

GENERAL PROVISIONS

<p>Section 1-1. Designation and citation of code.</p> <p>Section 1-2. Definitions and rules of construction.</p> <p>Section 1-3. Provisions considered as continuations of existing ordinances.</p> <p>Section 1-4. Severability of parts of code.</p>	<p>Section 1-5. Catchlines, history notes and references.</p> <p>Section 1-6. General penalty for code violations.</p> <p>Section 1-7. Supplementation of code.</p> <p>Section 1-8. Amendments to code.</p> <p>Section 1-9. Ordinances not affected by code.</p>
--	--

Section 1-1. Designation and citation of code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the “Code of Ordinances, Village of Corrales, New Mexico,” and may be so cited. Such ordinances may also be cited as “Corrales Village Code.”

History: Ord. No. 1, adopted 9-17-71; State law reference: Authority to codify ordinances, NMSA 1978, § 3-17-5.

Section 1-2. Definitions and rules of construction.

In the construction of this Code and of all other ordinances of the village, the following rules and definitions shall be observed, unless such would be inconsistent with the manifest intent of the Governing Body:

Code. The words “Code” or “this Code” shall mean and refer to the Code of Ordinances, Village of Corrales, New Mexico, as designated in section 1-1.

Computation of time. Unless otherwise specifically provided, in computing time the first day shall be excluded and the last included. If the last day falls on a weekend, the time prescribed shall be extended so as to include the whole of the following Monday. If the last day falls on a holiday, the time prescribed shall be extended so as to include the whole of the next workday.

Court. The word “court” means the municipal court of the village.

Department, board, commission, office, officer or employee. The word “department,” “board,” “commission,” “office,” “officer” or “employee” shall mean a department, board, commission, office, officer or employee of the village, unless the context clearly indicates otherwise.

Gender. Words importing the masculine gender shall include the feminine and neuter.

Governing Body. The term “governing body” shall mean the village council of the Village of Corrales.

Household member. The term “household member” means a spouse, former spouse or family member, including a relative, parent, present or former stepparent, present or former in-law, a co-parent of a child or person with whom another person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of sections 24-4 and 24-5 of this Code.

Judge. The word “judge” means the presiding judge, whether permanent or substitute, of the municipal court of the village.

Keeper and proprietor. The words “keeper” and “proprietor” shall mean persons, firms, associations, corporations, clubs and co-partnerships, whether acting for themselves or as a servant, agent or employee.

Land. The word “land” shall mean real estate and rights and easements of an incorporeal nature.

Mayor. The term “Mayor” shall mean the chief executive officer of the village.

Misdemeanor. The word “misdemeanor” shall be construed to mean and to stand in lieu of the term “violation of ordinance.”

Month. The word “month” shall mean a calendar month.

Number. Words used in the singular include the plural and the plural includes the singular number.

Oath. The word “oath” shall include the word “affirmation” in all cases where an affirmation may be substituted for an oath, and in like cases the word “swear” includes the word “affirm.”

Officers and employees. Whenever reference is made in this Code to a village officer or employee by title only, this shall be construed as though followed by the words “of the Village of Corrales” and shall be taken to mean the officer or employee of the village having the title mentioned or the person performing, at the direction of the Mayor, the duties indicated.

Owner. When applied to a building or land, the word “owner” shall mean any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety or person holding a community interest, of the whole or a part of such building or land, or person in possession and control of the premises.

Person. The word “person” shall include a corporation, company, partnership, association, firm or society as well as a natural person.

Personal property. The term “personal property” shall include money, goods, chattels, things in action and evidences of debt.

Preceding, following. The words “preceding” and “following” shall mean next before and next after, respectively.

Property. The word “property” shall include real, personal and mixed estates and interests.

Public place. The term “public place” shall include any street, alley, highway, park, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

Real property. The term “real property” shall include lands, tenements and hereditaments.

Shall, may. The word “shall” is mandatory, “may” permissive.

Sidewalk. The word “sidewalk” shall mean any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

Signature or subscription. The words “signature” and “subscription” shall include a mark when the person cannot write, his name being written near it, and witnessed by a person who writes his own name as witness.

State. The word “state” shall mean the State of New Mexico.

Street. The word “street” shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the village and shall mean the

entire width thereof between abutting property lines. Such term shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Governing Body.

Tenant, occupant. When applied to a building or land, the words “tenant” and “occupant” shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.

Village. The word “village” shall mean the Village of Corrales, New Mexico.

Written, in writing. The terms “written” and “in writing” shall include printing, engraving or any other mode of representing words and letters, except those cases where the written signature or mark of any person is required.

Year. The word “year” shall mean a calendar year.

History: Ord. No. 1, § 1, adopted 9-17-71.

Section 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of the ordinances adopted and included herein, shall be considered as continuations thereof and not as new enactments.

Section 1-4. Severability of parts of code.

It is hereby declared to be the intention of the Governing Body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

History: Ord. No. 1, § 1, adopted 9-17-71.

Section 1-5. Catchlines, history notes and references.

(a) The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

History: Ord. No. 302 adopted 2-10-96.

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; Ord. No. 07-019, adopted 12-11-07.

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, Ord. No. 07-019, adopted 12-11-07.

(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, Ord. No. 07-019, adopted 12-11-07.

Section 1-7. Supplementation of code.

(a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Governing Body. A supplement to the Code shall include all substantive, permanent, and general parts of ordinances passed by the Governing Body or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.

(b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings, and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words this ordinance or words of the same meaning to “this chapter,” “this article”, “this division,” etc., as the case may be, or to “sections ___ through ___,” inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

History: Ord. No. 302, adopted 2-10-96.

Section 1-8. Amendments to code.

(a) All ordinances passed subsequent to the adoption of this Code which amend, repeal, or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. In the case of chapters, sections, and subsections or any part thereof being repealed by subsequent ordinances, such repealed portions may be excluded from the Code by the omission thereof from reprinted pages affected thereby, and the subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances, numbered or omitted, are readopted as a new Code by the Governing Body.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of the Code in substantially the following language: “Section X-X (of

the Corrales Village Code, being Ordinance(s) (cite Ordinance history) is amended to read: (set out new provisions in full).”

(c) If a new section not then existing in the Code is to be added, the following language may be used: “Section X. A new (chapter) (section) of the Corrales Village Code is ordained to read: . . . (set out new provisions in full).”

(d) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

Section 1-9. Ordinances not affected by code.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following, when not inconsistent with this Code:

- (1) Any ordinance promising or guaranteeing the payment of money by the village, authorizing the issuance of any bonds of the village, providing any evidence of the village’s indebtedness, or establishing any contract, agreement, lease, deed, or other instrument or obligation assumed by the village or creating interest and sinking funds.
- (2) Any right or franchise, permit, or other right granted by any ordinance.
- (3) Any personnel regulations; any ordinance establishing salaries of village officers and employees.
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, or vacating any street, alley, or other public way in the village.
- (5) Any ordinance establishing and prescribing the street grades in the village.
- (6) Any appropriation ordinance or any ordinance levying or imposing taxes.
- (7) Any ordinance providing for local improvements and assessing taxes therefor.
- (8) Any ordinance dedicating or accepting any plat or subdivision in the village.
- (9) Any ordinance establishing the official plat of the village.
- (10) Any zoning map amendment or land use, rezoning or zoning ordinance.
- (11) Any ordinance annexing territory or excluding territory from the village.
- (12) Any ordinance prescribing traffic regulations for specific locations, through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code.
- (13) Any subdivision ordinance.
- (14) Any ordinance creating special districts or assessing taxes therefor.
- (15) Any ordinance granting specific tax exemptions.
- (16) Any temporary or special ordinance.

- (17) Any ordinance regarding collective bargaining.
- (18) Any ordinance or resolution setting fines for traffic offenses or amending the Uniform Traffic Ordinance.

(b) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

History: Ord. No. 302 adopted 2-10-96; State law reference: Local government finances, NMSA 1978, § 6-6-1 et seq.

INTENTIONALLY LEFT BLANK