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## **APPENDIX D**

# **EXCERPTS FROM THE VILLAGE OF ANGEL FIRE VILLAGE CODE<sup>1</sup>**

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### **9-7-13: FUEL MODIFICATION AREA:**

(Ord. 2005-07, 8-18-2005)

- A. General: The wildland fire risk in the village of Angel Fire requires establishment of a fuel modification area, the modification area shall extend at least twenty feet (20') from structures.
- B. Treatment: Fuels are all combustible materials within the wildland urban interface or intermix including, but not limited to, vegetation and structures. Treatment includes limbing, lopping, pruning or cutting.
1. Ground fuels within the modification area space shall be treated or removed.
  2. Dead material shall be removed and live vegetation past ten feet (10') of the structure shall be thinned and pruned.
  3. Dead and/or downed fuels within the modification area of the building(s) shall be removed or treated to maintain the fuel modification area.
  4. Vegetation under trees within the fuel modification area shall be maintained at a height no less than six feet (6') that will preclude ground fire from spreading in the tree crown.
- C. Combustible Materials: Other combustible material shall be removed from the modification area or stored in a suitable area as approved by the fire department or building inspector. Combustibles, for example, are woodpiles, brush piles, grass mulching, tree debris and/or any other combustible type material.

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<sup>1</sup> [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=384](http://www.sterlingcodifiers.com/codebook/index.php?book_id=384)

D. Lot Thinning Requirements:

<b>Zone 1: Structure Protection</b>			
<b>Defensible Space</b>	<b>Requirements</b>	<b>Recommendations</b>	<b>Comments</b>
0-10' from structure	<p>Remove all pine needles and flammable ground materials</p> <p>Remove all ladder fuels</p> <p>Prune trees extending over eave of roof or 25%, whichever is less</p> <p>Remove branches within 15' of chimney</p>	<p>Maintain noncombustible ground material 10' around structure (planting beds, rock gardens, gravel or bare soil)</p> <p>Prune native tree limbs overhanging roof</p> <p>Bedding plants (&lt;18" high)</p> <p>Consider nonflammable landscape material (example: do not use railroad ties, wood fencing, etc.)</p>	<p>Consultation with the property owner will explain the "blended eye" assessment of the property. Using this "added value" approach landscape elements and forest health issues, as well as fire hazard reduction, will be considered. The property owner can better achieve his land objectives.</p>

## Zone 2: Defensible Space

<p>10-20' from structure</p>	<p>Remove all pine needles and flammable ground materials</p> <p>Remove all ladder fuels</p> <p>Minimum 10' between stems of trees or "clumps" (maximum 5 trees/clump)</p> <p>Crowns of stems or between "clumps" do not touch</p> <p>Prune flammable tree limbs minimum 10' from ground or 25% of tree height, whichever is less</p> <p>10-15' between planting islands and groups of shrubs</p>	<p>Maintain low combustible ground covers</p> <p>Keep lawns watered and mowed (as conditions allow)</p> <p>Consider planting beds, rock gardens and fire resistant plants</p> <p>Bedding plants (&lt;18" high)</p> <p>Consider nonflammable landscape material</p>	<p>In both zone 1 and 2 attention will be paid to the potential threat posed by creeping and spot fire behavior. It is highly likely, given the number of lots 1 acre and less, that this zone will often overlap with neighboring property defensible space. It is also likely that assessments in areas with higher densities will be looked at as "neighborhoods" rather than individual properties. Individual consultations will occur in every case. Lots &lt;math&gt;&lt; \frac{1}{2}&lt;/math&gt; acre are dealing with zone 1 and 2 for the most part.</p>
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<b>Zone 3: Forest Woodland</b>			
<b>Defensible Space</b>	<b>Requirements</b>	<b>Recommendations</b>	<b>Comments</b>
30-60' from structure	<p>Maximum densities for target vegetation:  Ponderosa pine - 14-16' tree spacing  Mixed conifer - 16-18' tree spacing</p> <p>Remove all ladder fuels</p> <p>10-15' between stems of trees or "clumps" (maximum 5 trees/clump); 10-15' between planting islands</p> <p>Prune tree limbs minimum 8' from ground or 25% of tree height, whichever is less</p>	<p>Remove all pine needles and flammable ground materials</p> <p>Additional fuels reduction:  Ponderosa pine - 16'+ tree spacing  Mixed conifer - 18'+ tree spacing</p> <p>Prune tree limbs minimum 8-15' from ground or 25% of tree height, whichever is less</p>	<p>In terms of thinning stems, the property owner will be advised of the different marking prescriptions that will achieve the requirements but could result in different aesthetics (multi-story, even aged, park like, etc.). The property owner will decide. Zones 1, 2 and 3 constitute the minimum requirements around structures regardless of lot size. These zones have much to do with the ignitability of a structure and individual protection.</p>

### Zone 4: Property Perimeter Buffer

Defensible Space	Requirements	Recommendations	Comments
<p>60'+ property line for lots <math>\frac{3}{4}</math> acre or less</p> <p>120' wide buffer around perimeter for lots <math>&gt;\frac{3}{4}</math> acre</p>	<p>Maximum densities for target vegetation:</p> <p>Ponderosa pine - 12-14' tree spacing</p> <p>Mixed conifer - 14-16' tree spacing</p> <p>Remove all ladder fuels</p> <p>10-15' between crowns of trees or "clumps" (maximum 7 trees/clump)</p> <p>10-15' between planting islands</p> <p>Prune tree limbs minimum 8' from ground or 25% of tree height, whichever is less</p>	<p>Additional fuels reduction:</p> <p>Ponderosa pine - 14'+ tree spacing</p> <p>Mixed conifer - 16'+ tree spacing</p> <p>Prune tree limbs minimum 8-15' from ground or 25% of tree height, whichever is less</p> <p>Consider coordination with neighboring properties</p> <p>Recommend treatment of entire property</p>	<p>Treatment in this zone addresses wildfire rate of spread and intensity. Consistent application of these treatments will create conditions where crown fire could be transformed into a ground fire, slowing its rate of spread and creating opportunity for fire resources to safely respond. A property owner with <math>&lt;\frac{3}{4}</math> acre is required to treat all of the property. A property owner with <math>&gt;\frac{3}{4}</math> acre is required to implement zones 1, 2, and 3 around any structures &gt;50 square feet out to 60'. In addition, property owner shall create a buffer zone as described in zone 4. This zone now starts at the property line and comes in 120' minimum.</p>

## 9-6-1: STATEMENT OF NUISANCE CONDITIONS:

(Ord. 2005-01, 1-20-2005)

A. Property Nuisance; Prohibited Conditions: It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any real property in the village to maintain or to allow to be maintained such property in a manner where any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law, including provisions of ordinances of the village: (Ord. 2008-05, 7-15-2008)

1. The accumulation of dirt, litter or debris.
2. The accumulation and/or storage of boxes, bins, containers, lumber, junk, trash, salvage materials or other similar materials without first providing proper and tight buildings, fences or screened containment areas for storage of such material as specified in this title.
3. Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, as well as hazardous pools, ponds and excavations and/or dangerous containers.
4. Broken or discarded furniture, household equipment, appliances, and furnishings, or shopping carts.
5. Growth of weeds, noxious weeds, vegetation or other nuisances which:
  - a. Are likely to harbor flies, insects, rodents or vermin.
  - b. Are dangerous to public health, safety and welfare.
  - c. Are obstructing a necessary view of drivers on public streets, roads, clear sight triangles, or driveways.
6. Hazardous trees as follows:
  - a. Dead trees; fallen trees across property lines.
  - b. Trees leaning toward a target (i.e., a structure, etc.) on adjoining property which pose a clear and present threat to health and/or property.
  - c. Trees and/or portions thereof that possess significant structural damage, which pose a clear and present threat to health and/or property.
  - d. Diseased or infested trees that present a threat to live trees on adjacent properties.
7. Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair.
8. Inoperable or abandoned mobile homes, recreational vehicles, utility trailers, unmounted camper tops, boats, horse trailers, cars, trucks and airplanes or

other vehicles that are parked or stored in violation of section [9-7-9](#) of this title.

9. Graffiti on the exterior of any building, fence or other structure.
  10. Solid waste, automobiles not in operating condition, and wastewater, or any conglomeration of residue thereof which emits odors or serves as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the code compliance officer, is unsightly or dangerous to public health, safety or welfare. (Ord. 2005-01, 1-20-2005)
  11. Unsafe buildings, foundations, or other structures which are partially destroyed or collapsed, left in a state of partial construction, or open or abandoned. (Ord. 2008-05, 7-15-2008)
  12. Driveways, maintained or unmaintained, that are so constructed that dirt, gravel and debris wash onto the traveled roadway or in bar ditches and culverts.
  13. Liquid waste, wastewater, solids, or seepage leaking from septic tanks, holding tanks, leach lines or similar fixtures. (Ord. 2005-01, 1-20-2005)
  14. Excavations that are open, abandoned, or unfinished. (Ord. 2008-05, 7-15-2008)
- B. Declaration Of Nuisance; Abatement Generally: Any property found to be maintained in violation of subsection A of this section is hereby declared to be a public nuisance and shall be abated as provided under subsections C and D of this section. The procedures for abatement set forth in this section shall not be exclusive and shall not in any manner limit or restrict the village from enforcing other village ordinances or abating public nuisances in any other manner provided by law.
- C. Order To Remove Or Remedy Nuisance: Whenever any nuisance prohibited in this section shall be found to exist upon private property within the village, the code compliance officer shall order, in writing, the owner, lessee, occupant or person who permits such nuisance to exist to remove or remedy the nuisance within ten (10) days after service of such notice upon them, unless other provisions of this code or other village ordinances provide a longer remedy period.
- D. Filing Of Complaint; Abatement By Village: If any such property owner or the person who permits such nuisance to exist shall fail to comply with such order, any person interested may file a complaint for violation of this section against such person, or the village may elect to cause the nuisance to be abated by removal of the nuisance and shall have a lien against the property for the cost of such removal.

E. Penalty: Failure to comply with a valid order of the code compliance officer shall constitute a petty misdemeanor within the meaning of New Mexico Statutes Annotated, 1978, section [30-8-1](#), and, upon a finding of a violation of this section, the person committing the violation may be punished in accordance with section [1-4-1](#) of this code; provided, that any fine shall be not less than fifty dollars (\$50.00). Each day that the prohibited condition is not corrected or remedied shall constitute a separate offense, and the court shall impose a fine on a per day basis for each day that the violation is maintained. Application of the penalty set out in this subsection shall not be held to preclude the forced removal of prohibited conditions.

