



**CIBOLA COUNTY
ORDINANCE 2020-01**

**COMPREHENSIVE ENVIRONMENT AND SAFETY ORDINANCE
PROSCRIBING CERTAIN ENVIRONMENTAL HAZARDS AND NUISANCES BY
CHAPTER AND PRESCRIBING PENALTIES AND ABATEMENT**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Cibola County Board of Commissioners has determined that the health, safety and general welfare of the residents of Cibola County would best be served by the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED that the Cibola County Board of Commissioners does hereby establish this Comprehensive Environment and Safety Code consisting of relevant Chapters that may be subsequently added, deleted, or amended by following the process of passing an Ordinance.

ARTICLE I: GENERAL PROVISIONS

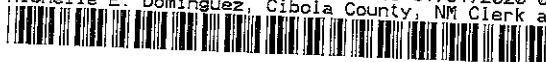
A. Short Title

This ordinance shall be known and may be cited as the “Cibola County Environment and Safety Code” and shall be referred to elsewhere as “this Ordinance”.

B. Jurisdiction

This Ordinance shall be enforceable in the unincorporated areas of the County.

C. Enforcement



The County Sheriff and the County Code Enforcement Officer are authorized to enforce and prosecute this Ordinance on behalf of the Cibola County Board of Commissioners. In addition, the Cibola County Fire Marshal is authorized to enforce and prosecute Chapter 4 of this Ordinance on behalf of the Cibola County Board of Commissioners.

D. Conflict

The regulations provided herein are held to be the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, or abrogate or annul any other valid state or federal law. In the event the provisions of this Ordinance conflict with other County rules, regulations or ordinances pertaining to the subject matter herein, the provisions of this Ordinance shall prevail.

E. Repealer

Ordinance 97-3 "The Outdoor Lighting Control Ordinance"; Ordinance 16-05 "Abatement of Dangerous or Abandoned Buildings, Structures, Mobile or Manufactured Housing, Wreckage and Debris"; Ordinance 16-04 "An Ordinance Prohibiting the Accumulation of Refuse, Solid Waste & Litter and Providing for Penalties, Civil Remedies, Severability, and Effective Date"; Ordinance 16-03 "An Ordinance Prohibiting Illegal Tire Dumpsites, the Importation of Scrap Tires into Cibola County and Providing for the Abatement of Illegal Tire Dumpsites" are hereby repealed and replaced by this Ordinance.

F. Savings Clause

If any article, section, paragraph, clause, word or phrase of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

ARTICLE II: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

ABATEMENT

Means to reduce in amount, degree or intensity or to eliminate.

ACCUMULATION

To gather or collect into a mound, heap, mass, or coverage; forming a steadily increasing quantity.

AGRICULTURAL USE

Means the beneficial use of scrap tires in conjunction with the operations of a farm or ranch that includes construction projects and aids in the storage of feed.

ARROYO



Includes any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

ASHES

Fire residue of any kind, including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible to spontaneous combustion.

BUILDING CODE

The Uniform Building Code promulgated by the International Conference of Building Officials or any building code adopted by this jurisdiction.

CIVIL ENGINEERING APPLICATION

Means the use of scrap tires or other recycled material in conjunction with other aggregate materials in engineering applications.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer or equivalent and his or her designees, employees, or inspectors.

CONSTRUCTION OR DEMOLITION (C&D) DEBRIS

Materials generally considered water-insoluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure, and includes rocks, soil, tree remains, trees, and other vegetative matter that normally results from land clearing. If such debris is mixed with any other type of solid waste, it loses its classification as construction and demolition debris.

DAYS. All references to DAYS shall refer to calendar days.

DEBRIS

All waste building material, including, but not limited to, bricks, concrete blocks, shingles, roofing material, lumber, pipe, commercial construction wastes, and any other matter that is commonly known as "debris."

DISMANTLED OR PARTIALLY DISMANTLED VEHICLE

Any motor vehicle or trailer from which some parts or parts which are ordinarily a component thereof have been removed or are missing.

DISPOSE

Means to deposit scrap tires into or on any land or water.

FIRE MARSHAL. The Cibola County Fire Marshal or Fire Chief and his or her designee, employee, volunteer, or inspector.

GARBAGE

Includes all waste food, swill, carrion, slops, and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals.

HAULER

Any person who collects refuse or debris from any property not owned by that person.

HAZARDOUS WASTE

Means the storage and/or dumping of scrap tires in a quantity and concentration that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or that may pose a substantial present or potential hazard to human health or the environment, or as otherwise defined by the Hazardous Waste Act.

HAZARDOUS WASTE ACT

Means NMSA 1978 Section 74-4-1 *et seq.*

HOUSEHOLD

Means any single and multiple residence, hotel or motel, bunkhouse, ranger station, crew quarters, campground, picnic ground or day-use recreation area.

ILLEGAL DUMPING

Means disposal of scrap tires in a manner that violates Recycling and Illegal Dumping Act and/or this Ordinance.

ILLEGAL DUMPSITE

Means a place where illegal dumping has occurred except as stated in Subsection A of Section V of this Ordinance.

IMPORT

Means to carry, transport or bring scrap tires, for the purpose of disposal, from outside of the jurisdictional boundaries of Cibola County into the jurisdictional boundaries of Cibola County.

INOPERATIVE OR INOPERABLE MOTOR VEHICLE

A motor vehicle from or on which the engine or motor, the transmission or transaxle, drive shaft, differential, steering mechanism, axles, wheels, body, doors, windshield, headlights, taillights, or any other part of the vehicle is removed, damaged, wrecked, partially dismantled, or in such a state of disrepair that the vehicle cannot be either moved under its own power, driven, licensed or operated on a public road, street, highway, or any other public thoroughfare.

INSPECTOR. The Fire Marshal or Building Inspector any subsequently titled position charged with the responsibility of making inspections to enforce the provisions of the Uniform Building Code, the New Mexico Building Code or any Cibola County Building Regulations.

LIEN. Any unpaid assessment for costs associated with removal of any property as identified in this Ordinance, together with interest and penalties on all of the foregoing and cost in connection therewith, which is a lien on real property duly recorded in the land records of the County Clerk.

LANDFILL

A facility designed for the disposal of refuse and solid waste permitted in accordance with EID Regulation EID/SWMR-2 and this chapter.

LITTER

Any quantity of improperly discarded solid waste, decaying or nondecaying solid or semisolid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, construction debris, fast-food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage, or junk parts and scrap materials found in public areas or generated while traveling in a motor vehicle.

MOTOR VEHICLE

Means a vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semitrailer.

OUTDOOR LIGHTING FIXTURE

Means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights; whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

OWNER. The property owner, whether or not residing in the premises.

PERSON

Any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

PREMISES. An improved or unimproved structure, designed for private or commercial use.

PUBLIC AREA

Any land owned by the community or open to common use, such as streets, roads, sidewalks, alleys, arroyos, or other public ways, and any and all public parks, spaces, grounds, and buildings.

RECYCLING

Means any process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

RECYCLING AND ILLEGAL DUMPING ACT

Means NMSA 1978 74-13-1 *Et Seq.*

REFUSE

Includes garbage and rubbish.

RUBBISH

Includes, but is not limited to, all dismantled or partially dismantled motor vehicles, inoperable motor vehicles, dismantled or partially dismantled mobile homes or trailers, waste paper, metal, paper cartons, cardboard, tree branches, yard waste, wood, glass, plastic, discarded furniture, signs, and appliances or parts thereof, tin cans, dirt, ashes, bottles, liquid petroleum waste, such as motor oil and similar items, and all other unwholesome material of every kind, not including garbage.

SCRAP TIRE

Means a tire that is no longer suitable for its originally intended purpose because of wear, damage or defect.

SCRAP TIRE BALING

Means the process by which scrap tires are mechanically compressed and bound into block form.

SCRAP TIRE GENERATOR

Means a person who generates scrap tires, including retail tire dealers, retreaders, scrap tire processors, automobile dealers, automobile salvage yards, private company vehicle maintenance shops, garages, service stations and city, county and state government, but does not include persons who generate scrap tires in a household or in agricultural operations.

SCRAP TIRE HAULER

Means a person who transports scrap tires for hire for the purpose of recycling, disposal, transformation or use in a civil engineering application.

SHERIFF

The Cibola County Sheriff or his or her authorized deputies.

SHIELDED

Means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

SOLID WASTE

Means, but is not limited to, any garbage, litter, refuse, debris, rubbish, yard waste, appliances, inoperable vehicles, construction and demolition debris, or other discarded material originating from residential, industrial, or commercial sources.

TIRE

Means a continuous solid or pneumatic rubber covering that encircles the wheel of a motor vehicle;

TIRE DERIVED FUEL

Means whole or chipped tires that produce a low sulfur, high-heating-value fuel;

TIRE DERIVED PRODUCT

Means a usable product produced from the processing of a scrap tire but does not include baled tires;

TIRE RECYCLING

Means a process in which scrap tires are collected, stored, separated or reprocessed for reuse as a different product or shredded into a form suitable for use in rubberized asphalt or as raw material for the manufacture of other products; and

TIRE RECYCLING FACILITY means a place operated or maintained for tire recycling but does not include:

(1) retail business premises where tires are sold, if no more than five hundred loose scrap tires or two thousand scrap tires, if left in a closed conveyance or enclosure, are kept on the premises at one time;

- (2) the premises of a tire retreading business, if no more than one thousand scrap tires are kept on the premises at one time;
- (3) premises where tires are removed from motor vehicles in the ordinary course of business, if no more than five hundred scrap tires are kept on the premises at one time;
- (4) a solid waste facility having a valid permit or registration issued pursuant to the provisions of the Solid Waste Act or regulations adopted pursuant to that act or registration issued pursuant to the Environmental Improvement Act; or
- (5) a site where tires are stored or used for agricultural uses.

YARD WASTE

Vegetative matter resulting from landscaping, land maintenance and land-clearing operations.

CHAPTER 1
LITTERING AND SOLID WASTE

WHEREAS, the Cibola County Board of Commissioners finds that the unsightly and unhealthy conditions caused by littering, the improper disposal and dumping of refuse, the dumping of refuse upon public rights of way and public lands, the poor maintenance and repair of property, and the proliferation of unscreened salvage yards result in a significant detriment to the health, safety, and prosperity of Cibola County and its residents; and

WHEREAS, the Cibola County Board of Commissioners deems it necessary and desirable to prescribe standards to help maintain property values and the property tax base in Cibola County, and to provide an aesthetically pleasing community; those are necessary to supplement voluntary anti-litter and beautification measures to abate unsightly and unhealthy accumulations of debris and trash; and

WHEREAS, the Cibola County Board of Commissioners finds it necessary and desirable to prescribe regulation to guide the future growth and development of the County and to protect natural resources in accordance with the Cibola County Comprehensive Plan.

1.1 PROHIBITED ACTIVITIES

- A. **Accumulation and Disposal.** It shall be unlawful to allow any solid waste, rubbish, refuse, or C&D debris to collect or accumulate on any property or other premises within the County.
 - i. No person shall be permitted to accumulate any solid waste, litter or debris on property owned, leased or occupied by that person within two-hundred (200) feet of another occupied premises, except in covered water-tight containers made of metal or plastic.
 - ii. Debris resulting from construction or demolition of structures may be collected within an active construction site only if the solid waste is contained in such a manner that it will not be carried or deposited by the elements upon any road,

sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, private property, or into any premises within the County.

- iii. No person shall discard solid waste, rubbish, or refuse anywhere outdoors within the boundaries of the County except at a time and place approved for collection of that person's solid waste under the terms of this chapter and regulations authorized by said sections or other provisions of this Code or ordinances of the County. No person shall place solid waste in the solid waste receptacle of another person, business or institution without permission.
- iv. All solid waste generated within or brought into the County is owned by and is the responsibility of the generator until such time as the waste is deposited in a landfill or approved solid waste facility or removed by a licensed private contractor, except where state or federal requirements prohibit transfer of ownership. Any person who removes solid waste from a property shall take ownership of the waste until it is taken to a convenience center, transfer station, or landfill.
- v. No person shall place solid waste, rubbish, or refuse on the premises of a Cibola County convenience center or landfill except during the regular posted operating hours.

B. Littering. No person shall throw, place, dump, or dispose of any solid waste, litter, or C & D debris on any road, street, gutter, sidewalk or alley, or on any public property or another's private property or dispose of in such a manner that it may be carried or deposited by the elements upon any road, street, sidewalk, alley, sewer, parkway or other public place or private property within the County.

C. Hazardous accumulations and conditions. It shall be unlawful for any person to allow the following conditions to exist on any premises he owns, rents or occupies unless a valid Junkyard License has been obtained pursuant to the provisions of NMSA 1978, Section 67-12-9:

- i. The existence of three or more or any combination of nonoperational motor scooters, motorcycles, cars, trucks, buses or other vehicles regulated by the New Mexico Department of Motor Vehicles, unless the vehicle owner, property owner, or property lessee can show substantial progress in restoration or repairs to the nonoperational vehicle in the last 30 days or purchase orders, invoices or estimates for repair work to be done in the next 30 days; provided, however, that this section shall have no application where:
 - a. A person is engaged in a New Mexico Department of Motor Vehicles licensed vehicle dismantling business and any nonoperational vehicles are enclosed by a fence of solid construction of wood, brick, metal, or other similar materials, not less than seven feet in height above the level of the ground and maintained in a slightly, safe and secure condition; or,

b. Any inoperable vehicles are not visible to the public from any road or street abutting such property, or, if visible, any nonoperational vehicles are enclosed by a fence of solid construction of wood, brick, metal, or other similar materials, not less than seven feet in height above the level of the ground and maintained in a slightly, safe, and secure condition.

ii) The existence of nonoperational refrigerators or freezers or any other type of appliance, furniture, vehicle or other container that has a space large enough for a person of any age to enter into with a door, hatch, lid, or cover of any kind capable of closing or sealing which could prevent the escape of any person, not within a licensed sanitary landfill or a licensed commercial salvage business registered with the State of New Mexico.

iii) The existence of piles of rubbish, refuse, household trash, debris, grass, weeds, tree limbs, or any other type of material(s) which are or may be susceptible to infestation by rodents, reptiles, insects, or noxious weeds or any other type of animal or plant that is or can be injurious to people, animals or the environment, not within a licensed sanitary landfill or New Mexico Environment Department or other regulatory agency regulated facility.

1.2 CIVIL REMEDIES

A. Subject to any limitations or otherwise provided by law, the Sheriff or County Code Enforcement Officer is authorized, upon issuance of a warrant, to inspect any property where he has probably cause to suspect that unlawful accumulations of solid waste, litter or C & D debris may exist, and to enforce this chapter.

(1) If upon the basis of such inspections, observations or complaints, the Sheriff or County Code Enforcement Officer finds that Section 1.1 has not been complied with or that a violation exists, he/she shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person), where the unlawful refuse, solid waste, or litter accumulations exist, to properly correct such conditions within a designated period of time from 10 days up to 30 days.

(2) If the person or persons to whom the notice is sent fail(s) to take the specified action with a period of 30 days from receipt of notice, the County may issue a citation in Magistrate court.

(3) Upon the failure, neglect, or refusal of any person, owner, tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein within the time prescribed (or within five days of the return of such prescribed notice undeliverable if the notice is served by mail), the Board of County Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.

(3) The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorneys' fees. Costs for correction of unlawful accumulation of refuse, solid waste, or litter shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

- B. Nothing in Subsection A of this section shall be construed to require any notice before the filing of a Magistrate Court action for a civil or criminal violation of this section.
- C. If the Sheriff or State or County Fire Marshal finds that the unlawful accumulation of solid waste, litter or C & D debris presents a clear and present danger to the public health, safety and welfare, and immediate measures are required to alleviate this clear and present danger, the County Manager may waive notification period contained in 1.2(A)(1).
- D. The Board of County Commissioners may apply to the District Court for appropriate injunctive relief to compel compliance by any person within the provisions of this Ordinance.
- E. The County shall maintain files of the inspections, notices and actions taken pursuant to this Section. Costs incurred by the County in undertaking corrective actions shall be documented and the files shall be open for public review during normal business hours.

1.3 CRIMINAL PENALTIES

Any person violating or failing, or refusing to comply with the provisions of this Ordinance and the Codes adopted may be prosecuted in any court of competent jurisdiction within the County, and shall be punished by (1) a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both; (2) no more than one thousand dollars (\$1,000) for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill; (3) no more than five thousand dollars (\$5,000) for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act [Chapter 74, Article 4, NMSA 1978]; and in accordance with Section 4.37-3 NMSA 1978. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense. After the effective date of this Ordinance, all violations are subject to issuance of a citation.

CHAPTER 2 TIRE IMPORTATION AND ILLEGAL TIRE DUMPING

WHEREAS, the Board of County Commissioners has found that the illegal dumping and disposal of scrap tires has become an environmental, public safety, and health threat as well as blight on the landscape and that illegal tire dumping poses a substantial present or potential hazard to human health and/or the environment; and,

WHEREAS, the Board of County Commissioners has found that the greatest danger posed by illegal tire dumpsites is the possibility of a catastrophic fire occurring due to the large quantities of petroleum and other chemicals in tires since a burning tire pile creates thick, black, toxic smoke as well as large discharges of contaminated oil. The contaminated oil can enter surface water or groundwater, causing serious pollution problems. Once a tire pile is burning, the fire is extremely difficult to extinguish. Furthermore, the shape of a tire allows for easy entrance and containment of rainwater. This creates an ideal breeding habitat for mosquitoes.

2.1. PROHIBITED ACTS and CIVIL REMEDIES

- A. A person shall not store or use in a civil engineering application, except for agricultural use, more than one hundred scrap tires anywhere in Cibola County, unless the person has a valid permit or registration from the Environment Department.
- B. A person shall not operate or maintain a tire recycling facility unless the facility has a valid permit issued pursuant to the provisions of the Recycling and Illegal Dumping Act or is a facility where tires are stored and used for agricultural uses and complies with rules enacted pursuant to the Recycling and Illegal Dumping Act.
- C. A person shall not transport scrap tires for hire to a place other than a tire recycling facility unless the place is specifically excluded from the definition of a "tire recycling facility".
- D. A person shall not transport scrap tires for hire either for disposal or recycling purposes without being registered as a scrap tire hauler by the Environment Department pursuant to rules adopted in accordance with the Recycling and Illegal Dumping Act.
- E. No person who is not a registered scrap hire hauler in possession of a scrap tire manifest approved by the Environment Department who is delivering tires to a tire recycling facility with a valid permit issued pursuant to the Recycling and Illegal Dumping Act or to a facility that complies with rules enacted pursuant to that Act shall import tires into the County.
- F. A scrap tire generator shall not release scrap tires to a person other than a registered scrap tire hauler pursuant to the Recycling and Illegal Dumping Act.
- G. A person shall not engage in the open burning of scrap tires.
- H. A person shall not store or dispose of scrap tires or tire-derived products in a manner that creates a public nuisance, promotes the breeding or harboring of disease vectors, creates a hazardous waste or creates a potential for fire or other health or environmental hazards.
- G. Except for agricultural uses, a person shall not store scrap tires or tire-derived products for a period exceeding twelve months unless specifically authorized by the Secretary of the Environment.
- H. A scrap tire hauler shall not transport scrap tires without possessing a New Mexico scrap tire manifest approved by the Environment Department.
- I. A person shall not engage in, maintain or allow illegal dumping.

- J. The Board or the County Manager on behalf of the Board may bring an abatement action pursuant to the provisions of NMSA 1978 Section 30-8-8 (1963) to eliminate an illegal dumpsite.

2.2. CONTINUED FAILURE TO ABATE

Each day an offending condition remains unabated beyond the time allowed for abatement by an appropriate court shall constitute a separate violation of this Ordinance.

2.3 CRIMINAL PENALTIES

- A. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and/or ninety (90) days in jail.
- B. Persons violating this Ordinance by illegally dumping scrap tires on public or private property shall upon conviction, be subject to a fine not to exceed one thousand dollars (\$1,000.00) and/or ninety (90) days in jail for each separate offense.
- C. Persons violating this Ordinance by illegally disposing of scrap tires in a quantity or manner that violates the Hazardous Waste Act, NMSA 1978 Section 74-4-1 *et seq.* shall upon conviction be subject to a fine not to exceed; five thousand dollars (\$5,000.00) and/or ninety (90) days in jail for each separate offense.
- D. The County will cooperate in prosecutions brought by the State under NMSA 1978, Section 74-13-16.

CHAPTER 3 OUTDOOR LIGHTING CONTROL

WHEREAS, The Night Sky Protection Act, NMSA 1978, Section 74-12-7(B) does not prohibit county ordinances that are equal to or more stringent than the provisions of that Act; and,

WHEREAS, the safety and welfare of County residents is enhanced by safe, low energy lighting that reduces glare and enhances the night sky.

3.1 MINIMUM REQUIREMENTS

- A. All outdoor lighting fixtures shall be shielded except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less unless the fixture is extinguished by an automatic shutoff device between the hours of 11:00 pm and sunrise.
- B. No mercury vapor outdoor lighting fixtures shall be sold or installed.

- C. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 pm except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 pm at a ballpark, outdoor amphitheater, arena, or similar facility.

3.2 EXEMPTIONS. The following are exempt from the requirements of this Ordinance.

- A. Outdoor lighting fixtures on advertisement signs on interstates and federal primary highways.
- B. Navigational lighting systems at airports and other lighting necessary for aircraft safety.
- C. Outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.
- D. Outdoor lighting fixtures for fire stations and community centers.

3.3 PENALTIES

- A. An offense, for the purpose of this Chapter, is defined as thirty (30) days from the date of a warning or adjudication of guilt. If the violation continues after the expiration of thirty (30) days following either of these triggering events, a subsequent offense will occur.
- B. For a first offense, the alleged violator will be warned in writing.
- C. For a second offense or subsequent offense, persons violating this ordinance shall, upon conviction, be subject to a fine of up to three hundred dollars (\$300.00).

CHAPTER 4
DANGEROUS OR ABANDONED STRUCTURES, MOBILE OR MANUFACTURED
HOUSING, WRECKAGE and DEBRIS

4.1 PURPOSE AND DECLARATION OF NUISANCE

- A. This Ordinance is designed to promote the public health, safety and general welfare; to secure safety from fire hazard and health hazards; and to promote the environment and preserve and improve the environmental quality of the county. This Ordinance is further designed to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the County, or otherwise available by law whereby dangerous or abandoned or ruined buildings, structures, mobile or manufactured housing, wreckage, rubbish, debris and other items creating a public nuisance may be required to be repaired, vacated or demolished and removed.
- B. All buildings or structures within the scope of this Ordinance which are determined after inspection by the county official to be dangerous as defined in this Ordinance and all abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris as defined in this Ordinance is hereby declared to be a public nuisance and shall be

abated by repair, rehabilitation, demolition and/or removal in accordance with the procedures specified.

4.2 DANGEROUS BUILDING

For the purpose of this Ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that the conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

- A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- E. Whenever any portion or member or appurtenance thereof is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of $\frac{1}{2}$ of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for the buildings.
- G. Whenever any portion thereof has wrecked, warped, buckled or settled to an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of:
 - 1. Dilapidation, deterioration or decay;
 - 2. Faulty construction;
 - 3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building;
 - 4. The deterioration, decay or inadequacy of its foundation; or
 - 5. Any other cause, is likely to partially or completely collapse.

- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean or buckle to an extent that a plumb line passing through the center of gravity does not fall inside the middle 1/3 of the base.
- K. Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, 50% damage deterioration of its non-supporting members, enclosing or outside wall or coverings.
- L. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
1. An attractive nuisance to children;
 2. A harbor for vagrants; or criminals; or
 3. As to enable persons to resort thereto for the purpose of committing unlawful acts.
- M. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code, or of any law or ordinance of this state of jurisdiction relating to the condition, location or structure of buildings.
- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the:
1. Strength;
 2. Fire-resisting qualities or characteristics; or
 3. Weather-resisting qualities or characteristics required by law in the case of newly constructed building of like area, height and occupancy in the same location.
- O. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or, otherwise, is determined by the health officer to be insanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease.
- P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.
- Q. Whenever any building or structure is in a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- R. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period on excess of 6 months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public.

4.3 INSPECTION and INTERPRETATION

- A. **Interpretation.** The County Fire Marshal (hereinafter referred to as county official) shall have the power to render interpretations of this Ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the applications of its provisions. These interpretations, rules and regulations shall be in conformity with the intent and purpose of this Ordinance.
- B. **Inspections.** The Fire Marshal and his/her designated inspectors, the County Sheriff and his/her deputies, or the Code Enforcement Officer and his/her designated inspectors are hereby authorized to make inspections and take action as may be required to enforce the provisions of this Ordinance.
1. **Right of entry.** When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the county official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violations of this Ordinance which makes the building or premises unsafe, dangerous, hazardous or otherwise a public nuisance, the county official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if the building or premises are occupied that credentials be presented to the occupant and entry requested. If the building is unoccupied, the county official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the entry is refused, the county official shall have recourse to the remedies provided by law to secure entry.
2. **Liability.**
- i. The county official charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties required by this Ordinance or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons of property as a result of an act or by reason of an act or omission in the discharge of these duties. A suit brought against the county official because of an act or omission performed by the building official or employee in the enforcement of any provision of any codes or other pertinent laws or ordinances implemented through the enforcement of this Ordinance or enforced by the county official shall be defended by the county until final termination of the proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.
 - ii. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Ordinance enforcement agency or its parent jurisdiction be held as assuming any liability by reason of the inspections authorized by this Ordinance or any permits or certificates issued under this Ordinance.



4.4 CRIMINAL VIOLATIONS and PENALTIES

- A. It shall be unlawful for any person, firm or corporation to maintain dangerous or abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris or otherwise maintain a public nuisance in violation of this Ordinance.
- B. It shall be unlawful for any person, firm, or corporation to fail to comply with any Resolution or Court Order issued pursuant to this Chapter of this Ordinance.
- C. It shall be unlawful to disobey or deface a posted Notice as described by Section 4.6(B).
- D. No person will obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or olds any estate or interest in any building which has been ordered demolished or removed under the provisions of this Ordinance; or with any person to whom the building has been lawfully sold, whenever the officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in the building or structure, or purchaser is engaged in the work of demolishing and removal of debris of any building, pursuant to the provisions of this Ordinance, or in performing any necessary act preliminary to or incidental to the work authorized or directed pursuant to this Ordinance.
- E. Each violation of this Ordinance shall be punishable by a fine of no more than three hundred dollars (\$300) pursuant to NMSA 1978 Section 4-37-3 (1993).

4.5 NOTICE TO ABATE

- A. **Commencement of proceedings.** When the county official has inspected or caused to be inspected any building or premises and has found and determined that the building or premise is dangerous or abandoned, contains wreckage, rubbish or debris or is otherwise a public nuisance the county official shall commence proceedings to cause the repair, vacation, demolition and/or removal of the premises in violation of this Ordinance.
- E. **Notice.** The county official shall issue a notice directed to the record owner of the property. The notice shall contain:
 - a. The street address and a legal description sufficient for identification of the premises upon which the dangerous or abandoned building, manufactured or mobile home wreckage, rubbish or debris or public nuisance is located.
 - b. A statement that the county official has found the property contains on the premises a dangerous or abandoned building(s), manufactured or mobile home(s), wreckage, rubbish or debris with a brief concise description of the conditions found to render the building or premise a public nuisance.
 - c. A statement of the action required to be taken as determined by the county official.

- d. If the building official has determined that the building or structure must be repaired, the notice shall require that all required permits be secured therefore and the work physically commenced within the time (not to exceed 60 days from the date of the notice) and completed within the time as the building official shall determine is reasonable under all the circumstances.
 - e. If the county official has determined that the building or structure must be demolished, the notice shall require that the property be vacated within the time as the county official shall determine is reasonable (not to exceed 60 days from the date of the notice); that all required permits be secured therefore within 60 days from the date of the notice; and that the demolition and removal be completed within the time as the county official shall determine is reasonable.
- F. **Service of Notice.** Any notice including resolutions, and any amended or supplemental notice or resolution, shall be served upon the record owner and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:
- i. The holder of any mortgage or deed of trust or other lien or encumbrance of record; and
 - ii. The owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.
 - iii. The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this section.
- G. **Method of service.** Service of the notice or resolution shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt request, to each person at their address as it appears on the last equalized assessment roll of the county or as known to the county official. If no address of any person so appears or is known to the county official, then a copy of the notice and order shall be so mailed, addressed to the person, at the address of the building involved in the proceedings. The failure of any person to receive the notice shall not affect the validity of any proceeding taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- H. **Proof of service.** Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the county official.

4.6

VOLUNTARY COMPLIANCE WITH NOTICE TO ABATE

- A. Any premises declared a public nuisance under this Ordinance shall be made to comply with one of the following:



- i. The building shall be repaired in accordance with the current building code or other current code application to the type of substandard conditions requiring repair; or,
- ii. The premises shall be demolished and debris removed by the property owner.

B. If, after sixty (60) days of notice being served pursuant to Section 4.5, work has not commenced to remove or repair the dangerous structure, and extension has not been granted, the County Official shall cause the premises described in the notice to be posted at each entrance thereto: DANGEROUS BUILDING. DO NOT OCCUPY. IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING WITHOUT PERMISSION FROM THE COUNTY OR TO REMOVE OR DEFACE THIS NOTICE. [SIGNED COUNTY OFFICIAL OF CIBOLA COUNTY]. The findings of the County Official or the Commission's Resolution should be posted along with this Notice. No person shall remain or enter except that entry may be made to repair, remove or demolish the structure under permit or permission from the County. Such Notice shall continue to be posted unless and until the Commission fails to pass a Resolution contemplated by Section 4.7, the District Court orders otherwise, or repairs or demolition is accomplished.

- I. Upon receipt of an application from the person required to conform to the order and an agreement by the person that he or she will comply with the order if allowed additional time, the county official may, in his or her discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete the repair, rehabilitation or demolition, if the county official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The County Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises.

4.7 FAILURE TO COMPLY WITH NOTICE TO ABATE

- A. Failure of the record owner of the property to comply with any notice issued by the county official pursuant with Section 4.5 or with completion of voluntary abatement pursuant to Section 4.6 shall result in the county official to submit a report to the manager with the department's findings.
- B. In the event that the county official's findings determine that any building or structure is ruined, damaged and dilapidated, or a premise is covered with ruins, rubbish, wreckage or debris the Manager shall cause the matter to be presented to the Commission at a regularly scheduled Commission meeting.
- C. The findings of the county official shall be presented to the Commission who may then, by resolution, find that the dangerous or abandoned building, manufactured or mobile home, wreckage, rubbish or debris is a public nuisance to the health, safety and welfare of Cibola County and requires the renovation or the removal by the county of the building, structure, ruins, rubbish, wreckage or debris.



- D. A copy of the resolution shall be served upon the property owner(s) (such as mortgage company) and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:
- a. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
 - b. The owner or holder of any lease of record; and
 - c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.
 - d. If the owner, as shown by the above records cannot be served within the confines of Cibola County, a copy of the resolution shall be posted on the building, structure or premise and a copy of the resolution shall be published in a newspaper of general circulation at least 2 weeks prior to the meeting of the Commission.
 - e. The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this Ordinance.
- E. A copy of the Resolution shall be filed and recorded with the County Clerk. When the repairs ordered have been completed or the buildings, structures, or mobile homes demolished and removed, the county official shall file a new certificate with the County Clerk certifying that the premises have been abated and are no longer a public nuisance.
- F. Within ten (10) days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner or occupant or agent in charge of the building, structure or premise shall commence repairing the premise or removing the building, structure, wreckage, rubbish, or debris, or file a written objection to the County Manager requesting a public hearing before the Commission.

4.7 OBJECTIONS AND APPEALS

- A. **Objection.** Any aggrieved property owner or occupant may file a written objection to the notice issued by the county official. The objection shall be filed in the office of the County Manager.
- B. Upon the proper filing of a written objection, the Commission shall:
- a. Fix a date for a hearing on its resolution and the objection.
 - b. Consider all evidence for and against the removal resolution at the hearing under oath or affirmation.
 - c. Determine if its resolution should be enforced or rescinded.
- C. **Appeal.** Any person aggrieved by the determination of the Objection may appeal to the District Court as follows. The District Court will hear the matter as provided by law and enter judgment in accordance with its findings.
- a. Giving notice of appeal to the Manager within 30 days after the determination of the Objection is made by the Commission; and,
 - b. Filing a petition in the District Court within 30 days after the determination of the Objection is made by the Commission.

4.8 FAILURE TO COMPLY WITH RESOLUTION TO ABATE

- A. **Failure to Abate.** If the property owner or occupant or agent in charge of the building, structure or premises fails to commence removing the building, structure, ruins, rubbish, wreckage or debris within ten (10) days following the expiration of the time to Object to the Resolution (4.6 E and 4.7 A), or within ten (10) days following the expiration of time to appeal the determination of objection (4.7 C); or within ten (10) days of the upholding of the Resolution by the District Court unless the Court sets another timeframe, or, if completion of abatement is not accomplished within forty-five (45) days of commencement unless a different timeframe is set by the Commission, the Court, or written agreement between the parties, this Section will apply.
- B. **Abatement by County.** The County may institute any appropriate action to abate the building or premises as a public nuisance. If the Resolution required demolition, the county official may cause the building to be demolished and the materials, rubble and debris therefrom removed and the lot cleaned. The premises shall be left in a clean, level and safe condition if demolished. The work may be accomplished by personnel or by private contract under direction of the County Manager. If the Resolution required repair, the County will procure a licensed contractor to complete the work.
- C. **Costs.** The cost of the work will be paid from the demolition and removal account, and may be made a special assessment lien against the property involved.

4.9 DEMOLITION AND REMOVAL ACCOUNT

- A. **Generally.** The Cibola County Commission will establish a special revolving account to be designated as the demolition and removal account. Payments will be made out of the account upon the demand of the Manager or his or her designee to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of demolition and removal of abandoned buildings, manufactured or mobile homes, wreckage rubbish and debris from the premises.
- B. **Maintenance of Fund.** The Commission may at any time transfer to the repair and demolition account, out of any money in the general fund of this jurisdiction, the sums as it may deem necessary in order to expedite the performance of the work of demolition, and any sum so transferred shall be deemed a loan to the repair and demolition account and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the demolition and removal account. Any donations received from private sources shall only be used for the intended purpose of the fund and shall not revert to the general fund for any reason.
- C. **Repayment of Fund.** All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of the county, who shall credit the same to the demolition and removal account.

4.10 LIENS

- A. The reasonable cost of removal or repair shall constitute a lien against the building, structure, ruin, rubbish, wreckage or debris so removed, and against the lot or parcel of land from which it was removed.
- B. The lien shall be foreclosed in the manner provided in NMSA Section 3-16-1, et seq. and 4-37-1, et seq.
- C. The County Manager or his or her designee shall file in the office of the County Clerk any notice of property lien created by ordinance or under authority of law. The notice of lien shall include:
 - i. The number of the ordinance under which the lien is established;
 - ii. The fact that a lien is established;
 - iii. The general purpose of the lien;
 - iv. The name of the owner of the property against which the lien is established as determined from the records of the county assessor/ clerks;
 - v. The description of the property against which the lien is established;
 - vi. The amount of the lien;
 - vii. If the lien is for more than one period of time, the date for which the lien is established;
 - viii. The lien shall be attested in the name of the County Clerk under the seal of the county.
- D. The principal amount of any lien imposed for a county assessment shall bear interest at the rate of 12% per year or as provided by law from the date of filing the notice of the lien unless otherwise provided by law.
- E. After the filing of the notice of lien in the office of the County Clerk, the county shall have a lien upon the property described in the notice of lien. The filing of the notice of lien shall be valid notice of the existence of the lien and of the contents of the lien. No lien shall affect the title or rights to or in any real estate, of any purchaser, mortgagee in good faith or judgment lien creditor, without knowledge of the existence of the lien, unless the notice of the lien is filed in accordance with NMSA § 3-36-1 in the office of the County Clerk of the county in which the real estate affected thereby is situated. All county liens filed in conformity with NMSA §§ 3-36-1 et seq. and § 4-37-1 shall be first and prior liens on the property subject only to the lien of general state and county taxes. All foreclosure proceeding on delinquent liens shall follow the

statutory requirements as set forth in NMSA §§ 3-36-1 et seq. and as authorized by NMSA § 4-37-1.

- F. The County Clerk may release a lien against any specific property by:
- i. Entering and signing a receipt of payment upon the notice of the lien filed in the office of the County Clerk; or
 - ii. Issuing a separate receipt which recites that payment of the lien with any accrued interest and penalty has been made.

4.11. AUTHORITY FOR INSTALLMENT PAYMENT OF LIEN ASSESSMENTS WITH INTEREST

- A. The Manager or his or her designee, in his or her discretion, may determine that assessments in amounts of \$500 or more shall be payable in not to exceed 5 annual installments.
- B. The determination to allow payment of the assessments in installments, the number of installments, interest as provided by law shall be in writing and verified by the parties.

4.12 LIEN ON ASSESSMENT

A. Priority.

- i. Immediately upon its being placed on the assessment roll, the assessment lien shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the lots or parcels of land assessed, respectively.
- ii. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity.
- iii. The lien shall continue until the assessment and all interest due and payable thereon are paid.

B. Interest. All assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 12% per annum from and after the date or as provided by law.

4.13 COLLECTION OF ASSESSMENT AND FORECLOSURE

- A. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes.
- B. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to the assessment including foreclosure proceedings as provided by law.

CHAPTER 5
WATER CONSERVATION

WHEREAS, Counties shall consider ordinances and codes to encourage water conservation and drought management planning. NMSA 1978, Section 4-37-9.1; and,

WHEREAS, water resources in Cibola County, both ground and surface, are limited; and,

WHEREAS, at all times of the year and in all areas of the County, it is critical to conserve our water resources.

5.1 APPLICABILITY

Agricultural water users or agricultural water rights are excluded from the provisions of this Chapter.

5.2 PROHIBITED ACTIVITIES

- A. Watering of outdoor plants or landscapes between the hours of 11:00 AM and 6:00 PM between the months of May and September.
- B. Vehicle washing without the use of a shut-off hose nozzle.
- C. Operating a water system with a leak.
- D. Emptying a swimming pool more than once per year.
- E. Maintaining a swimming pool, spa, or hot tub without a cover to prevent evaporation.
- F. Planting sod or grass seed that contains Kentucky Bluegrass.
- G. Using water in a non-beneficial way.
- H. Allowing water to escape off the property where it originates.
- I. Providing unrequested water at an eating establishment.
- J. Changing towels or linens daily for the same guest at a lodging establishment unless requested by the guest.


5.3 ENFORCEMENT


- A. The Cibola County Sheriff and the County Code Enforcement Officer are authorized to enforce this Chapter.
- B. The County may issue a formal warning notice prior to filing a citation in Magistrate Court. The Notice should contain a timeframe for abatement of the prohibited activity, if applicable.

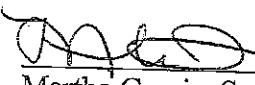
5.4 PENALTIES

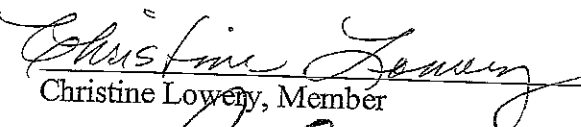
- A. Persons violating this Chapter shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and/or ninety (90) days in jail.
- B. All violations on a single date at a single address shall constitute one offense.
- C. Notwithstanding Section 5.4(A), a person who violates a provision of this Chapter shall be sentenced to a one hundred dollar (\$100.00) fine for the first offense and a two hundred twenty-five (\$225.00) fine for the second offense.

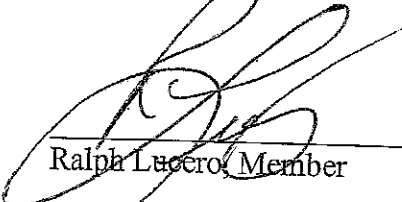
PASSED and ORDAINED this 30th day of January 2020.


Daniel Torrez, Chairman


Robert Windhorst, Vice Chair


Martha Garcia, Second Vice Chair


Christine Lowery, Member


Ralph Lucero, Member

ATTEST:


Michelle Dominguez
County Clerk

