any restrooms on the premises available to customers;
4. To knowingly fail to comply with any exterior, interior site or signage requirements of this article;
5. To permit or allow the live, on-premises display of adult material in any portion of the premises other than the area or areas designated and approved for such display by the permit of occupancy;
6. To permit or allow customers to enter or occupy the area designated and approved as "setback" in the permit of occupancy;

7. Except for adult encounter centers and adult motels, no adult entertainment enterprise nor any employee, operator or owner thereof shall provide, permit or allow any sleeping quarters nor the placement of any bed, mattress or similar object in any portion of the premises to which customers are permitted or allowed access.

Section 20.11 Control and inspection of premises, Adult encounter centers and motels.

It shall be unlawful for any adult encounter center or adult motel, or any employee operator thereof:

1. To rent, let or sublet any portion of the premises without acquiring and maintaining current and accurate records of customer registration, including name, address and age, as verified by current photographic identification;
2. To pay to, or receive from, any person other than a customer a fee or consideration of any kind which in any way relates to the presence of the customer on the premises;
3. To refuse to permit inspection of the unoccupied portions of the premises, observation of patrons from the manager's station or stations, or the inspection of registration and identification materials required to be maintained by Sections 20.7 (H) and 20.10.

Section 20.12 Appeals.

- A. A person aggrieved by the decision of the Director may appeal the decision to the Zoning Authority, appointed pursuant to Article I, Section 5, as amended. Any such appeal shall be filed in writing with the Department within thirty (30) days of the issuance of the decision. The appeals shall specify the reasons therefor. The Director shall provide the Zoning Authority with findings and documentation relating to the decision being appealed. An appeal shall stay all proceedings in furtherance of the action appealed unless the Director and/or Code Enforcement Officer or Commissioner certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. The Zoning Authority, following a public hearing, shall affirm, modify or reverse the Director's decision. The appellant carries the burden of proof on appeal.
- B. Upon filing of an appeal with appropriate fee, the Director shall set the public hearing before the Zoning Authority on the matter. The appellant shall attend that public meeting set by the Director.
- C. Notice of the time, date and place of the hearing shall be sent to the appellant and the operator by first class mail, certified with return receipt, prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with the notice in accordance with the provisions of Article I, Section 5.
- D. Inclusion of Findings of Fact. The Zoning Authority shall, in making an order, decision or determination, include in the written record of the case, the findings of fact upon which the action

is based. Appeals of the Zoning Authority decision shall be to a court of competent jurisdiction, pursuant to Sections 3-21-1 through 3-21-14, N.M.S.A. 1978 or as amended.

Section 20.13 Amortization.

- A. Adult entertainment enterprises which are nonconforming uses on the site on which they are located on the effective date of the ordinance codified in this article shall be discontinued within one (1) year of the date on which the ordinance codified in this article becomes effective or upon the expiration of the leasehold period in existence as of the effective date of this article.
- B. In the event a nonconforming adult entertainment enterprise operator determines that one (1) year does not provide a reasonable period of amortization, then no later than 180 days prior to the expiration of the period, the nonconforming enterprise operator shall make application to the Planning Commission for an extension of time. Accompanying the application shall be a fee in the amount established in Section 20.7(B). In determining whether or not to grant the extension, the Planning Commission shall determine whether or not the harm or hardship to the nonconforming adult entertainment enterprise outweighs the benefit to be gained by the public from termination of the use. Factors to be considered by the Planning Commission include the secondary adverse impacts on the enterprise to the neighborhood/community, the location of the enterprise in relation to sensitive land uses, initial capital investment, the existence or nonexistence of a lease obligation, as well as a contingency clause permitting termination of the lease, or whether a reasonable alternative use of the property exists. The action of the Planning Commission shall constitute a final decision which is appealable to the Board in accordance with the provisions of Article I, Section 5.
- C. Adult entertainment enterprises which are nonconforming cannot be expanded, enlarged, or intensified through the special use procedures listed in this ordinance. Any building containing a nonconforming adult entertainment enterprise may be maintained with only ordinary repair.
- D. If an established nonconforming adult entertainment enterprise is destroyed by any natural or accidental cause, the provisions for rebuilding the structure(s) listed in this ordinance, also do not apply. Any change in a nonconforming adult entertainment enterprise shall be to a use which is legally permitted within the zone in which it is located.
- E. All nonconforming adult entertainment enterprises which are in existence as of the effective date of this article shall provide the Director with copies of their current leasehold document(s) which sets forth their existing leasehold time period or, in the case of a non-leasehold interest, the Director shall be provided other documents which show record of ownership. These documents shall be provided to the Director within sixty (60) days of the effective date of this article.

Section 20.14 Exceptions.

A. This article shall not be construed to prohibit:

1. A chance showing of a film, single film showing, or film showings in a clinical setting under the control of a licensed psychologist, psychiatrist, physician, or a registered nurse practitioner; or
2. Plays, operas, musicals, artwork, or other dramatic works which are not obscene; or
3. Classes, seminars, and lectures held for serious scientific or educational purposes; or
4. Exhibitions or dances which are not obscene.
5. Any person appearing in a state of nudity within a modeling class operated:

- A. By a proprietary school, licensed by the state of New Mexico; a college, junior college or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

C. In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
2. Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude model is on the premises at any one time.

B. Nothing in this article shall apply to the circulation of any such material by any recognized historical society or museum, the state law library, any county or city law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

C. Nothing in this article is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any statute of the State of New Mexico regarding public moral nuisances, sexual conduct, obscenity or pornography, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

Section 20.15 Public nuisance.

Notwithstanding any other provisions of the Chaves County Zoning Ordinance, any violation of any of the provisions of this article is declared to be a public nuisance per se, which shall be abated by the Prosecuting Attorney by way of civil abatement procedures or by criminal prosecution.

Section 20.16 Severability.

If any section, subsection, sentence, clause, phrase, or any portion of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The Board declares that it would have adopted this article and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 20.17 Effective date.

This article shall become effective immediately.

2. THAT ARTICLE II, SECTION 2 OF THE CHAVES COUNTY ZONING ORDINANCE BE AMENDED AS FOLLOWS:

ARTICLE II, RULES OF CONSTRUCTION AND DEFINITIONS, Section 2, DEFINITIONS, is hereby amended to include the following additional definitions:

ADULT ARCADE means an enterprise where, for any forms of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET means a nightclub, bar, restaurant, or similar commercial enterprise, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude; or (b) live performances which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT EMPLOYEE means any and all persons, including managers, entertainers, and independent contractors who work in, render services to, and have direct interaction with clientele of the sexually oriented business or adult entertainment enterprise.

ADULT ENTERTAINMENT ENTERPRISE means any commercial or retail enterprise which (a) offers entertainment or services, including rooms, readily available for purchase, rental, viewing, or use by patrons of the establishment; and (b) is represented to be or is primarily in the business of offering services which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and exclude minors by virtue of age. “Adult entertainment enterprises” shall include, but not be limited to, the following: adult arcade, adult cabaret, adult mini theater, adult motel, adult motion picture theater, adult panoram establishment, adult theater, live adult entertainment enterprise, massage parlor, nude or semi-nude model studio, sexual encounter center, and sexual encounter establishment.

ADULT MINI THEATER means an enclosed building with a capacity of less than 50 persons, a portion of an enclosed building with a capacity of less than 50 persons, or an outdoor theater with a capacity of less than 50 persons used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this chapter for observations by patrons therein.

ADULT MOTEL means a hotel, motel, or similar commercial enterprise which:

- a. Offers accommodations to the public for any form of consideration and provides patrons with (1) closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and (2) which has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- b. Offers sleeping rooms for rent on an hourly basis; or
- c. Allows tenant(s) or occupant(s) of a sleeping room to sub-rent on an hourly basis.

ADULT MOTION PICTURE means an enclosed building with a capacity of 50 or more persons, a portion of an enclosed building with a capacity of 50 or more persons, or an outdoor theater with a capacity of 50 or more persons used for presenting motion picture films, video cassettes, cable television, or any other such visual media distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined therein for observation by patrons therein.

ADULT PANORAM ESTABLISHMENT means any building or portion of a building which contains device(s) which for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined therein.

ADULT THEATER means a concert hall, theater, auditorium, or similar commercial enterprise which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are distinguished or characterized by emphasis on matter depicting, describing, or

relating to specified sexual activities or specified anatomical areas as defined in this chapter for observation by patrons therein.

BOARD means the Board of Commissioners of Chaves County.

COUNTY means Chaves County, New Mexico.

DIRECTOR means the Director of the Chaves County Department of Planning and Zoning or designee.

DEPARTMENT means the Chaves County Planning and Zoning Department.

DISTANCE, SEPARATION BETWEEN ADULT ENTERTAINMENT ESTABLISHMENTS means the amount of space or interval measured by following a straight line, without regard to intervening buildings, from the nearest point on the parcel boundary of the parcel upon which an adult entertainment enterprise is to be located, to the nearest point on the parcel boundary of the parcel containing an incompatible land use or another adult entertainment enterprise or adult entertainment land use.

GOVERNMENTAL BUILDING means any structure that houses a branch of government, government administrative offices, a town hall, a courthouse, a library, or a structure designed to accommodate the public for purposes of public assembly or for public meetings or hearings.

INCOMPATIBLE LAND USE means those land uses which are particularly sensitive to the negative secondary impacts associated with sexually oriented businesses and adult entertainment enterprises, and include the following:

- a. Residences;
- b. Residentially zoned areas located either in the county or the ETZ;
- c. Public and private schools and day care institutions;
- d. Public parks and playgrounds and commercial recreational uses;
- e. Churches or other religious facilities or institutions;

LIVE ADULT ENTERTAINMENT ENTERPRISE means any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or in such attire, costume, or clothing so as to expose to view any portion of the female breast below the areola, or male or female genitals, vulva, anus, and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated, or maintained for profit, direct or indirect.

MASSAGE PARLOR means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or a licensed massage practitioner operating pursuant to Chapter 7 NMAC. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MILE means a statute mile, a unit of distance on land equal to 5,280 feet, or 1,760 yards.

NONCONFORMING ADULT ENTERTAINMENT USE means a sexually oriented business or an adult entertainment enterprise which lawfully existed prior to the enactment of this chapter, and is maintained after the effective date of this chapter although it does not comply with the sexually oriented business and adult entertainment enterprise land use regulations set forth in this chapter.

NUDE OR SEMI NUDE MODEL STUDIO means any building or portion of a building where person(s) appear nude or semi-nude or displays specified anatomical areas, for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, unless specifically exempted by Article XX.

NUDITY means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areolae, or the depiction of covered male genitals in a discernibly turgid state.

OBSCENE means an act or expression which:

- a. The average person, applying contemporary community standards, would find when considered as a whole, appeals to the prurient interest; and
- b. Explicitly depicts or describes patently offensive representations or descriptions of:
 - i. Ultimate sexual acts, normal or perverted, actual or simulated, or
 - ii. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area, or
 - iii. Violent or destructive sexual acts including but not limited to human or animal mutilation, dismemberment, rape or torture; and
- c. When considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.

PLACE OF ASSEMBLY means a building, or portion thereof, excluding residential dwelling units, in which a specified number of persons may gather for recreational, educational, political, social, or other purposes, such as to await transportation, or to eat and drink. A place of assembly may also include an outdoor space where a number of persons may gather for any of the above purposes.

SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration specified sexual activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUAL ENCOUNTER ESTABLISHMENT means an establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort to perform specified sexual activities. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

SEXUALLY ORIENTED BUSINESS means the same as an ADULT ENTERTAINMENT ENTERPRISE.

SPECIFIED ANATOMICAL AREAS means and includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, vulva, or female breasts below a point immediately above the top of areolae; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, vulva, or female breasts; or
- b. Sex acts, actual or simulated including sexual intercourse, oral copulation, or sodomy; or
- c. Human masturbation, actual or simulated; or
- d. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in this subsection.

3. THAT THE APPENDIX OF ORDINANCE NO. 7 BE AMENDED TO ADD THE FOLLOWING FEES:

The following fees shall be added to Appendix A of Ordinance No. 7, for Adult Entertainment Enterprises:

1. If the enterprise or a segment thereof, is to be a bookstore, video store, or a similar use, without on-premises display of adult material, as defined in this article: five hundred dollars (\$500) for

an original application, three hundred seventy-five dollars (\$375) for a transfer application, or two hundred fifty dollars (\$250) for a renewal application;

2. If the enterprise, or a segment thereof, will involve the on-premises display of adult material, other than live displays: one thousand dollars (\$1,000) for an original application, seven hundred fifty dollars (\$750) for a transfer application, or five hundred dollars (\$500) for a renewal application;
3. If any segment of the enterprise will involve the live, on-premises display of adult material: one thousand dollars (\$1,000) for an original application, seven hundred fifty dollars (\$750) for a transfer application, or five hundred dollars (\$500) for a renewal application;
4. If the enterprise will involve any combination of activities under subsections (1), (2) or (3) of this section: one thousand five hundred dollars (\$1,500) for an original application, one thousand dollars (\$1,000) for a transfer application, or seven hundred fifty dollars (\$750) for a renewal application.

4. UPON THE ADOPTION OF THIS ORDINANCE AMENDMENT, it shall be the duty of the Planning Director to immediately effectuate changes to incorporate this Article within the Chaves County Zoning Ordinance, Ordinance No. 7, and to post a copy of this ordinance in the Chaves County Courthouse, followed by legal publication of said resolution one time in a newspaper of general circulation within the County.

PASSED, APPROVED, ADOPTED AND SIGNED this ____th day of _____, 2014.

BOARD OF CHAVES COUNTY COMMISSIONERS

James W. Duffey, Chairman

Kyle D. "Smiley" Wooton, Vice-Chairman

ATTEST:

Kim Chesser, Member

Dave Kunko
County Clerk

Robert Corn, Member

Greg Nibert, Member

AGENDA ITEM: 3

Amendment #1 to Agreement A-14-019
Between Chaves County and Roswell
Chamber of Commerce for Economic
Development Services

MEETING DATE: December 18, 2014

STAFF SUMMARY REPORT

ACTION REQUESTED BY: Stanton L. Riggs

ACTION REQUESTED: Approve Amendment

ITEM SUMMARY:

Amendment #1 to Agreement A-14-019, if approved, would increase the funding appropriation to the Roswell Chamber of Commerce from \$40,000.00 to \$45,000.00. The additional funds are available as the Roswell Hispano Chamber will not be utilizing the funding appropriated for their services.

Staff recommends approval.

SUPPORT DOCUMENTS: Amendment #1 to Agreement A-14-019

SUMMARY BY: Stanton L. Riggs

TITLE: County Manager

**AMENDMENT #1
TO AGREEMENT A-14-019
BETWEEN CHAVES COUNTY AND
ROSWELL CHAMBER OF COMMERCE
FOR ECONOMIC DEVELOPMENT SERVICES**

This Amendment is made and entered into this 18th day of December, 2014, by and between the County of Chaves, a political subdivision of the State of New Mexico, by and through its duly elected Board of Commissioners, hereinafter referred to as “County”, and the Roswell Chamber of Commerce, hereinafter referred to as “Chamber”.

WHEREAS, the County contracted with the Chamber effective July 1, 2014 to provide economic development services such as retiree recruitment, tourism, etc.; and

WHEREAS, the Roswell Hispano Chamber of Commerce has notified the County that they are not going to utilize the funding appropriated from the County to provide non-industrial economic development services; and

WHEREAS, the Chamber is in need of additional funding; and

WHEREAS, the County desires to have the Chamber utilize the funding originally appropriated for the Hispano Chamber to provide non-industrial economic development services to the County.

NOW, THEREFORE in consideration of the mutual promises, covenants and conditions contained herein, the parties hereto amend Agreement A-14-019 as follows:

4. COMPENSATION.

- B. The County has allocated Forty Five Thousand Dollars (\$45,000.00) for the initial term of this Agreement for economic development, as outlined in Exhibit A, Scope of Work. Chamber shall invoice the County monthly. The County agrees to pay within ten (10) days of receipt of the invoice. All invoices should be sent to the attention of Chaves County Finance Department, PO Box 1597, Roswell, NM 88202.

All other terms of the Agreement will remain in full force and effect.

The parties hereto have each caused this Amendment to Agreement A-14-019 to be executed as of the date first written above.

BOARD OF CHAVES COUNTY COMMISSIONERS

By: _____
James W. Duffey, Chairman

ATTEST:

Dave Kunko
County Clerk

ROSWELL CHAMBER OF COMMERCE

By: _____
_____, Chairman

AGENDA ITEM: 4

Resolution R-14-063 Adopting a Courthouse
Policy

MEETING DATE: December 18, 2014

STAFF SUMMARY REPORT

ACTION REQUESTED BY: Stanton L. Riggs

ACTION REQUESTED: Approve Resolution

ITEM SUMMARY:

Resolution R-14-063, if approved, would establish a Courthouse Policy. This policy is necessary to accommodate all the different entities that utilize the facility, as well as the public.

Staff recommends approval.

SUPPORT DOCUMENTS: Courthouse Policy
Resolution R-14-063
(Will be provided prior to meeting)

SUMMARY BY: Stanton L. Riggs

TITLE: County Manager

AGENDA ITEM: 5

Resolution R-14-064

MEETING DATE: December 18, 2014

Approval of Budget and Transfer
Adjustments

STAFF SUMMARY REPORT

ACTION REQUESTED BY: Anabel Barraza, Senior Accountant

ACTION REQUESTED:
Approval of Resolution R-14-064

ITEM SUMMARY:

The Finance Department is requesting a budget adjustment for fees in fund 442 and a transfer approval between funds 443 and 650 for the approved transaction in Ordinance O -092 for Construction Costs.

We are also requesting approval to increase the budget for Economic Development Center and Roswell Chamber of Commerce for their annual allocations running from January 2014 to June 2014, and an adjustment for the Safety Net Care Pool.

Exhibit 'A' is attached indicating the decreases and increases to the original budget.

Staff recommends approval.

SUPPORT DOCUMENTS:

Resolution R-14-064
DFA Worksheet

SUMMARY BY: Anabel Barraza

TITLE: Senior Accountant

RESOLUTION R-14-064

BUDGET AND TRANSFER ADJUSTMENTS

WHEREAS, at a regular meeting of the Board of Chaves County Commissioners held on December 18, 2014, the following was among the proceedings:

WHEREAS, the budget must be adjusted for fiscal year 2014-2015 expenditures and transfers; and,

WHEREAS, there are sufficient funds available for the budget adjustments; and,

WHEREAS, budget adjustments are necessary to ensure positive budget balances; and,

WHEREAS, the Board of Chaves County Commissioners deems it necessary to adjust the FY 14-15 Final Budget as designated in Exhibit 'A', attached.

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS, CHAVES COUNTY, STATE OF NEW MEXICO, hereby approves the line item changes and requests approval from DFA Local Government Division for budget adjustments.

Done at Roswell, New Mexico, this 18th day of December 2014.

**BOARD OF CHAVES COUNTY
COMMISSIONERS**

James W. Duffey, Chairman

Kyle D. "Smiley" Wooton, Vice-Chairman

Robert Corn, Member

Kim Chesser, Member

Greg Nibert, Member

ATTEST:

Dave Kunko
County Clerk

EXHIBIT 'A'

DFA	Description	ACCOUNT		AMOUNT
700	Permanent Transfer	443-4-408-781-000	Decrease	<\$4,000,000.00>
226	Permanent Transfer	650-4-408-781-000	Increase	\$4,000,000.00
101	Dues & Other Fess	442-6-661-253-000	Increase	\$54,000.00
101	Interest on Investments	442-4-404-721-000	Decrease	<\$54,000.00>
101	Economic Development	605-6-672-428-000	Increase	\$45,000.00
101	Chamber of Commerce	401-6-672-426-000	Increase	\$20,000.00
220	Safety Net Care Pool Fund	427-6-639-271-000	Increase	\$55,000.00

AGENDA ITEM: 6

Resolution R-14-065 Authorizing the
Submission of an Application under the 2015
Community Development Block Grant (CDBG)
Program

MEETING DATE: 12/18/14

STAFF SUMMARY

Action Requested by: Charlotte Andrade, Community Development Division

Action Requested: Approval of Resolution R-14-065

Item Summary:

Resolution R-14-065 will authorize the submission of a New Mexico Community Development Block Grant (CDBG) Application to the Department of Finance and Administration/Local Government Division for the 2015 Grant Application Cycle.

SUPPORT DOCUMENTS: Resolution R-14-065 will be presented prior to the meeting.

Summary by: Charlotte Andrade

Title: Community Development Director