

SANTA FE COUNTY

Ordinance No. 2013-2

AN ORDINANCE CREATING DEFINITIONS, RULES OF INTERPRETATION,
GENERAL RULES OF CONSTRUCTION, ADOPTING THE
2013 CODIFICATION OF ORDINANCES
BY AND FOR THE COUNTY OF SANTA FE, NEW MEXICO

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO.

Section 1. Title of Code. This 2013 codification of ordinances by and for the County of Santa Fe, New Mexico, shall be designated as the "Santa Fe County Code of Ordinances" and may be cited herein as "the code" or "the code of ordinances."

Section 2. Interpretation. Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of the code as those governing the interpretation of State law.

Section 3. Application of Future Ordinances. All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing the code unless otherwise specifically provided.

Section 4. Captions. Headings and captions used in the code other than the title, chapter, subchapter and section number are employed for reference purposes only and shall not be deemed a part of the text of any section.

Section 5. Definitions.

(A) (1) Words and phrases shall be taken in their plain, ordinary and usual sense.

(2) However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of the code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) Appointed official. Any person appointed to a board, commission or advisory body, in accordance with the code of ordinances.

(2) Code or code of ordinances. The county's code of ordinances, as modified by amendment, revision and adoption of new chapters, subchapters or sections.

- (3) County. Santa Fe County, New Mexico.
- (4) The board of county commissioners. The governing body of the County of Santa Fe, New Mexico.
- (5) County manager. The person appointed pursuant to NMSA 1978, § 4-38-19. Where applicable, the term county manager also means those persons whose authority has been granted in an acting capacity by the county manager.
- (6) Elected official. Those county officials elected under the laws of the state, specifically, the county clerk, treasurer, assessor, sheriff, probate judge, and the board of county commissioners.
- (7) Month. A calendar month.
- (8) Oath. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in such cases, the words swear and sworn shall be equivalent to the words affirm and affirmed.
- (9) Officer, office, employee, commission or department. An officer, office, employee, commission or department of the county unless the context clearly requires otherwise.
- (10) Person.
 - (1) Extends to and includes a person, persons, firm, corporation, copartnership, trustee, lessee or receiver.
 - (2) Whenever used in any clause prescribing and imposing a penalty, the terms person or whoever, as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.
- (11) Preceding or following. Next before or next after, respectively.
- (12) State. The State of New Mexico.
- (13) Written. Any representation of words, letters or figures, whether by printing or otherwise.
- (14) Year. A calendar year unless otherwise expressed.

Section 6. Rules of Interpretation. The construction of all ordinances of the county shall be by the following rules unless the construction is plainly repugnant to the intent of the governing body or of the context of the same ordinance:

- (1) Words used in the present tense include the future;
- (2) Words in the future tense include the present;
- (3) Words in the plural include the singular;
- (4) Words in the singular include the plural;
- (5) The word "shall" is always mandatory and not merely directory; the word "may" is permissive; and
- (6) The impersonal pronouns "he", "him" and "himself" shall denote either the feminine or the masculine gender.
- (7) "And" or "or". Either conjunction shall include the other as if written "and/or," if the sense requires it.
- (8) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement shall be satisfied by the performance of the act by an authorized agent or deputy.
- (9) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Section 7. Severability. The provisions of the code of ordinances are severable, and if any provision, subchapter, section, division, clause, sentence or part thereof is held to be illegal, invalid, unconstitutional or inapplicable to any person, persons, circumstances, situation or otherwise, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining sentences, clauses, divisions, sections, subchapter or parts of the code of ordinances, or their applicability to other persons, circumstances or situations.

Section 8. Reference to other sections. Whenever, in one section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Section 9. Reference to offices. Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the county exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Section 10. Errors and omissions.

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the

use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

Section 11. Official time. The official time, as established by applicable state/federal laws, shall be the official time within the county for the transaction of all county business.

Section 12. Reasonable time.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) (1) The time within which an act is to be done shall be computed by excluding the first day and including the last.

(2) If the last day be a Saturday, Sunday or county holiday, it shall be excluded.

Section 13. Ordinances repealed.

(A) The code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by the code shall be deemed repealed from and after the effective date of the code.

Section 14. Ordinances unaffected. All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in the code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Section 15. Effective date of ordinances. An ordinance shall not become effective until thirty (30) days after it has been recorded with the County Clerk unless passed and approved as an emergency measure, in which event it shall become effective immediately following publication or at a subsequent date determined by the governing body.

Section 16. Repeal or modification of ordinance.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall

continue in force until the recording of the ordinance repealing or modifying it when publication is required to give effect thereto unless otherwise expressly provided.

(B) No suit, proceeding, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall, in any way, be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision unless it is expressly provided.

Section 17. Ordinances which amend or supplement code.

(A) If the governing body shall desire to amend any existing chapter, subchapter or section of the code, the chapter, subchapter or section shall be specifically repealed and a new chapter, subchapter or section, containing the desired amendment, substituted in its place.

- (B) (1) Any ordinance which is proposed to add to the existing code a new chapter, subchapter or section shall indicate, with reference to the arrangement of the code, the proper number of the chapter, subchapter or section.
- (2) In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

Section 18. Section histories; State law references.

(A) As histories for the code sections, the original ordinance and the most recent three amending ordinances, if any, are listed. Example: (Ordinance 93 adopted 1/20/80; Ordinance 98 adopted 1/20/90; Ordinance 99 adopted 1/20/00)

- (B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example:

Sec. 70.03 Stopping, standing or parking prohibited

No person shall move a vehicle, not lawfully under his or her control, into any prohibited area or away from a curb a distance as is unlawful.
(NMSA 1978, Section 66-7-351)

- (2) If a statutory cite is set forth as a "State law reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

Sec. 70.02 Local authority; enforcement

The county has the power to regulate the standing or parking of vehicles with respect to street and highways under its jurisdiction and within reasonable exercise of its police power. (Ordinance 2000-10 adopted 9/12/00)

State law reference-Authority, see NMSA 1978, Section 66-7-9.

Section 19. General penalty.

(A) County ordinances may be enforced by prosecution for violations of those ordinances in any court of competent jurisdiction of the county. Penalties for violations of any county ordinances shall not exceed a fine of \$300.00 or imprisonment for 90 days or both the fine and imprisonment; except that the county may enact and enforce ordinances that impose the following penalties in addition to any other penalty provided by law:

- (1) No more than \$1,000.00 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;
- (2) No more than \$5,000.00 for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act (NMSA chapter 74, article 4); and
- (3) No more than imprisonment for 364 days or a fine of \$1,000.00, or both, for violation of an ordinance regarding driving while under the influence of intoxicating liquor or drugs.

Section 20. County standards.

Section 21. Commission districts. As of the first day of January, 1991, the county shall be divided by precinct into five compact, contiguous, and substantially equally populated county commission districts as follows:

District 1: County commission district one shall be comprised of the following precincts: 1, 2, 3, 4, 5, 6, 7, 8, 10, 20, 21, 22, 23, 25, 26, 27, 28, 30, 40, 58, 59, 60, 61, 79, 83, 87.

District 2: County commission district two shall be comprised of the following precincts: 11, 24, 31, 32, 33, 34, 64, 66, 67, 80, 82.

District 3: County commission district three shall be comprised of the following precincts: 12, 15, 16, 17, 18, 19, 62, 72, 73, 75, 84, 85, 86.

District 4: County commission district four shall be comprised of the following precincts: 9, 13, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 57, 63, 68, 77, 81.

District 5: County commission district five shall be comprised of the following precincts: 14, 29, 35, 38, 39, 49, 50, 56, 65, 69, 70, 71, 74, 76, 78, 88.

(Ordinance 2011-08 adopted 10/11/11).

PASSED, APPROVED AND ADOPTED, on this 28 day of MAY, 2013 by the Santa Fe County Board of County Commissioners.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

Kathy Holian
Kathy Holian, Chair

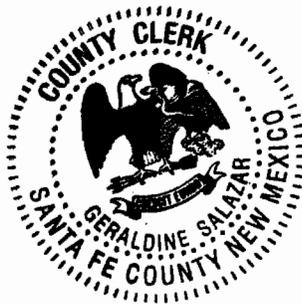
ATTEST:

Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk



APPROVED AS TO FORM:

Stephen C. Ross
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC ORDINANCE
PAGES: 7

I Hereby Certify That This Instrument Was Filed for Record On The 31ST Day Of May, 2013 at 08:56:40 AM and Was Duly Recorded as Instrument # 1707383 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM
Deputy Marcella Salazar