

**Amendment 2009-01 to Doña Ana County
Land Use Regulations and Zoning Ordinance, No. 158-95 (as previously amended)**

Recorded 08/03/2009 DAC

Under Section 2.4.A of the Land Use Regulations and Zoning Ordinance No.158-95 (as previously amended), the Board of County Commissioners shall receive recommendation on requests for amendments to the Ordinance from the Planning and Zoning Commission and make final determination on matters and procedures prescribed in the Ordinance. The Planning and Zoning Commission reviewed this amendment on May 28, 2009 and recommended approval by a vote of 5-0-0.

County Staff has requested that Section 1.11 "Enforcement" of the Zoning Ordinance be amended to help clarify and emphasize, for the purpose of educating the general public, that the County is authorized under NMSA 1978, Sections 3-21-13 and 4-37-3, to institute criminal action for violation of any provision of the Zoning Ordinance, in addition to the civil remedies currently listed in Section 1.11.

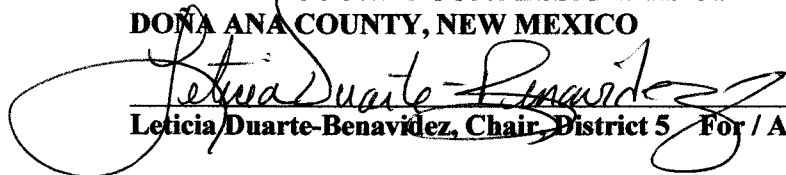
THE BOARD FINDS that the proposed amendment is in the best interest of the public, and is reasonably necessary to help educate the public as to the County's statutory authority to institute criminal action for violation of any provision of the Zoning Ordinance, in addition to the civil remedies currently listed in Section 1.11.Enforcement.

NOW THEREFORE, the following language, proposed to be added to Section 1.11 of the Zoning Ordinance, is hereby approved and adopted by the Board of County Commissioners:

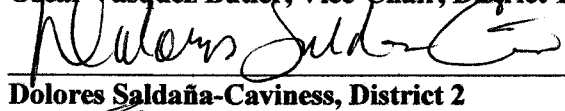
"D. Petty Misdemeanor. In addition to the civil remedies and penalties outlined above, a violation of this ordinance shall constitute a petty misdemeanor and shall be punishable by a fine not to exceed three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both, in accordance with NMSA 1978, Sections 3-21-13 and 4-37-3."


ADOPTED AND APPROVED this 28th day of July 2009.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**


Leticia Duarte-Benavidez, Chair, District 5 For / Against

Oscar Vásquez Butler, Vice-Chair, District 1 For / Against


Dolores Saldaña-Caviness, District 2 For / Against


Karen G. Perez, District 3 For / Against


Scott Krahling, District 4 For / Against



ATTEST:


Lynn J. Ellis
County Clerk