

§ 9.2.24 IMPLEMENTATION, ENFORCEMENT, AND PENALTIES

(A) **PURPOSE AND INTENT.** The purpose of this Section is to provide the Village the mechanisms to enforce the Zoning Code and penalize those violating such provisions.

(B) **ENFORCEMENT OFFICER.** The Planning Director and designees are the enforcement officers and have the authority and duty to enforce this Article.

(C) **VIOLATIONS AND VIOLATIONS OF CONDITIONS.**

(1) If the Planning Director finds that any of the conditions of an approved use are being violated, he shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction by a date certain, to be determined by the Enforcement Officer but not to exceed sixty (60) days duration from the date notification is sent.

(2) Upon failure by responsible parties to abate the violation, the Planning Director shall initiate the process to abate the violation from the subject premise.

(3) Any costs incurred by the Village of Los Ranchos may be secured by a lien on the property or through Court action in the sole discretion of the Village.

(4) The Zoning Enforcement Officer is hereby authorized to issue citations for violations of this Article. Such citations shall order the alleged violator to appear on a date certain in Village Municipal Court at the next regularly scheduled Court session or any special setting the Judge may designate. If the alleged violation is abated before the Court appearance, the charge will be dismissed upon payment of court costs and no fine shall be assessed. Failure to abate the violation will result in prosecution in Municipal Court.

(5) The Board of Trustees may hold a public hearing and require the owner to show cause why a Special Use Permit should not be revoked, when the owner has demonstrated the inability or unwillingness to cure violations on the property. Following such public hearing the Board may revoke such Special Use Permit.

(D) **INFORMATION AND RECORDS.** The Planning Director shall make available to the public the information contained in this Article, as well as maintain the Zone Map. The Planning Director shall make available to the public the appropriate forms necessary for compliance with the requirements of this Article. The Planning Director shall report to the Board annually on the status of compliance with Special Use conditions of approval.

(E) **INSPECTIONS.**

(1) The Planning Director may conduct inspections from the rights-of-way and may determine if the zoning violation exists on the subject property. Consent of the property owner is not required.

(2) The Planning Director may conduct an inspection within property with voluntary consent of an occupant or custodian of the premises or vehicles to be inspected to determine the existence or nonexistence of violations.

(a) Before inspection occurs, the Planning Director shall send a request by first class mail to the property owner and schedule a time for the inspection.

(b) Inspections shall be carried out with due regard for the convenience and privacy of the occupants, and during the daytime unless, because of the nature of the premises, the convenience of the occupants, the



nature of the possible violation, or other circumstances, there is a reasonable basis for carrying out the inspection at night.

(c) Unless advance notice would be likely to cause the suspected violation to be temporarily eliminated to frustrate enforcement, notice of the purpose and approximate time of an inspection of an area not open to the general public shall be sent to the occupants or custodians of premises or vehicles to be inspected not less than ten (10) days before inspection is made.

(3) The Director may conduct an inspection within property without voluntary consent.

(a) When consent to an inspection is refused or is otherwise unobtainable within thirty (30) days, the Director shall make application for an inspection order or search warrant to a court having jurisdiction over the premises or vehicle to be searched. The application shall set forth or describe:

- 1.** the location of the particular vehicle or premises to be inspected and the name of the owner or occupant;
- 2.** that the owner or occupant of the premises or vehicle refused consent to inspection;
- 3.** that inspection of the premises or vehicle is necessary to determine whether they comply with the requirements of this Article;
- 4.** any other reason requiring the inspection, including knowledge or belief that a particular condition exists in the premises or vehicle which constitutes a violation of this Article; and
- 5.** that the Planning Director is authorized by the Board to make the inspection.

(b) The application shall be granted and the inspection order or search warrant issued upon a sufficient showing that inspection in the area in which the premises or vehicles in question are located, or inspection of the particular premises or vehicles, is in accordance with reasonable legislative or administrative standards, and that the circumstances of the particular inspection for which application is made are otherwise reasonable. The court shall make and keep a record of the proceedings on the application, and enter thereon its findings in accordance with requirements of this Article.

(F) PENALTIES. Any person, firm, or corporation violating any provision of this Article shall, upon conviction, be punished by fines or imprisonment up to the maximum allowed by New Mexico law for each offense and a separate offense shall be deemed committed each day during or on which violation occurs or continues. Any such penalties shall not affect the right of the Village to pursue such other remedies as are authorized by law.

