

ARTICLE 5. PENALTIES FOR VIOLATIONS OF ORDINANCES

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§ 7.5.1 PROSECUTION & PENALTIES

(A) Any person violating any of the provisions or failing to comply with any of the requirements of any ordinance is guilty of a petty misdemeanor. Any violations may be prosecuted in the Village Municipal Court or other court of competent jurisdiction. Except where otherwise specified in an ordinance, upon conviction of a violation or violations of any Village ordinance or ordinances, the Village Municipal Court may impose fines or imprisonment up to the maximum allowed by New Mexico law, except that if a defendant is charged with more than one offense arising out of a single transaction, act or occurrence, the maximum combined sentence of imprisonment that may be imposed for all such offenses shall not be greater than ninety (90) days.

(B) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(C) Any penalties imposed under § 7.5.1(A) shall not affect the right of the Village to pursue injunctive relief or other remedies authorized by law.

§ 7.5.2 ASSESSMENT, DISPOSITION AND USE OF CORRECTIONS FEES

(A) In addition to any fine or imprisonment, there is imposed upon any person convicted of violating any motor vehicle ordinance or any ordinance which may be enforced by the imposition of a prison term the following fees:

- (1)** a corrections fee of twenty dollars (\$20.00);
- (2)** a judicial education fee of three dollars (\$3.00); and
- (3)** a court automation fee of six dollars (\$6.00).

(B) All corrections fees collected shall be deposited in a special corrections fund in the municipal treasury and shall be used only for municipal jailer training or juvenile detention officer training, for construction planning, construction, operation and maintenance of the municipal jail or juvenile detention facility, for paying the costs of housing the municipality's prisoners in a county jail or housing juveniles in a detention facility or for complying with match or contribution requirements relating to jails.

(C) 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.

(D) 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.



§ 7.5.3 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board to pass each section, subsection, paragraph, clause, phrase and every part thereof separately and independently of every other part.

§ 7.5.4 EFFECTIVE DATE

This Article shall take effect and be in full force effective November 17, 2009.

§ 7.5.5 REPEALER

All prior ordinances imposing a Judicial Education Fee are hereby repealed.

§ 7.5.6 COMPILING CLAUSE

This Article shall be incorporated in and compiled as part of the Municipal Code of the Village of Los Ranchos de Albuquerque.

Ordinance and State Law References regarding Chapter 7, Article 5 (f/k/a Chapter 20):

Ordinance #88, September 13, 1989;

Ordinance #100, May 22, 1991, repeals Ordinance No. 88;

Ordinance #123, July 13, 1994, amends Ordinance No. 100;

Ordinance #134, enacted Feb. 14, 1996, codified Ordinance #100 as Chapter 20, with modifications;

Ordinance #150, May 13, 1998, amends Chapter 20, Sections 2 & 3 of the Codified Ordinance;

Ordinance #178, June 25, 2003, amends Chapter 20 of the Codified Ordinance;

Ordinance #224, November 12, 2009, amends Ordinance No. 178 and Chapter 20;

State law reference: Violations of ordinances, § 3-17-1, NMSA 1978;

Municipal Ordinances: Court costs, collections, purposes, § 35-14-11, NMSA 1978;

Motor Vehicle Code, § 66-8-130, NMSA 1978 (see Chapter 17 of this Codification for motor vehicle violations and fee under § 66-8-130).