



Town of Mesilla, New Mexico

(REVISED)

**THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS
COMMISSION OF THE TOWN OF MESILLA WILL BE HAVING
PUBLIC HEARING
AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA
MONDAY, OCTOBER 20, 2025 – 5:00 P.M.**

**CONSIDERATION WILL BE GIVEN TO
PROPOSED AMENDMENTS TO OUR LAND USE
ORDINANCE TITLE 18, IN SPECIFIC WITH ITS
HISTORIC PRESERVATION REGULATIONS,
NECESSARY IN MEETING STATE OF
NEW MEXICO, CERTIFIED LOCAL
GOVERNMENT QUALIFICATIONS.**

Becoming a Certified Local Government in New Mexico

Access to Historic Preservation Grant Funding
Technical Assistance & Expertise
Stronger Local Preservation Tools & Policy
Partnerships & Recognition
Long-Term Heritage, Economic & Cultural Benefits

NOTICE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 575-524-3262 at least 48 hours prior to the meeting. Posted on 10/3/25 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Lucky's Food Mart - 2290 Avenida de Mesilla; and the U.S. Post Office – 2253 Calle de Parian; Mesilla website <https://www.mesillanm.gov/minutes-agendas/>

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18.06.160 Appeal from a zoning decision of the planning, zoning and historical appropriateness commission – Grounds – Stay of proceedings.

18.06.010 Creation, purpose and establishment – Title.

A. This chapter may be cited as the “planning, zoning and historical appropriateness commission ordinance.”

B. This commission is created by authority granted municipalities under the New Mexico State Statutes 1978, Sections 3-19-1(A)(1) and (2).

C. There is established a planning, zoning and historical appropriateness commission which shall be the planning commission and the zoning commission for the town of Mesilla. [Ord. 2009-05 § 2]

18.06.020 Membership – Ex officio members – Appointment – Qualifications – Terms – Pay.

A. The planning, zoning and historical appropriateness commission shall consist of five members who shall be appointed by the mayor with the consent of the board of trustees. A member of the board of trustees may be appointed as ex officio, nonvoting member of the commission.

B. EACH MEMBER MUST HAVE A DEMONSTRATED POSITIVE INTEREST, COMPETENCE OR KNOWLEDGE IN ARCHITECTURE, HISTORIC ARCHITECTURE, ARCHITECTURAL HISTORY, ENGINEERING, ARCHAEOLOGY, ANTHROPOLOGY, HISTORIC PRESERVATION, PLANNING, REAL ESTATE, DESIGN, BUILDING TRADES, LANDSCAPER ARCHITECTURE, CONSERVATION, LAW FINANCE OR RELATED DISCIPLINES TO THE EXTENT THAT THESE PROFESSIONALS ARE AVAILABLE IN THE COMMUNITY.

C. OF THE FIVE MEMBERS OF THE COMMISSION, TWO PROFESSIONAL MEMBERS SHOULD BE QUALIFIED IN THE DISCIPLINES NOTED ABOVE IN 18.06.020.A-

B. The mayor with the advice and consent of the board of trustees shall appoint residents of the town of Mesilla to membership on the planning, zoning and historical appropriateness commission.

C. On the first planning, zoning and historical appropriateness commission meeting, a majority of the members shall be appointed for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term of a member on the planning, zoning and historical appropriateness commission shall be for two years or less in order to maintain the original staggering of terms of membership. A vacancy in the membership of the planning, zoning and historical appropriateness commission shall be filled for the remainder of the unexpired term.

D. Members may succeed themselves. [Ord. 2010-04 § 1; Ord. 2010-02 § 4; Ord. 2009-05 § 2]

18.06.030 Notice of appointment.

Each person appointed to the planning, zoning and historical appropriateness commission shall be given notice of her/his appointment by a certificate stating that he/she was appointed as a member of the commission. The certificate shall be signed by the mayor, be attested by the town clerk-treasurer, and bear the municipal seal. [Ord. 2009-05 § 2]

18.06.040 Member – Cause for removal – Procedure.

A. After a public hearing and for cause stated in writing and made part of the public record, the mayor, with the approval of the board of trustees, may remove a member of the planning, zoning and historical appropriateness commission.

B. At least 10 days prior to a hearing by the board of trustees, the member in question shall be given a written notice of the specific grounds for which removal might be exercised and the time, date, and place of the public hearing. [Ord. 2009-05 § 2]

18.06.050 Vacancy – Appointment – Term.

If a vacancy occurs on the planning, zoning and historical appropriateness commission, the mayor with the advice and consent of the board of trustees shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term. [Ord. 2009-05 § 2]

18.06.060 Officers – Term – Vacancy.

A. The planning, zoning and historical appropriateness commission shall elect from its membership a chairperson, vice-chairperson and secretary. Officers shall serve for a one-year term and may succeed themselves.

B. Any office vacated shall be filled by the election of a new officer who shall serve for the remainder of the unexpired term. [Ord. 2009-05 § 2]

18.06.070 Meetings – Place – Quorum – Voting.

A. The planning, zoning and historical appropriateness commission shall meet the first and third Monday of each month or on days specified by the board of trustees. Regular and special meetings shall be called as required by MTC [2.70.010](#). *The commission will meet a minimum of four (4) times per year. One meeting/year shall be dedicated to education and training.*

B. All meetings shall be held in the Mesilla Town Hall unless proper public notice to the contrary is given.

C. A majority of the members of the planning, zoning and historical appropriateness commission shall constitute a quorum for the transaction of business.

D. A motion shall carry upon the affirmative vote of the majority of the members of the planning, zoning and historical appropriateness commission present at a meeting. [Ord. 2009-05 § 2]

18.06.080 Duties – Powers.

A. Duties. The planning, zoning and historical appropriateness commission shall:

1. Prepare, review, hold hearings and recommend to the board of trustees changes, amendments and updating as required to the master plan, comprehensive plan, zoning map, zoning ordinances, subdivision regulations, future land use plan, guidelines and criteria for preservation and development, and historical districts; provided, however, that:

a. No maps, plans or regulations shall be effective until approved by the board of trustees; and

b. The board of trustees may, after a proper public hearing and notice as required by law, adopt maps, plans and regulations without any recommendation from the planning, zoning and historical appropriateness commission;

2. Approve or disapprove applications for business registrations, building permits for non-historically zoned applications, and sign permits;

3. Review and recommend approval/disapproval of applications for building permits within the Historical zones and General Commercial zone, providing reasons for their recommendation to the board of trustees and the applicant;

4. Review and recommend approval/disapproval of applications for special use permits, zone changes, and subdivision applications, (after following proper procedure as defined in the appropriate section of the comprehensive land use ordinance) providing reasons for the recommendation to the board of trustees and the applicant; and

5. Enforce and carry out the provisions of law relating to planning, platting, zoning, and historical appropriateness; and

6. Exercise such power, authority, jurisdiction and duty not inconsistent with this code and incidental and necessary to carry out the purpose of Section 3-19-2 and Sections [3-21-1](#) through [3-21-26](#) NMSA 1978 which have not been reserved to the board of trustees.

B. Powers. The planning, zoning and historical appropriateness commission will also:

1. Recommend preparation, changing or updating as required, the comprehensive plan for the town of Mesilla;

2. Hold public hearings on special use permits, amendments, supplements, or repeals of the zoning ordinances;

3. Recommend changes and amendments to the comprehensive land use ordinance for adoption by the board of trustees;

4. Hold regularly scheduled meetings;

5. Carry out duties as defined in the comprehensive land use ordinance for the town of Mesilla;
6. Make proposed changes or amendments to the future land use plan;
7. Carry out the duties and responsibilities assigned to the commission in this title. [Ord. 2009-05 § 2]

18.06.090 Procedural rules – Records required.

The planning, zoning and historical appropriateness commission shall adopt regulations for the transaction of business and keep a public record of its transactions, findings, resolutions, determinations and attendance of its members at its meetings. [Ord. 2009-05 § 2]

18.06.100 Records – Commission determinations to be filed.

The commission shall keep a permanent record of its resolutions, transactions and determinations, and may make such rules and regulations consistent with this title and prescribe such forms as needed. The commission shall file with the town clerk-treasurer a notice of all determinations made by it. [Ord. 2009-05 § 2]

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.

B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:

1. The historical and literary value and significance of the site, building, or structure;
2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings; and

4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
5. The commission shall also consider the applicable zoning and other laws of the town.

C. In recommending approval of an application the commission may impose conditions which shall be binding upon the property. Prior to approving an application subject to conditions, the commission may notify the applicant of its proposed action to solicit his opinion. The concurring vote of three members of the board shall be necessary to make a determination in favor of the applicant on any application. [Ord. 2009-05 § 2]

18.06.120 Certificate of appropriateness – Conditions imposed – Permit for demolition or removal.

A. The planning, zoning and historical appropriateness commission shall review all applications in the Historical zones or Commercial zone for historical appropriateness, following the standards and processes outlined in Chapter [18.33](#) MTC (Historic Preservation). Upon the approval of an application by the planning, zoning and historical appropriateness commission, a certificate of appropriateness or permit for demolition or removal, as appropriate, shall be issued to the applicant. The certificate or permit shall state the nature of the approval and the date given. Following the certificate of appropriateness process, the case shall be reviewed for a building permit by the planning commission for recommendation to the board of trustees. The board of trustees will be the final decision for building permits in the Historical zones and Commercial zone.

B. In approving an application for historical appropriateness, the planning, zoning and historical appropriateness commission may impose conditions which, if the certificate of appropriateness is acted upon, shall be binding upon the applicant, the owner of the property and the owner's successors in title. Prior to approving an application for historical appropriateness subject to conditions, the commission may notify the applicant of its proposed action and permit the applicant to express her/his opinion thereon. The conditions will be part of the subsequent building permit process.

C. Demolition Permit. If the commission recommends approval of an application for a permit for demolition, the commission shall forward its recommendation to the board of trustees. [Ord. 2009-05 § 2]

18.06.130 Disapproval – Notice – Modification of application.

A. Disapproval. In the case of disapproval of an application for a permit for demolition or removal, the commission shall issue a notice of its determination, dated and signed by its chairman to the applicant, detailing the reasons for its determination.

B. The commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color and similar factors before disapproving the application. [Ord. 2009-05 § 2]

18.06.140 Appeal from historical review action.

A. Any person or persons, or any board, taxpayer, or the town government aggrieved by any decision of the planning, zoning and historical appropriateness commission may appeal the commission decision. Appeals from a decision of the planning, zoning and historical appropriateness commission shall be made to the board of trustees by a written notice of appeal which shall be filed and dated in the town clerk-treasurer's office within 20 days of the date of the decision of the planning, zoning and historical appropriateness commission. The town clerk-treasurer shall forthwith forward the notice of appeal to the mayor.

B. The board of trustees shall act to either confirm commission action or to overcome such action in conformance with the submitted appeal within 40 days after a notice of appeal is filed.

C. Action by the board of trustees shall be final and conclusive. [Ord. 2009-05 § 2]

18.06.150 Appeal from a planning and platting decision of the planning, zoning and historical appropriateness commission – Grounds – Action in district court.

A. The board of trustees shall provide by resolution the procedure to be followed in considering appeals from planning, zoning and historical appropriateness commission action on planning and platting matters.

B. Any person, in interest, dissatisfied with any planning and platting order or determination by the planning, zoning and historical appropriateness commission may appeal to the board of trustees. An appeal shall be filed within 20 days of the decision of the planning commission and dated in the town clerk-treasurer's office. The town clerk-treasurer shall forthwith forward the appeal to the board of trustees.

C. If the board of trustees determines that the order or determination or any part thereof of the planning, zoning and historical appropriateness commission is unlawful or unreasonable, the board of trustees may make any appropriate change in any such order or determination. The board of trustees shall act upon the appeal within 40 days after the notice of appeal was filed.

D. An appeal from the decision of the board of trustees may be appealed to the district court as provided by Section [3-19-8](#) NMSA 1978. [Ord. 2009-05 § 2]

18.06.160 Appeal from a zoning decision of the planning, zoning and historical appropriateness commission – Grounds – Stay of proceedings.

A. The board of trustees shall provide by resolution the procedure to be followed in considering appeals from planning, zoning and historical appropriateness commission action on zoning matters.

B. Any aggrieved person or any officer, department or board or bureau of the municipality affected by a zoning decision of the planning, zoning and historical appropriateness commission, or official or committee thereof, in the exercise of its zoning duties and powers may appeal to the board of trustees. An appeal shall be filed within 20 days of the decision of the planning commission and dated in the town clerk-treasurer's office. The town clerk-treasurer shall forthwith forward the appeal to the board of trustees. An appeal shall stay all proceedings in furtherance of the action appealed unless the planning, zoning and historical appropriateness commission, or official or committee thereof, from whom the appeal is taken, certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the planning, zoning and historical appropriateness commission, or official or committee thereof, from whom the appeal is taken and on due cause shown.

C. If the board of trustees determines that the order or determination or any part thereof of the planning, zoning and historical appropriateness commission is unlawful or unreasonable, the board of trustees may make any appropriate change in any such order or determination. The board of trustees shall act upon the appeal within 40 days after the notice of appeal was filed.

D. When an appeal alleges that there is error in any order, requirement, decision or determination by the planning, zoning and historical appropriateness commission, or an official or committee thereof, in the exercise of its powers and duties, the board of trustees by a two-thirds vote of all of its members may:

1. Authorize, in appropriate cases and subject to appropriate conditions and safeguards, special exceptions to the terms of the zoning ordinance or resolution:

a. Which are not contrary to the public interest;

b. Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship; and

- c. So that the spirit of the zoning ordinance is observed and substantial justice done; or
- 2. In conformity with Sections [3-21-1](#) through [3-21-14](#) NMSA 1978:
 - a. Reverse any order, requirement, decision or determination of the planning, zoning and historical appropriateness commission, or official or committee thereof;
 - b. Decide in favor of the appellant; or
 - c. Make any change in any order, requirement, decision, or determination of the planning, zoning and historical appropriateness commission, or official or committee thereof. [Ord. 2009-05 § 2]

Chapter 18.33 HISTORIC PRESERVATION

Sections:

[18.33.010 Title.](#)

[18.33.020 Applicability.](#)

[18.33.030 Authority.](#)

[18.33.040 Declaration of purpose and statement of public policy.](#)

[18.33.050 Definitions.](#)

[18.33.060 Development zone.](#)

[18.33.070 Powers and duties of the PZHAC relating to historic preservation.](#)

[18.33.080 Historical appropriateness permit.](#)

[18.33.090 Design components or development criteria and compliance checklists.](#)

[18.33.100 Miscellaneous, including colors for architectural components, gates, fences, and stucco and material and color for metal roofing.](#)

[18.33.110 Standards for alterations.](#)

[18.33.120 Demolition.](#)

[18.33.130 Preservation of historic property.](#)

18.33.140 Designation of landmarks and historic districts.

18.33.150 Appeal from historical appropriateness action.

18.33.160 Enforcement.

18.33.170 Appendix A – Design standards with compliance checklist for the following architectural styles: Spanish Pueblo, Territorial, Spanish Mission, Northern New Mexico and Ranch Style.

18.33.180 Appendix B – Additional standards for preservation, rehabilitation, restoration and reconstruction taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties as developed in 1992 and codified as 36 CFR 68.

18.33.010 Title.

This chapter shall be known and may be cited and referred to as the historic preservation ordinance of the town of Mesilla. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.020 Applicability.

This chapter shall apply to all work or acts involving construction of new structures and removal or exterior alteration to existing structures and their sites on any property located as follows:

- A. Any property located within one of the town’s four historic districts.
- B. Any property located outside a historic district or zone that has the “Guidelines for Preservation and Development, 1973,” also known as the Yguado Plan, in place as a zoning overlay.
- C. Any property not located within the town’s historic districts/zones that has been designated as a landmark. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.030 Authority.

The designation of the town’s historic zones is made pursuant to the Historic Districts and Landmarks Act, Sections [3-22-1](#) through [3-22-7](#) NMSA 1978. [Ord. 2011-03; Ord. 2008-02 §

1

18.33.040 Declaration of purpose and statement of public policy.

A. The board of trustees declares that the historical heritage of Mesilla and its historic buildings and its historic districts are among its most valued and important assets. The

board finds that some buildings having historical, architectural, aesthetic and cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and continuing the use of such buildings and without adequate consideration of the irreplaceable loss to the public and the town. The board finds that the historic character of Mesilla is of vital importance in maintaining the economy of the town and that its historic landmarks and the buildings in its historic district can be preserved, rehabilitated and used. The board finds that this chapter benefits all the residents of Mesilla and all the owners of property.

B. The board of trustees declares as a matter of public policy that the preservation, protection and use of historic landmarks and buildings in the historic districts are a public necessity because they have a special character or a special historic, architectural, aesthetic or cultural value and thus serve as visible reminders of the history and heritage of this town, state and nation. The board declares as a matter of public policy that this chapter is required in the interest of the health, safety, welfare and economic well-being of the public. The board declares as a matter of public policy that the identification and designation of historic landmarks and historic districts and the approval or disapproval of exterior changes to designated property or their demolition or relocation or new construction on the site are stated to be a public purpose. [Ord. 2011-03]

18.33.050 Definitions.

“Architectural styles” means five building styles defined in the Yguado Plan as existing in Mesilla at the time the plan was issued (June 1973), to be used as historic precedents for building styles, construction techniques and design details to determine the historically appropriate appearance of new buildings and/or renovations to existing buildings within the historic districts.

“Construction” is defined as the act or process of erecting, removing or altering in any manner any building or structure or part thereof or the erection of a new structure on a lot or parcel of property. The act or process of alteration shall include rehabilitation, restoration, reconstruction, and preservation as defined in this section.

“Contributing structure” as defined in the National Register of Historic Places Inventory Nomination Form is a structure that is at least 50 years old and adds to the physical cohesiveness that ties a historic district together.

“Demolition” means any act or process that destroys a structure in part or in whole.

“Design standard” means a written standard of appropriate activity, the intent of which is to preserve the historic and architectural character of a structure, site or area.

“Development zone” means an area of structures that constitutes examples of historic precedents for building styles, construction techniques and design details. A physical inventory and comparison of these elements within a development zone is used to determine the historically appropriate building style, construction techniques and design details for new construction or alterations to existing structures within the development zone. There are three development zones: interior lot, corner lot and boundary lot, defined and illustrated in MTC [18.33.060](#).

“Historic property” means a building, structure or property individually listed or eligible for listing on the State Register of Cultural Properties or the National Register of Historic Places. The map and list of historic properties in the town of Mesilla and their classification as significant (S), contributing (C), neutral (N) and intrusive (I) are hereby adopted in their entirety by reference and are located in the community development department office.

“Historical appropriateness permit” means a permit issued by the planning, zoning and historical appropriateness commission (PZHAC) indicating that plans, as approved, for a building or structure and the site are historically appropriate for construction or demolition.

“Historical Commercial zone (H-C zone)” means an area or district designated as the “Historical Commercial zone” by ordinance of the town of Mesilla.

Historically Appropriate. When applied to new construction or an exterior alteration, a “historically appropriate” act or work is accomplished in a manner that preserves significant materials or the appearance of significant materials, the historic style and the historic features of the property or the development zone. At the same time, a “historically appropriate” act or work shall differentiate the new structure or design feature from the historic design features so that new work is not confused with what is genuinely part of the past.

“**Historic Landmark**” means a structure or site that is worthy of rehabilitation, restoration, reconstruction and preservation because of its historic and/or architectural significance to the town of Mesilla pursuant to the procedures set forth in this chapter.

“**Historic District**” An historic district is any area which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures, or objects as the Commission may determine to be appropriate for historic preservation. Such designated district or districts need not be a single enclosed area, nor do the areas or sites have to be contiguous to constitute a district.

“**Historic Preservation Division**” is defined as the division within the State of New Mexico’s Department of Cultural Affairs that is responsible for historic preservation within the state

of New Mexico. The Historic Preservation Division may be referenced as “HPD” and also may be referenced as the New Mexico State Historic Preservation Office or “SHPO”.

“Locally Designated” or Local Designation is defined as designation by the Town of Mesilla as a Historic Landmark or Historic District, pursuant to the procedures set forth in this chapter.

NEW MEXICO CULTURAL RESOURCES INFORMATION SYSTEM (NMCRIS) is defined as a state of New Mexico-wide online database of cultural resource information maintained by the Archaeological Records Management Section (ARMS) of the New Mexico Historic Preservation Division.

“Ordinary maintenance or repairs” is defined as any act or work, undertaken from time to time, that keeps a building or structure in good condition and repair and that does not change the exterior appearance of the building or structure in any way. Such maintenance and repair work requires a building permit but does not require a permit for a certificate of appropriateness. The building permit may be approved administratively.

“OWNER CONSENT” is the act or result of reaching consensus and agreement, through reason and deliberation, by the Owner(s) of real estate when historic designation is proposed at the suggestion of another party.

“OWNER OBJECTION,” is the right of all Owners of Record to object to a proposed Historic Landmark, district or local designation of its buildings, structures, objects, or other improvements and the parcel of land to which those improvements are firmly attached or affixed.

“Planning, zoning and historical appropriateness commission” means a five-member board created by authority granted municipalities under the New Mexico State Statutes Annotated (1978) and appointed by the mayor and board of trustees, pursuant to the Mesilla Town Code.

“Preservation” is the act or process of applying measures necessary to sustain the existing form, integrity and materials of a building or structure and the existing form and vegetation of a site. The process of preservation requires the retention of the greatest amount of historic fabric, along with the building’s historic form, features and detailing as they have evolved over time. New exterior additions are not within the scope of this treatment. See MTC [18.33.180](#) for additional standards for preservation taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Property/site” means land, buildings and structures in town-designated historic districts or land, buildings and structures individually designated by the town as historic.

“Public comments” means written comments from members of the public that are given to the planning, zoning and historical appropriateness commission and that relate to items under consideration by the commission.

“Public hearing” means a meeting of the planning, zoning and historical appropriateness commission at which members of the public provide testimony and comment regarding a specific item under consideration by the commission; 14-day notice must be given.

“Public meeting” means a meeting of the planning, zoning and historical appropriateness commission at which members of the public comment on items under consideration by the commission.

“Reconstruction” means using detailed photographic, physical or documentary evidence; reconstruction is the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or site or a portion thereof in its historic location as it appeared at a specific time. See MTC [18.33.180](#) for additional standards for reconstruction taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Rehabilitation” is the act or process of making possible an efficient contemporary use for a property or a process of returning a property to a state of utility through repair, alterations, and additions while preserving those portions and features which convey and are significant to the property’s historical, cultural or architectural values. See MTC [18.33.180](#) for additional standards for rehabilitation taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Residential – Cultural – Historical zone, H-R zone” means an area or district designated as the “Residential – Cultural – Historical zone” by ordinance of the town of Mesilla.

“Restoration” is defined as the act or process of accurately recovering the form, features, character and setting of a property as it appeared at a particular period of time by means of the removal of features from other periods in history and replacement of missing features from the restoration period. See MTC [18.33.180](#) for additional standards for restoration taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Scale” is defined as proper proportion of structures in a historic development zone.

“Significant structure” as defined in the “National Register of Historic Places Inventory Nomination Form” is a structure that is architecturally outstanding or exceptionally important in the history of the community.

“State Historic Preservation Officer” or “SHPO” is defined as the governor-appointed official responsible for a state’s historic preservation program. The SHPO is also known as the Director of the Historic Preservation Division or “HPD” and the office may be referenced as the State Historic Preservation Office.

Structure. For the purposes of this title, “structure” is defined pursuant to the Mesilla Town Code and shall include, but not be limited to, buildings of any kind, fences and walls. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.040]

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

A. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

B. Applicability of the Development Zone.

1. All structures shall be considered a part of and be subject to regulation by the development zone within which they are located or proposed to be located.
2. The design components of the individual architectural styles subject to regulation by the development zone include the following: building height, setbacks, proportions, pattern and rhythm, roof types, surface texture, color, site utilization, projections and architectural details.

C. Process to Identify a Development Zone. Identify the immediate vicinity of surrounding, adjacent structures that relate most directly to any new construction or exterior alteration to an existing structure that is to take place on an interior lot, a corner lot or a boundary lot as follows:

1. Development zone for an interior lot shall include any lot fronting on the same street as the lot in question and within the same block, as well as those lots located on the opposite side of the street, except such portions of the zone which fall outside the boundary of the historic district.
2. Development zone for a corner lot shall include any lot fronting on the same streets as the lot in question and within the same block, as well as those lots located on the opposite side of the streets, including the opposite corner, except such portions of the zone which fall outside the boundary of the historic district.

3. Development zone of any lot located adjacent to a historic district boundary shall include all lots located in the same block plus those lots located on the opposite side of any street adjoining that block, as well as those lots located on the opposite corners, except such portions of the zone which fall outside the boundary of the historic district.

Illustrations of the three types of development zones are available in the office of the community development department.

D. Process to Use a Development Zone.

1. Identify the development zone for the work to be performed: interior, corner or boundary lot.
2. Obtain a photograph of the development zone from the community development department. If one does not exist, staff will prepare one.
3. If applicable, use the National Register of Historic Places Inventory Nomination Form to identify the historic structures in the zone.
4. Conduct a physical inventory and comparison of the structures within the development zone to identify the predominant architectural style and the predominant architectural details that exemplify the particular style together with the setting.
5. Once an appropriate architectural style and/or architectural details have been determined, proceed with the process to obtain a permit for a certificate of historical appropriateness.
6. If there is no predominant architectural style within the selected development zone, then the historic district (H-C or H-R) as a whole shall become the development zone for the architectural style.
7. If particular design criteria are missing from the selected architectural style within the development zone, then the historic district as a whole (H-C or H-R) shall become the development zone for the missing design criteria for the architectural style. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.050]

18.33.070 Powers and duties of the PZHAC relating to historic preservation.

In addition to the powers and duties stated elsewhere, the PZHAC shall take action necessary and appropriate to accomplish the historic preservation goals of this chapter. These actions may include, but are not limited to, the following:

- A. Conducting and maintaining a survey of ~~locally-designated~~ historic buildings, landmarks, districts, places and areas and preparing a plan for their preservation; inclusive of a survey standard for historic properties.
- B. Recommending to the board of trustees the Town of Mesilla's designation of historic landmarks and historic districts; and properties with potential for local historic designation using the corresponding form
- C. Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;
- D. Regulating exterior alterations proposed for designated property and regulating demolitions, relocations and new construction involving designated property;
- E. Working with and advising the federal, state and county governments and other parts of the town government on historic preservation issues;
- F. Advising and assisting owners of historic property and other persons and groups who are interested in historic preservation;
- G. Reporting to the board of trustees on the present condition of historic properties in order to prevent demolition by neglect;
- H. Conducting educational programs for property owners and the public, preparing publications and placing historical and architectural plaques on buildings;
- I. Attending educational programs covering the historic preservation duties of the PZHAC and current developments in historic preservation; THERE WILL BE, AT MINIMUM, ONE REGULAR MEETING SET ASIDE FOR INFORMATIONAL OR EDUCATIONAL PURPOSES PER YEAR, PERTAINING TO THE WORK AND THE FUNCTIONS OF THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS COMMISSION. MEETING NOTIFICATIONS SHALL BE SENT TO HPD IN A TIMELY MANNER SO THAT THEY MAY ATTEND SUCH MEETINGS AND/OR PROVIDE INFORMATION. REPORTING ABOUT HPD AND GRANT FUNDING SHALL CONFORM WITH FISCAL ACCOUNTABILITY GUIDELINES IN THE CLG MANUAL/GRANTS MANUAL AND TO MAINTAIN CLG CERTIFICATION STATUS.
- J. Participating in the nomination of properties to the State Register of Cultural Properties, the National Register of Historic Places and of locally designated Historic Properties
- K. Performing duties that may be delegated to the town by the State Historic Preservation Officer under the Certified Local Government Program;

L. Recommending that the town apply for, receive and use public and private grants or gifts to help historic preservation activities. [Ord. 2011-03]

M. AN ANNUAL REPORT OF THE PZHAC COMMISSION SHALL BE REPORTED TO the State Historic Preservation Officer, THIS INCLUDES: NUMBER OF CASES REVIEWED, NEW DESIGNATIONS MADE, RESUMES OF COMMISSION MEMBERS, SCHEDULE OF COMMISSION, ATTENDANCE RECORDS, ALL COMMISSION MINUTES. THE REPORT SHALL ALSO DOCUMENT THE EDUCATIONAL AND TRAINING EFFORTS OF COMMISSION MEMBERS. THE REPORT SHALL BE DUE WITHIN 60 CALENDAR DAYS OF THE END OF EACH FISCAL YEAR. SUBMITTAL OF THIS REPORT IS REQUIRED TO MAINTAIN THE TOWN'S CLG STATUS:-

18.33.071-(Newly added section) Survey Standards of Historic Properties

- A. INVENTORY EFFORTS SHALL CONFORM WITH AND BE COORDINATED WITH THE NEW MEXICO CULTURAL RESOURCES INFORMATION SYSTEM (NMCRIS) UTILIZED AND MAINTAINED BY THE HISTORIC PRESERVATION DIVISION.
- B. SURVEYS SHALL UTILIZE THE HISTORIC CULTURAL PROPERTIES INVENTORY FORM (HCPI) AND BE REQUIRED FOR EACH PROPERTY SURVEYED.
- C. HCPI FORMS SHALL BE CREATED FOR ALL PROPERTIES THAT ARE DESIGNATED BY THE TOWN OF MESILLA AND BE PERIODICALLY UPDATED TO REFLECT CHANGES, ALTERATIONS AND DEMOLITION.
- D. HCPI SURVEY FORMS SHALL BE COMPLETED BY HISTORIC PRESERVATION PROFESSIONALS WHO MEET THE SECRETARY OF THE INTERIOR'S PROFESSIONAL QUALIFICATIONS STANDARDS. FOUND HERE: <https://www.nps.gov/articles/sec-standards-prof-quals.htm>
- E. SURVEY AND INVENTORY MATERIALS SHALL BE MAINTAINED SECURELY AND BE ACCESSIBLE TO THE PUBLIC EXCEPT WHEN CONFIDENTIALITY OF SITE INFORMATION IS MANDATED THROUGH 18-6-11 NMSA (EXCAVATION PERMIT) AND THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT, 163 USC 470HH (PROTECTION OF ARCHAEOLOGICAL RESOURCES ON PUBLIC AND NATIVE/PUEBLO LANDS.)

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

B. Process to Obtain a Certificate of Historical Appropriateness Permit.

1. Preapplication Procedure. A planning conference shall be held with community development staff. This conference is designed to provide the applicant with an opportunity to become acquainted with the rules and regulations of the historic conservation standards and processes and does not require a formal application. A copy of “A Guide to Building Permits in the Historic Zones” shall be provided to the applicant and shall be used during the review process outlined below.

2. Preliminary Application. At this stage, the applicant shall be required to submit a preliminary application containing the following information: type of structure, location, proposed use and type of work proposed.

3. Planning Conference. In this conference, the applicant and staff shall determine and review the following:

- a. Identify the development zone;
- b. For new construction, select an architectural style appropriate to the development zone. For work involving alterations to an existing structure, identify the structure’s architectural style;
- c. Complete a compliance checklist of design standards/a building permit submittal checklist for the identified architectural style as set forth in MTC [18.33.170](#);
- d. As applicable, complete a compliance checklist of rehabilitation standards as set forth in MTC [18.33.180](#);
- e. If building style does not substantially comply with the checklist of design standards, staff will evaluate the style or features for compliance on a case-by-case basis.

4. Work Session with PZHAC. Applicant shall then submit to the PZHAC a formal application with a preliminary plan and supporting data containing the information gathered in the steps above for review by the PZHAC for historical appropriateness.

5. PZHAC Agenda. After the preliminary plan and supporting data are reviewed for completeness by the PZHAC during the work session, the application shall be placed on the PZHAC agenda for consideration for a permit for a certificate of historical appropriateness. Public notice shall be given about the application including conspicuous posting on the property. The PZHAC may schedule a public hearing on an application involving a structure with a “significant” designation on one of the historic registers. Conspicuous notice of the hearing shall be given by posting one sign in front of the property and the posting of additional signs at 300-foot intervals on the property for large properties of more than 600 feet frontage.

6. Decision by the PZHAC. The PZHAC shall make a decision on the application within 45 days after the receipt of complete plans and supporting data; provided, that the PZHAC may extend the time for its decision an additional 30 days when the application is for a demolition. The PZHAC shall recommend approval, approval with modifications, or disapproval of application. The recommendation with modifications shall contain the revisions that the applicant may accept in order to receive a certificate of historical appropriateness. If the PZHAC disapproves an application, it shall give the applicant its reasons in writing, and the applicant may appeal the decision. If the PZHAC fails to decide on an application within the specified time period, the application shall be deemed recommended for approval and forwarded to the board of trustees.

C. Routine Maintenance and Repairs. The commission shall adopt a policy setting forth the standards and process for routine maintenance and repairs to structures within the historic districts that may be approved administratively by staff without consideration at a meeting provided the applicant files a building permit, pays the appropriate fee and complies with the design and materials guidelines set forth in this chapter. This includes but is not limited to elements of the individual architectural styles; colors for stucco, trim and doors, fences and gates; and roofing material and color. Staff shall report these administrative approvals in a timely manner on the agenda of each PZHAC meeting.

D. Exemptions. Work in any of the following categories shall be exempt from obtaining a certificate of historical appropriateness permit:

1. Maintenance or repairs which do not involve a change of the existing design, exterior materials or scale or outward appearance of the structure.
2. Work required by a town staff to eliminate an unsafe condition; provided, that any permanent repairs shall meet the criteria of subsection (D)(1) of this section.
3. Installation of storm windows or storm doors, with or without screens, painted or unpainted; provided, however, that no such windows or doors shall have any ornamental feature such as grilles, monograms, etc. This provision shall not be construed to prohibit the installation of plain bars on the inside of such windows or doors for protection of the screens or glass. If a study indicates that storm windows are necessary, the use of interior storm windows is preferred, and interior storm windows are also exempt from obtaining a certificate.
4. Erection of any accessory structure designed for the shelter of very small animals, such as rabbits and poultry; and provided, that such proposed accessory structure is not prohibited by another statute, regulation or ordinance; and provided, that the maximum

horizontal or vertical dimension of any such proposed structure does not exceed four feet. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.060]

18.33.090 Design components or development criteria and compliance checklists.

A. Design Components – Definition. Within the town’s historic districts there exist similarities in the design components and construction of the buildings. The similarities are expressed by a number of basic design components which include but are not limited to building height, setback, proportions, pattern and rhythm, roof types, surface texture, color, site utilization, projections and architectural details. These similarities provide the basis for determining precedent examples of the five architectural styles and their architectural details. The precedent examples themselves, identified by Yguado & Associates in 1973, are used to assure both the retention of an individual structure’s exterior historic form, features and detailing and the historically appropriate development of the district.

B. Design Components – Use. The design components define the building materials and exterior character-defining features for each of five architectural styles, such as:

1. The form and detailing of exterior materials, such as masonry, wood, and metal.
2. The form and detailing of exterior features, such as roofs, porches, doors and windows, as well as structural and mechanical systems. Where publicly visible, structural and mechanical systems, including solar and other energy collecting and conserving equipment, shall be architecturally integrated or screened.
3. The structure’s site and setting.

C. Design Components – Checklist. When considering an application for a permit for a certificate of historical appropriateness, the commission shall determine if the application complies or does not comply with each of the design components or development criteria which are organized by architectural style and presented in checklist form in MTC

[18.33.170](#). [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.070]

18.33.100 Miscellaneous, including colors for architectural components, gates, fences, and stucco and material and color for metal roofing.

A. Colors for Architectural Components, Including Windows, Trim, Doors, and for Gates and Fences.

1. Criteria to be used in selecting an appropriate color for architectural components, gates and fences include, but are not limited to:

- a. The size of the surface area to be covered.

b. Other colors that will surround the architectural component, gate or fence.

c. Type and texture of the surface, such as rough stucco, smooth metal or wood.

2. An album of color charts and photographs to be used by commissioners, staff and citizens in determining appropriate colors for architectural details and, by extension with this chapter, for gates and fences, is available in the community development department office.

B. Colors for Exterior Stucco.

1. Appropriate colors include colors in the cream to medium brown earth tones referred to in the individual architectural styles found in MTC [18.33.170](#) as characteristic of a particular style. Permitted acrylic latex paint colors shall be subtle and muted rather than bright and reflective.

2. The combination of exterior wall and trim colors on the same structure shall be historically appropriate, which for trim colors includes natural wood, off whites, creams and beiges as described in the individual architectural styles found in MTC [18.33.170](#), along with the colors presented in the color chart album.

C. Metal Roofing. Historically appropriate material and colors for new and replacement metal roofs are corrugated metal in either the natural gray or brick red color. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.080]

18.33.110 Standards for alterations.

The Secretary of the Interior's Standards for the Treatment of Historic Properties authorized by the National Historic Preservation Act of 1966, developed in 1992 and codified as [36 CFR 68](#), and subsequent revisions, amendments and additions thereto adopted by the Secretary of the Interior are hereby adopted in their entirety into this chapter by reference.

A. Application. These standards shall apply to all work or acts performed on the exterior of historic buildings and structures used commercially and zoned H-C, Historical Commercial, that are designated "significant" or "contributing."

B. Function. The standards identify and define appropriate treatments for the alteration of exterior character-defining features, including the form and detailing of materials, spatial relationships, and structural and mechanical systems. The standards also encompass related landscape features and the building's site as well as attached adjacent or related new construction. The standards are to be applied to specific projects in a reasonable manner, taking into consideration economic and technical feasibility.

C. Guidelines. Guidelines to be used to assist in implementing the standards are found in the Secretary of the Interior's Standards for the Treatment of Historic Properties, and are available in the community development department. The guidelines are divided into two categories:

1. Recommended approaches, treatments and techniques that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
2. Not recommended approaches, treatments and techniques that are not consistent with the Secretary's standards and could adversely affect a building's historic character. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.090]

18.33.120 Demolition.

A. The demolition of a significant or contributing structure within a historic district shall require a permit that includes verification by a qualified architect or certified structural engineer, with a background in architecture preferred, that the structure is not repairable or reusable.

The applicant shall provide the report containing the verification. The applicant shall also provide the plans for the site in order to demonstrate that it will not harm adjacent properties. The PZHAC may schedule a public hearing on the application. Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals, on said property, for large properties of more than 600 feet frontage.

B. Before voting on the demolition application, the PZHAC shall discuss with the applicant to see if an alternative to demolition can be found. The PZHAC may ask the applicant for additional information to be used in making its decision.

C. The PZHAC shall study the question of financial hardship for the applicant and shall determine whether the property can be put to reasonable beneficial use without the approval of the demolition application. Using the record that was developed, the PZHAC shall vote on the application following the procedures in MTC [18.33.080](#), Historical appropriateness permit. Options to prove financial hardship shall be: (1) income of 50 percent or lower of the average median income standards established for Dona Ana County; (2) proof of income documented with tax returns and annual expenditures.

D. If a demolition permit is issued, prior to the demolition the structure shall be documented with photographs, sketch plans and a brief historical description.

E. Demolition of intrusive features on a structure for the purpose of restoring original historic features should be encouraged and shall be exempt from the architect/engineering

requirement. Documentation of the original features shall be provided in order to receive demolition approval. [Ord. 2011-03]

18.33.130 Preservation of historic property.

Every person in charge of a landmark or a property in a historic district shall keep in good repair: (A) all of the exterior portions of such property and (B) all interior portions which, if not maintained, may cause the exterior of the structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of a building or structure by neglecting it or by permitting damage to it because of weather or vandalism. No provision in this chapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore a building or structure to its original appearance. PZHAC shall consider financial hardship per MTC [18.33.120\(C\)](#). [Ord. 2011-03]

18.33.140 Designation of landmarks and historic districts.

A. The PZHAC may study a property or an area in order to make a recommendation on whether it qualifies for designation as **a locally designated historical property, a historic landmark or a historic district**. [The Town encourages any property Owner of Record; a contract purchaser of a nominated property; individual or group of Town residents; association with members who are Town residents; or the PZHAC, on its own initiative and with prior consent of the Town, that they may request landmark or district designation for any building, structure, object, improvement, or site which is located within the corporate limits of the City and which may have historic significance as set forth in the criteria for evaluation. These nominations can be made by using the Local, Landmark or Historic District Designation Nomination Form for the Town of Mesilla, supplied by the Historic Preservation Specialist upon request. Any structure listed in the National Register of Historic Places may be designated as a Historic, subject to the procedures stipulated herein.](#)

B. [No such person, group of persons or association, nor the Commission, shall be required to obtain the consent of the Owner of Record of the building, structure, object, improvement, or site prior to filing the application for Historic Landmark, district or local designation. Owners of Record have the right to file an objection to the proposed Historic Landmark designation of its property, as set forth in Section 18.33.141](#)

C. The **PZHAC** applying party shall assemble information about the property or the area being considered for designation and shall schedule a public hearing on the proposed designation. Public notice of the hearing shall be given, including conspicuous posting on the property or in the proposed district for 14 days immediately prior to the hearing.

Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals for large properties of more than 600 feet frontage. Notice of the hearing shall be given by certified mail at least 14 days in advance of the hearing to the owners of property under consideration. Written notice shall be considered sufficient when it is mailed to the person listed on the tax records of the government.

D. A landmark, or a historic district shall qualify for designation when it meets one or more of the following criteria that will be discussed in a PZHAC report making its recommendation to the board of trustees:

1. Its value as a reminder of the cultural or archaeological heritage of the town, state or nation;
2. Its location as a site of a significant local, state or national event;
3. Its identification with a person or persons who significantly contributed to the development of the town, state or nation;
4. Its identification as the work of a master builder, designer or architect whose individual work has influenced the development of the town, state or nation;
5. Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
6. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction or use of indigenous materials;
7. Its character as a geographically definable area possessing a significant concentration of buildings, structures or sites united by past events or aesthetically by plan or physical development; and
8. Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles, plan or physical development.

E. After evaluating the testimony at its public hearing and the other material it has assembled, the PZHAC shall decide whether or not to recommend the proposed designation to the board of trustees. If the PZHAC decides to recommend the designation, it shall submit a written report with information on the property or properties. The board of trustees shall approve, modify or disapprove the proposed designation within 60 days after receiving the recommendation and report from the PZHAC.

F. The PZHAC shall notify the owners of the property that has been designated and shall arrange that the designation of a property as a landmark or as a part of a historic district

shall be recorded in the land records of the county. The PZHAC shall also give notice of the designation to the government offices in the town and in the county which shall retain the information for future reference.

G. The amendment or rescission of a designation shall be accomplished through the same steps as were followed in the original designation. [Ord. 2011-03]

18.33.141 (NEWLY ADDED SECTION) OWNER CONSENT FOR REGISTER DESIGNATION

- A. The Town of Mesilla, with approval from the Planning and Zoning Historical Appropriateness Commission, may designate historically significant properties, structures, sites, or districts as historic landmarks or historic districts based on criteria established in the municipal code, regardless of property owner consent.
- B. Property owners and members of the public shall have the opportunity to provide comments during the designation process at PZHAC determination meetings. However, lack of owner consent shall not preclude designation if the property meets the criteria for historic significance.
- C. Property owners may appeal the designation to the Town Council within 30 days of final notice. PZHAC may uphold or overturn the designation based on evidence presented.
- D. This provision affirms the Town's commitment to preserving its cultural, architectural, and historical resources for the benefit of the community and future generations.

18.33.150 Appeal from historical appropriateness action.

The process for an appeal from a PZHAC historical appropriateness action shall be pursuant to this title. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.100]

18.33.160 Enforcement.

Responsibility for enforcement shall be pursuant to the Mesilla Town Code. All work performed pursuant to a certificate of historical appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the town staff to inspect from time to time work being performed to assure such compliance. In the event work is being performed that is not in accordance with such certificate, the town may issue a stop work

order. In the event work is being performed without the required certificate of historical appropriateness, the town may issue a stop work order. The PZHAC or its representative shall meet with the owner or tenant to resolve the problem. When necessary, the town attorney may seek an injunction and any other appropriate relief in order that the intent of this chapter shall be carried out. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.110]

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