

HOUSE HEALTH, GOVERNMENT AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR HOUSE BILL 489

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO MUNICIPALITIES; AMENDING A SECTION OF THE MUNICIPAL
CODE TO PROVIDE FOR THE ADOPTION AND ENFORCEMENT OF ORDINANCES
AND RESOLUTIONS BY THE ALBUQUERQUE-BERNALILLO COUNTY WATER
UTILITY AUTHORITY.

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.--

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

~~[A-]~~ (1) effecting or discharging the powers
and duties conferred by law upon the municipality;

~~[B-]~~ (2) providing for the safety, preserving

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1 the health, promoting the prosperity and improving the morals,
2 order, comfort and convenience of the municipality and its
3 inhabitants; and

4 [~~6.~~] (3) enforcing [~~obedience to~~] the
5 ordinances by prosecution in the municipal [~~court~~] courts,
6 magistrate courts and metropolitan courts and, upon conviction,
7 the imposition of:

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

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

18 [~~(3)~~] (c) for [~~violations~~] each
19 violation of an industrial user wastewater pretreatment
20 ordinance as required by the United States environmental
21 protection agency, a fine of not more than one thousand dollars
22 (\$1,000) a day [~~for each violation~~].

23 B. An entity established pursuant to Section
24 72-1-10 NMSA 1978 may adopt ordinances not inconsistent with
25 the laws of New Mexico for the purposes of:

1 (1) complying with applicable provisions of
2 the federal Clean Water Act and regulations of the United
3 States environmental protection agency; and

4 (2) enforcing the ordinances by prosecution in
5 the municipal courts, magistrate courts and metropolitan courts
6 and, upon conviction, the imposition of:

7 (a) for each violation of an industrial
8 user wastewater pretreatment ordinance as required by the
9 United States environmental protection agency, a fine of not
10 more than one thousand dollars (\$1,000) a day; and

11 (b) for each violation of any other
12 ordinance, a fine of not more than five hundred dollars (\$500)
13 or imprisonment for not more than ninety days or both."

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