

05-07
PUEBLO OF ISLETA NUISANCE CODE

05-07-01. General Provisions

A. Short Title. This chapter shall be titled the Pueblo of Isleta Nuisance Code.

05-07-02. Civil Nuisances – Prohibited

A. The following constitute a prohibited nuisance subject to enforcement under this chapter, enacted upon the sovereign and inherent authority of the Pueblo of Isleta upon a finding by the Governor or the Governor's designee, that such activity or property condition causes unreasonable and significant interference with another person's interest in the use and enjoyment of their property. The location, character and habits of the particular region where the alleged nuisance is located are to be taken into account in determining what is unreasonable and significant to an individual living in it. If persons living in the region would regard the invasion as definitely offensive, seriously annoying or intolerable, it is significant. If most persons in the locality would not be substantially annoyed or disturbed, the invasion is not significant, even though the idiosyncrasies of the particular complainant may make it unendurable to him. This code shall apply to all persons and activities on the Pueblo of Isleta. Within the Pueblo of Isleta Village proper, this code will be strictly enforced to protect the beauty and sacred nature of our Village.

i. Noise Nuisance.

1. Repeated and unreasonable excessive noise from construction, industrial activities, or loud parties, unless approved by the Governor.

2. Excessive vehicular or motorcycle noise, including but not limited to noise due to the use of jake brakes, which are completely prohibited from use on the Pueblo of Isleta except for in cases of emergency, and modification to or improper function of a vehicle's muffler, and excessively loud stereo systems.

3. Habitual or excessive barking dogs or other disruptive animal noises within the exterior boundaries of the Pueblo of Isleta.

ii. Public Health and Safety Nuisance.

1. Improper disposal of waste and/or dumping including but not limited to asbestos, animal remains, or hazardous materials as defined by federal law, raw sewage, municipal solid waste (trash), construction and demolition debris.

2. Neglected or dilapidated properties that pose health or safety risks including broken windows, unsafe structures and building code violations including fire hazards.

3. Any obstructions of sidewalks or roads that impedes public or private roadways or precludes safe passage.

4. Disruptive parties, gatherings, or events not approved by the Governor, that disturb the peace and safety of a neighborhood.

iii. Property Nuisance.

1. Overgrown vegetation, weeds, or “white goods” in yard (refrigerators, stoves and other appliances) or unkept yards.

2. Abandoned or derelict buildings.

3. Graffiti and vandalism that has not been cleaned up by the property owner.

4. Abandoned or inoperable vehicles or equipment on public or private property.

5. Excessive or intrusive outdoor lighting.

6. Leaking barrels containing petroleum, or other toxic liquid, motor vehicle waste including but not limited to oil, batteries or similar waste.

iv. Environmental Nuisance.

1. Air or water pollution that exceeds applicable environmental quality standards.

2. Inadequate waste management or recycling. If solid waste removal is requested from the Pueblo of Isleta, a fee may be associated with this service, towing services or any other services requested from the Pueblo of Isleta..

3. Discharge from vehicles or equipment, including industrial or farm equipment.

4. Offensive or noxious odors emanating from industrial, agricultural, or residential sources.

v. Public Nuisance.

1. Any activity or condition that substantially interferes with the public's right to use and enjoy public spaces.

B. Nothing hereunder shall limit the Pueblo’s criminal law enforcement authorities in relation to any nuisance conduct after a reasonable correction period which shall not exceed 90 days.

05-07-03. Exceptions

- A. The following shall not constitute a nuisance under this Code:
- i. Any activity, property condition, or land-use by the Pueblo of Isleta or its entities.
 - ii. Any activity, property condition, or land-use explicitly permitted by the Tribal Council or the Governor, including but not limited to through special use zoning permits authorized by the Tribal Council and Permit Authorizations to Enter authorized by the Governor, unless it violates the health and safety of the community.
 - iii. Emergency response activities.
 - iv. Cultural, traditional, and religious events.
 - v. Property uses consistent with the Pueblo of Isleta Zoning Code.

05-07-04. Enforcement and Penalties.

A. The Governor or the Governor's designees shall determine whether conduct or property conditions constitutes a civil nuisance hereunder. Violations may include a civil citation from the Isleta Police Department and will also provide authority for the legal department to bring court action for injunctive relief from the Isleta Tribal Court.

B. Upon a determination by the Governor or the Governor's designee, that conduct or property condition constitutes a civil nuisance hereunder, the following enforcement actions may proceed:

i. A Notice of Violation shall be issued by the Governor or the Governor's designee with a correction period. The Notice of Violation shall describe the nature of the nuisance, state the specific ordinance section that has been violated, provide a reasonable correction period, describe the abatement that is mandated during the correction period, and describe criminal and civil enforcement actions which may proceed upon the violator's failure to correct.

ii. If the violator does not abate the nuisance during the provided correction period, then any of the following penalties may result:

1. The Isleta Legal Department may issue a civil citation of \$250 per day of the ongoing nuisance for up to thirty calendar days after consultation with the Pueblo of Isleta legal department;

2. The Pueblo may take direct action to abate the nuisance in order to rectify public health or safety concerns, including structure demolition or remediation. The costs of such remediation may be assessed against the violator;

3. The Code Enforcement Officer may direct a forcible entry and detainer action against the violator in Isleta Tribal Court to seek a Writ of Restitution to evict them from the property; and/or

4. The Code Enforcement Officer may direct a civil penalty legal action against the violator in Isleta Tribal Court to seek an injunction, civil penalties, and other authorized relief.

Property Pueblo of Isleta