

HOUSE REGULATORY AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 188

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

AN ACT

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

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. 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
ordinances that impose the following penalties in addition to

.200207.1

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) in a class A county only, a fine of one
16 thousand dollars (\$1,000) for each day the violation exists, or
17 no more than imprisonment for ninety days, or both, for a
18 violation of an ordinance regulating the mining of rock or
19 similarly occurring consolidated or unconsolidated naturally
20 occurring materials, including stone, sand, gravel, aggregate
21 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

.200207.1

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.

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underscoring material = new
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