



ORDINANCE 25-03

AN ORDINANCE OF THE TOWN OF TAOS AMENDING TITLE 16, LAND USE DEVELOPMENT CODE, SECTIONS 16.04.120.3 AND 16.20.010.5.19; TITLE 5 BUSINESS LICENSES AND REGISTRATIONS, SECTIONS 5.04.040, 5.04.070.10, 5.12.050, AND 5.12.060; AND TITLE 8 HEALTH AND SAFETY, SECTIONS 8.08.090, 8.16.130, 8.24.020, 8.24.110, AND 8.28.120 OF THE TOWN OF TAOS MUNICIPAL CODE TO REGULATE THE POSTING OF RED TAGS BY THE TOWN OF TAOS CODE OFFICIALS ON PROPERTIES VIOLATING THE TOWN MUNICIPAL CODE AND THE REMOVAL OF RED TAGS BY THE PROPERTY OWNER OR TENANT ON PROPERTIES THAT ARE VIOLATING TOWN ORDINANCES.

WHEREAS, the Town of Taos is a municipality with the power to adopt ordinances or resolutions not inconsistent with the laws of New Mexico pursuant to NMSA 1978, Section 3-17-1.

WHEREAS, the Town of Taos finds it necessary to amend the Town of Taos Municipal Code, Title 16, Land Use Development Code, Title 5 Business Licenses and Registrations, and Title 8 Health and Safety amending Chapters 16.04 General Provisions and 16.20 Performance Standards, Chapters 5.04 Business Registration Act, 5.12 Vendors, Peddlers, and Solicitors, 5.16 Pawnbrokers, and Chapter 8.08 Dismantled and Inoperative Vehicles, 8.16 Fireworks, 8.24 Noise Control, 8.28 Nuisances Generally, with the amendments and addition of Sections 16.04.120.3 Violations a public nuisance A, B, and C; 16.20.010.5.19 Penalty D and E.; 5.04.040 Penalties for Violations A, B and C; 5.12.060 Penalties for Violations of this Chapter A, B, and C; 5.16.050 Permits required; Penalty G and H; 8.08.090 Penalties C and D; 8.16.130 Penalty C and D; 8.24.020 Violation A, B, and C; 8.24.110 Violation; penalty A, B, and C; and 8.28.120 General penalty for violations of chapter; continuing violations C and D; and

WHEREAS, A “red tag” is an official notice issued when a Code Official or the Planning Department determines that a property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety and welfare of the Community that must be addressed.

WHEREAS, a posted red tag requires the closure, or restriction of use, of the property bearing the tag until the violations are corrected and such correction is demonstrated through a re-inspection and is deemed to have passed; and

WHEREAS, a Town of Taos Code Official determines whether a property has immediate and major safety violations of state or local codes, which threatens the health, safety and welfare of the Community; and

WHEREAS, a posted red tag provides notice to the public of hazardous conditions present on the property; and

WHEREAS, the removal of red tags by the tenants or property owners is hazardous and disrespectful to the community; and

WHEREAS, the purpose of this chapter is to make the removal of red tags a violation; and

WHEREAS, the Town of Taos has determined that the removal of red tags constitutes a nuisance, creates potential hazards to the health, safety, welfare and continued aesthetic beauty of the community; and

WHEREAS, the Planning and Zoning Commission has been delegated the responsibility for review of all changes to the Land Use Development Code and Ordinances of the Town of Taos; and

WHEREAS, the Planning and Zoning Commission held a duly published, noticed, and posted meeting on this ordinance on the 3rd day of December, 2025, and recommended to the Town Council that this ordinance be approved/denied by the Town of Taos Town Council; and

WHEREAS, according to the Land Use Development Code of the Town of Taos (Ordinance 99-05) a final public hearing before the Town of Taos Town Council on a proposed amendment to the Land Use Development Code shall be held; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session on the 24th day of February, 2026, and after having held a public hearing on the matter, and having received the recommendations of the Town of Taos Planning and Zoning Commission, the following Ordinance is hereby adopted, approved and ratified.

TITLE 16 LAND USE DEVELOPMENT, CHAPTER 16.04 GENERAL PROVISIONS

16.04.120.3 VIOLATIONS A PUBLIC NUISANCE

A. Any use, activity, building, structure, or other matter governed by this title that is erected, constructed, altered, enlarged, converted, moved, maintained, or otherwise in existence contrary to the provisions of this title shall be, and is hereby declared to be, unlawful and a public nuisance. The town may commence judicial proceedings to abate the public nuisance as allowed by the laws of the State of New Mexico.

- B. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- C. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and such corrections are proven through a satisfactory re-inspection for which the property is deemed to have passed.
- D. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the property owner fails to address all cited violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.
- E. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or a sentence of confinement not exceeding ninety (90) days in jail, or both.
- F. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to the penalties listed above.
- G. The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

CHAPTER 16.20 PERFORMANCE STANDARDS, SECTION 16.20.010.5 SIGN REGULATIONS

16.20.010.5.19 PENALTY

- A. Upon determination by the Code Administrator or designee that a sign is in violation of these sign regulations, the property owner, the holder of the sign permit, or the owner, agent, entity, or individual responsible for the property shall be fined not less than fifty dollars (\$50.00) for the first offense, and not less than one hundred fifty dollars (\$150.00) for the second offense.
- B. Upon the determination of the Code Administrator or designee that there has been a third offense of any sign violation to these sign regulations, the property owner, the holder of the sign permit, or the owner, agent, entity, or individual responsible for the property shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00).
- C. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punished as such hereunder.
- D. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or

business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.

- E. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and such corrections are proven through a satisfactory re-inspection .
- F. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the property owner fails to address all cited violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.
- G. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety (90) days in jail, or both.
- H. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to penalty.
- I. The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

TITLE 5 BUSINESS LICENSES AND REGISTRATIONS, CHAPTER 5.04 BUSINESS REGISTRATION ACT

5.04.040 PENALTIES FOR VIOLATIONS

- A. Any person who has: (1) received a license under this chapter unlawfully, (2) received a license under this chapter by fraud or false statement, (3) violated any provision of this chapter or the Town Code generally or violated laws or regulations regulating the business activity or purpose for which the permit was issued; (4) who has been convicted of offenses under the Town Code related to the business activity permitted by the license; (5) committed wrongful behavior or of a substantial character and of a public concern in relation to the licensed activity; or (6) who has violated an emergency proclamation of the mayor pursuant to Section 2.04.020 (Civil Emergencies - Proclamation of civil emergency; powers of mayor) of the Town Code, shall be guilty of a misdemeanor and punished as set forth in NMSA 1978, Section 3-17-1(C).
- B. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- C. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and such corrections are proven through a satisfactory re-inspection.
- D. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a

contractor, obtaining proper permits, and performing any required work. If the property owner fails to address all cited violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.

- E. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety (90) days in jail, or both.
- F. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to the penalties listed above.
- G. The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

CHAPTER 5.12 VENDORS, PEDDLERS AND SOLICITORS

5.12.060 PENALTIES FOR VIOLATIONS OF THIS CHAPTER

- A. Any person violating any of the provisions of this chapter shall be guilty of a petty misdemeanor and upon conviction subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety (90) days in jail, or both.
- B. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- C. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and such corrections are proven through a satisfactory re-inspection which the property is deemed to have passed.
- D. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the property owner fails to address all violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.
- E. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety (90) days in jail, or both.
- F. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to the penalties listed above.
- G. The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

CHAPTER 5.16 PAWNBROKERS

5.16.050 PERMITS REQUIRED; PENALTY

- A. In addition to any occupational or other license required by the local government, every pawnbroker shall obtain a pawnbroker permit issued by the planning department of the town. Such permit shall be conspicuously displayed in the pawnbroker's place of business, together with the following notice:

If you pawn, New Mexico has laws to protect you and your property. For example, if you do not pay the amount due on your pawn by the due date, you have the right to have a written notice sent to you of what you need to do, and when, to keep your property from being sold or retained by the pawnbroker. It cannot be sold or retained for at least 90 days from the due date.

If the pawnbroker notifies you that he wants to retain your pawn without selling it and giving you the surplus, you can object within 30 days of his notice to you, and he will have to sell it. If your property is sold, you have right to the surplus if there is one. You may want to see a lawyer to find out more about your rights.

If you have a complaint concerning this permit holder, you may file it with the Town of Taos Manager. Details about how complaints are handled are available at the planning department of the town.

- B. Permits to engage in the business of a pawnbroker shall be issued by the planning department of the town.
- C. Said permit shall be conspicuously displayed in the pawnbroker's place of business.
- D. Said permit will expire on July 1 of each year and must be renewed by that date.
- E. Upon obtaining the permit, every pawnbroker shall register with the local law enforcement agency.
- F. Doing business as a pawnbroker without a permit constitutes a violation of this section and is subject to the general penalty provisions of this chapter and the Pawnbrokers Act.
- G. A red tag may be posted on a property explaining the nature of the violations upon determination by the Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- H. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and such corrections are proven through a satisfactory re-inspection which the property is deemed to have passed.
- I. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a

contractor, obtaining proper permits, and performing any required work. If the property owner fails to address all violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.

- J. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety (90) days in jail, or both.
- K. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense and shall be subject to the penalties listed above.
- L. The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

TITLE 8 HEALTH AND SAFETY, CHAPTER 8.08 DISMANTLED AND INOPERATIVE VEHICLES

8.08.090 PENALTIES

- A. Wherever in this chapter an act is prohibited, or is made or declared to be unlawful, an offense, a misdemeanor, or a petty misdemeanor, or wherever in this chapter the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision, or the failure to perform any such act, shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or both.
- B. Each day any such violation or failure to perform such act shall continue shall constitute a separate offense and a separate violation of an ordinance of this town, unless otherwise specifically provided.
- C. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- D. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and a re-inspection is passed.
- E. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the owner fails to address all violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.
- F. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety days in jail, or both.

- G.** Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to the penalties listed above.
- H.** The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

CHAPTER 8.16 FIREWORKS

8.16.130 PENALTY

- A.** Any individual, firm, partnership or corporation that violates any provision of this chapter is guilty of a petty misdemeanor and, upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment of a period of not more than ninety (90) days, or both. It is a separate violation for each day a violation continues.
- B.** In addition to any other criminal penalties that may be imposed, any individual, firm, partnership, or corporation found guilty by a court of competent jurisdiction of violating this chapter or the Fireworks Licensing and Safety Act two (2) or more times within a five (5) year period shall, after notice and hearing, have its permit revoked for a period of one year.
- C.** A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- D.** A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and a re-inspection is passed.
- E.** The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the owner fails to bring the property into compliance, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.
- F.** Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety days in jail, or both.
- G.** Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to the penalties listed above.
- H.** The removal of a posted red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

CHAPTER 8.24 NOISE CONTROL

8.24.020 VIOLATION

- A. It is a violation of this chapter for any person to make, continue, or cause to be made or continued, any excessive, unnecessary, or unusually loud noise which unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.
- B. A red tag may be posted on a property explaining the nature of the violations when a Code Official or the Planning Department determine that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety and welfare of the Community that must be addressed.
- C. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and a re-inspection is passed.
- D. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the owner fails to address all violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.
- E. Any person other than a Code Official who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety days in jail, or both.
- F. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense subject to the penalties listed above.
- G. The removal of a posted red tag by anyone other than a Code Official shall result in an immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

8.24.110 VIOLATION; PENALTY

- A. Any person violating any provision of this chapter may be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00), by imprisonment not to exceed ninety (90) days, or by both. Each day such violation is committed, or permitted to continue, shall constitute a separate offense subject to penalty.
- B. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that the property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
- C. A posted red tag shall cause the closure, or restriction of use, of a property until the violations are corrected and a re-inspection is passed.
- D. The owner of a property bearing a posted red tag must bring the property into compliance within a specific time frame by addressing all cited violations. This may involve hiring a contractor, obtaining proper permits, and performing any required work. If the owner fails to

address all violations, the Town of Taos may take further action, which may include fines, liens on the property, or demolition.

- E. Any person, other than a Code Official, who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety days in jail, or both.
- F. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense and shall be subject to the penalties listed above.
- G. The removal of a red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

CHAPTER 8.28 NUISANCES GENERALLY

8.28.120 GENERAL PENALTY FOR VIOLATIONS OF CHAPTER, CONTINUING VIOLATIONS

- A. Wherever in this chapter an act is prohibited, or is made or declared to be unlawful, an offense, a misdemeanor, or a petty misdemeanor, or wherever in this chapter the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision, or the failure to perform any such act, shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or both.
- B. Each day any such violation or failure to perform such act continues shall constitute a separate offense and a separate violation of an ordinance of this town, unless otherwise specifically provided.
- C. A red tag may be posted on a property explaining the nature of the violations upon determination by a Code Official or the Planning Department that a property has immediate and major safety violations of state or local codes indicating that a building, structure, or business has significant and immediate hazards threatening the health, safety, and welfare of the Community that must be addressed.
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- F. Any person, other than a Code Official, who removes a posted red tag shall be guilty of a petty misdemeanor and, upon conviction, subject to a fine not exceeding three hundred dollars (\$300.00) or to a sentence of confinement not exceeding ninety days in jail, or both.

G. Each day a wrongfully removed red tag remains unposted shall constitute a separate offense and shall be subject to the penalties listed above.

H. The removal of a red tag by anyone other than a Code Official shall result in the immediate issuance of a citation, starting the three hundred dollar (\$300.00) a day fine.

This ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, AND APPROVED this 24th day of February 2026, by the following Vote:

Councilmember Darien D. Fernandez _____
Councilmember Genevieve Oswald _____
Councilmember Billy Romero _____
Councilmember Tetsuro Namba _____

TOWN OF TAOS

Daniel Barrone, Mayor

ATTESTED:

Denise Martinez, Town Clerk

APPROVED AS TO FORM:

, Town Attorney