



## VILLAGE OF CORRALES ORDINANCE NO. 07-019

### AN ORDINANCE TO AMEND SECTION 1-6, GENERAL PENALTY FOR CODE VIOLATIONS, PASSED AND ADOPTED MARCH 10, 1992, AND SUBSEQUENTLY AMENDED, OF THE CODE OF ORDINANCES, TO DELETE A TRAFFIC SAFETY FEE NO LONGER REQUIRED OF MUNICIPAL COURTS AND TO SPECIFY CERTAIN PURPOSES FOR WHICH COLLECTED FEES ARE USED.

**WHEREAS**, the traffic safety fee presently provided for in Section 1.6 of the Code of Ordinances (“Code”) of the Village is no longer required or authorized by statute; and

**WHEREAS**, the statutory purpose for which the corrections fees may be used have been expanded to include expenses related to detention of juveniles; and

**WHEREAS**, section 1.6 of the Code should be amended to reflect present statutory authorizations and practices.

**NOW, THEREFORE**, Section 1.6 of the Code of Ordinances of the Village of Corrales is amended to read as follows:

#### **Section 1-6. General penalty for code violations.**

(a) *Maximum penalty.* Wherever in this Code, or any ordinance or resolution of the village, or rule, regulation or order promulgated by an officer or agency of the village under authority duly vested in him or it, an act is prohibited or is declared unlawful or an offense or a misdemeanor, unless a lesser maximum penalty or a specific penalty is established by ordinance for the particular offense, the maximum penalty for such violation shall be as follows:

- (1) Except for those violations of ordinances described in subsections (a)(2) and (a)(3) of this section, a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both;
- (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than \$999.00 or imprisonment for not more than 179 days, or both; and
- (3) For violations of an industrial user wastewater pretreatment ordinance as required by the United States Environmental Protection Agency; a fine of not more than \$999.00 a day for each violation.

(b) *Mandatory fees collected upon conviction.* In addition to any fine or imprisonment described in subsection (a) of this section, there is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term or any ordinance relating to the operation of a motor vehicle the following mandatory fees:

- (1) A corrections fee of twenty dollars (\$20.00);
- (2) A judicial education fee of two dollars (\$2.00); and
- (3) A court automation fee of \$6.00.

*History: Ord. No. 312, adopted 5-12-98; Ord. No. 362, adopted 6-24-03.*

As used in this section, “convicted” means the defendant has been found guilty of a criminal charge by the Municipal Judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial.

(c) *Disposition and use of fees collected.* The disposition and use of fees collected under subsection (b) of this section shall be as follows:

- (1) All corrections fees collected shall be deposited in a special corrections fund in the municipal treasury and shall be used only for municipal jailer or juvenile detention officer training; for construction planning, construction, operation and maintenance of a municipal jail or juvenile detention facility; for paying the costs of housing municipal prisoners in a county jail or other detention facility or housing juveniles in a detention facility; for complying with match or contribution requirements for the receipt of federal funds relating to jails or juvenile detention facilities; for providing inpatient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing; for defraying the cost of transporting prisoners to jails or juveniles to juvenile detention facilities; or for providing electronic monitoring system.
- (2) All judicial education fees collected shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of bench books and other written materials, of municipal judges and other municipal court personnel.
- (3) All court automation fees collected shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation systems shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council.

*History: Ord. No. 244, adopted 3-10-92; Ord. No. 267, §1C3, adopted 5-24-94; Ord. No. 282, §§ 2, 3, adopted 6-13-95; Ord. No. 362, adopted 6-24-03; State law reference: Municipal authority to enforce ordinances by fines or imprisonment, NMSA 1978, § 3-17-1.*

(d) The village may credit the interest collected from fees deposited in special funds pursuant to subsection (c) of this section to the village’s general fund.

*History: Ord. No. 362, adopted 6-24-03.*

Severability clause. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity and unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance and each section, subsection, sentence, clause, word, or phrase thereof irrespective of anyone or more sections, subsection, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

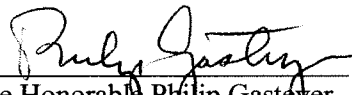
COMPILING CLAUSE: The amendment made by this Ordinance shall be incorporated in and compiled

as a part of the Code of Ordinances of the Village of Corrales.

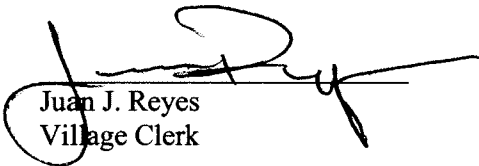
Effective date and publication. This ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this 11<sup>th</sup> day of December, 2007.

APPROVED:

  
The Honorable Philip Gasteyer  
Mayor

ATTEST:

  
Juan J. Reyes  
Village Clerk