



SPONSOR:

BILL: _____

AMEND NMSA 1978 4-37-3 TO PROVIDE THAT PENALTIES FOR VIOLATIONS FOR ANY COUNTY ORDINANCE FINES BE INCREASED FROM \$300 TO AT LEAST \$500

Bernalillo County is recommending a revised maximum penalty amount of \$500 for violations of county ordinances in light of the increased costs related to processing of violations and to ensure that the threat of penalties will deter the unlawful undertakings. Review of penalties in other similar jurisdictions (City of Albuquerque-\$500, Pima, AZ, El Paso, TX, Oklahoma City, OK) show that a maximum \$500 penalty is not disproportionate to the infringement and not excessive. Testimony from County code enforcement officers suggests that a \$300 penalty is not serving as a deterrent for certain violations (e.g. animal cruelty, planning and zoning violations, etc.) and there is considerable support for an increase. Additionally, the costs for personnel and mailings have increased in the last decade and need to be offset with appropriate penalty fees.

N. M. S. A. 1978, § 4-37-3

§ 4-37-3. Enforcing county ordinances; jurisdiction

A. County ordinances may be enforced by prosecution for violations of those ordinances in any court of competent jurisdiction of the county. Penalties for violations of any county ordinances shall not exceed a fine of ~~three~~ **five** hundred dollars (~~\$300~~) (**\$500**) or imprisonment for ninety days or both the fine and imprisonment; except that a county may enact and enforce ordinances that impose the following penalties in addition to any other penalty provided by law:

- (1) no more than one thousand dollars (\$1,000) for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill;
- (2) no more than five thousand dollars (\$5,000) for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act; and
- (3) no more than imprisonment for three hundred sixty-four days or a fine of one thousand dollars (\$1,000), or both, for violation of an ordinance regarding driving while under the influence of intoxicating liquor or drugs.

B. Prosecution of violations under this section may be commenced by the issuance of a citation charging the violation. Citations may be issued by the code enforcement officer of the county or an employee or employees of the county authorized by the board of county commissioners to issue such citations.

Credits

L. 1975, Ch. 312, § 3; L. 1989, Ch. 370, § 1; [L. 1993, Ch. 66, § 2.](#)

Formerly 1953 Comp., § 15-36A-3.

