

1 HOUSE BILL 188

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 James E. Smith and John M. Sapien

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10 AN ACT

11 RELATING TO MINING; AUTHORIZING SPECIFIC PENALTIES FOR
12 VIOLATION OF A COUNTY ORDINANCE REGULATING THE MINING OF SAND,
13 GRAVEL AND RELATED MATERIALS.

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

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

18 "4-37-3. ENFORCING COUNTY ORDINANCES--JURISDICTION.--

19 A. County ordinances may be enforced by prosecution
20 for violations of those ordinances in any court of competent
21 jurisdiction of the county. Penalties for violations of any
22 county ordinances shall not exceed a fine of three hundred
23 dollars (\$300) or imprisonment for ninety days or both the fine
24 and imprisonment; except that a county may enact and enforce
25 ordinances that impose the following penalties in addition to

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1 any other penalty provided by law:

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

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

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

15 (4) a fine of one thousand dollars (\$1,000)
16 for each day the violation exists, or no more than imprisonment
17 for three hundred sixty-four days, or both, for a violation of
18 an ordinance regulating the mining of rock or similarly
19 occurring consolidated or unconsolidated naturally occurring
20 materials, including but not limited to stone, sand, gravel,
21 aggregate and riprap.

22 B. Prosecution of violations under this section may
23 be commenced by the issuance of a citation charging the
24 violation. Citations may be issued by the code enforcement
25 officer of the county or an employee ~~[or employees]~~ of the

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1 county authorized by the board of county commissioners to issue
2 such citations."

3 SECTION 2. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2015.