

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 61

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING CIVIL REMEDIES FOR  
VIOLATIONS OF MUNICIPAL ORDINANCES AND ZONING VIOLATIONS.

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

SECTION 1. Section 3-17-1 NMSA 1978 (being Laws 1965,  
Chapter 300, Section 14-16-1, as amended) is amended to read:

"3-17-1. ORDINANCES--PURPOSES--ENFORCEMENT--PENALTIES--

The governing body of a municipality may adopt ordinances or  
resolutions not inconsistent with the laws of New Mexico for  
the purpose of:

A. effecting or discharging the powers and duties  
conferred by law upon the municipality;

B. providing for the safety, preserving the health,  
promoting the prosperity and improving the morals, order,  
comfort and convenience of the municipality and its

.196270.2

underscored material = new  
[bracketed material] = delete

1 inhabitants; and

2 C. enforcing obedience to the ordinances by:

3 (1) prosecution in the municipal court and  
4 metropolitan courts and upon conviction the imposition of:

5 [~~1~~] (a) except for those violations of  
6 ordinances described in [~~Paragraphs (2) and (3)~~] Subparagraphs  
7 (b) and (c) of this [~~subsection~~] paragraph, a fine of not more  
8 than five hundred dollars (\$500) or imprisonment for not more  
9 than ninety days or both;

10 [~~2~~] (b) for a violation of an  
11 ordinance prohibiting driving a motor vehicle while under the  
12 influence of intoxicating liquor or drugs, a fine of not more  
13 than one thousand dollars (\$1,000) or imprisonment for not more  
14 than three hundred sixty-four days or both; and

15 [~~3~~] (c) for violations of an  
16 industrial user wastewater pretreatment ordinance as required  
17 by the United States environmental protection agency, a fine of  
18 not more than one thousand dollars (\$1,000) a day for each  
19 violation; or

20 (2) civil administrative remedies, to be  
21 imposed at an administrative hearing by an independent  
22 administrative hearing officer pursuant to the findings made at  
23 that administrative hearing, including administrative penalties  
24 of not more than five hundred dollars (\$500) per violation. If  
25 a municipality seeks a civil administrative remedy pursuant to

.196270.2

1 this paragraph, the municipality shall provide for adequate  
2 notice and a de novo right to appeal."

3 SECTION 2. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2014.

5 - 3 -  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscoring material = new  
[bracketed material] = delete