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SENATE BILL 307

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO COUNTY ORDINANCES; ALLOWING VIOLATIONS OF COUNTY  
ORDINANCES TO BE PROSECUTED THROUGH AN ADMINISTRATIVE PROCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 4-37-3 NMSA 1978 (being Laws 1975,  
Chapter 312, Section 3, as amended) is amended to read:

"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 or through an administrative hearing  
process that affords due process to an individual who violates  
those ordinances. Penalties for violations of any county  
ordinances shall not exceed a fine of three hundred dollars  
(\$300) or imprisonment for ninety days or both the fine and  
imprisonment; except that a county may enact and enforce

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1 ordinances that impose the following penalties in addition to  
2 any other penalty provided by law:

3 (1) no more than one thousand dollars (\$1,000)  
4 for discarding or disposing of refuse, litter or garbage on  
5 public or private property in any manner other than by  
6 disposing it in an authorized landfill;

7 (2) no more than five thousand dollars  
8 (\$5,000) for the improper or illegal disposal of hazardous  
9 materials or waste in any manner other than as provided for in  
10 the Hazardous Waste Act; and

11 (3) no more than imprisonment for three  
12 hundred sixty-four days or a fine of one thousand dollars  
13 (\$1,000), or both, for violation of an ordinance regarding  
14 driving while under the influence of intoxicating liquor or  
15 drugs.

16 B. Prosecution of violations under this section may  
17 be commenced by the issuance of a citation charging the  
18 violation. Citations may be issued by the code enforcement  
19 officer of the county or an employee [~~or employees~~] of the  
20 county authorized by the board of county commissioners to issue  
21 such citations."

22 SECTION 2. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2012.