

ORDINANCE NO. 618

AN ORDINANCE RELATING TO THE CITY OF LOVINGTON MUNICIPAL CODE AMENDMENTS TO TITLE 1 GENERAL PROVISIONS, CHAPTER 1.08, SECTION 1.08.010, CHAPTER 1.16 SECTIONS 1.16.010, 1.16.015, 1.16.030, AND 1.16.050; CHAPTER 1.20, SECTIONS 1.20.020 AND 1.20.030; TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04, SECTION 5.04.130; CHAPTER 5.08, SECTION 5.08.200; CHAPTER 5.40, SECTION 5.40.120; CHAPTER 5.52, SECTION 5.52.160; TITLE 6 ANIMALS, CHAPTER 6.04, SECTION 6.04.060; TITLE 8 HEALTH AND SAFETY, CHAPTER 8.16, SECTION 8.16.030; TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.04, SECTIONS 10.04.010 AND 10.04.020; TITLE 13 PUBLIC SERVICES, CHAPTER 13.12, SECTION 13.12.111; TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.04.020; TITLE 17 ZONING, CHAPTER 17.08, SECTION 17.08.190; AND REMOVAL OF SECTION 1.16.020 MANDATORY FEES, SECTION 1.16.025 DISPOSITION AND USE OF FEES COLLECTED, SECTION 1.20.010 MANDATORY FEES, AND SECTION 10.04.020 F; ESTABLISHING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.44 FIRE DEPARTMENT, SECTION 2.44.360 VIOLATION - PENALTY; TITLE 4 PENALTY ASSESSMENT, CHAPTER 4.01 PENALTY ASSESSMENT SCHEDULE; TITLE 6 ANIMALS, CHAPTER 6.08, SECTION 6.08.310 VIOLATION - PENALTIES; TITLE 8 HEALTH AND SAFETY, CHAPTER 8.20, SECTION 8.20.195 VIOLATIONS - PENALTIES; TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE, CHAPTER 9.04 SECTION 9.04.090 VIOLATION - PENALTY, CHAPTER 9.16, SECTION 9.16.110 VIOLATION - PENALTY, CHAPTER 9.20, SECTION 9.20.220 VIOLATION - PENALTY, CHAPTER 9.28, SECTION 9.28.110 VIOLATION - PENALTY; TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.08, SECTION 12.08.160 VIOLATION - PENALTY; AND CHAPTER 12.16, SECTION 12.16.070 VIOLATION - PENALTY; TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.16, SECTION 15.16.060 VIOLATION - PENALTY; TITLE 17 ZONING, CHAPTER 17.16 SECTION 17.16.190 VIOLATION - PENALTY; ADOPTED BY THE CITY OF LOVINGTON AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO:

TITLE 1 – GENERAL PROVISIONS

1.08.010 Purpose of ordinances.

The governing body may adopt ordinances or resolutions not inconsistent with the laws of New Mexico for the purpose of:

- A. Effecting or discharging the powers and duties conferred by law upon the municipality;
- B. Providing for the safety, preserving the health, promoting the prosperity, improving the morals, order, comfort and convenience of the municipality and its inhabitants;
- C. Enforcing obedience to the ordinances by prosecution in the municipal court and metropolitan courts and upon conviction, the imposition of:

1. Except for those violations of ordinances described in subdivisions 2 and 3 of this subsection, a fine not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01 or by imprisonment not more than ninety days or both,

2. For a third and every subsequent conviction of violation of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01 or imprisonment for not more than ninety 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 not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01 a day for each violation. (Amended during 1992 codification: prior code § 2-3-1)

1.16.010 General penalty designated.

A. Whenever in this code or any other ordinance or resolution of the municipality or any rule or regulation promulgated under the provisions of this code, any act is prohibited or declared to be unlawful or an offense or misdemeanor or the doing of any act required or failure to do any act is declared to be unlawful or an offense or a misdemeanor and no specific penalty is provided therefor, any person who may be convicted of the violation of any such provision of this code or other ordinance or resolution of the municipality enacted or of such rules and regulations may be punished by a fine not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01 or by imprisonment in jail not exceeding ninety days or by both such fine and imprisonment.

B. Every day any violation of this code or any other ordinance or resolution of the municipality or any other rule or regulation promulgated under the provisions of this code is permitted to continue may constitute a separate offense. (Amended during 1992 codification: prior code § 5-2-12)

1.16.015 Maximum penalty.

Unless a lesser maximum penalty or a specified penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance may be as follows:

A. Except for those violations of ordinances described in subsections B and C of this section, a fine not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01 or imprisonment for not more than ninety days or both;

B. For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine not to exceed the penalty assessment listed in Title 4 Chapter 4.01 or imprisonment for not more than one hundred seventy-nine days or both; and

C. For violations of an industrial user wastewater pretreatment ordinance as required by the United States Environmental Protection Agency, a fine not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01 a day for each violation. (Ord. 386 § 1, 1994)

Remove Chapter 1.16.020

Remove Chapter 1.16.025

1.16.030 Minimum penalty for repeated offenses.

In any case where any section of this code or other ordinance of the city may not provide the greater penalty for a second or subsequent conviction of a violation thereof, any person violating the same, who may previously have been convicted of a violation thereof, may be subject to a fine not to exceed the Penalty Assessment Schedule listed in Title 4 Chapter 4.01; except that where the penalty provided by this code for a first violation thereof may be larger than the penalty provided by this section, such larger penalty may be applicable. (Prior code § 5-2-14)

1.16.050 Credit towards fine for each day imprisoned.

Whenever any person is committed to prison for nonpayment of any fine or costs, or both, he may be credited with a reduction of the fine based upon jail time served. When the person remains imprisoned for a sufficient length of time to extinguish the fine or costs, or both, computed at this rate, the officer having the prisoner in custody may discharge him from custody under commitment. (Prior code § 5-2-16)

Chapter 1.20 MANDATORY FEES

Remove Chapter 1.20.010

1.20.020 Mandatory fees upon conviction for driving under the influence of intoxicating alcohol or drugs.

Any person convicted of violation of Section 12-6-12.1 of the Uniform Traffic Code may be assessed and in addition to any other fees or fines:

- A. A fine as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule to defray the costs of chemical and other tests used to determine the influence of liquor or drugs; and
- B. A fine as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule to fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs and for other traffic safety purposes.

(Ord. 414 (part), 1998; Ord. 376 § 2, 1993)

1.20.030 Mandatory fees upon conviction for possession of marijuana.

Any person convicted of violation of Section 9.12.080 of the Lovington Municipal Code shall be assessed by the court, in addition to any other fees:

- A. A person convicted of a violation of possession of a controlled substance pursuant to municipal ordinance may be assessed by the court, in addition to any other fine as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule to defray the costs of chemical and other analyses of controlled substances.
- B. The municipality may require assessment of the fee pursuant to subsection A of this section and provide for transmittal of the money collected to the administrative office of the courts.

(Ord. 414 (part), 1998)

TITLE 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.44 FIRE DEPARTMENT

2.44.360 Violations – Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

TITLE 4 – PENALTY ASSESSMENT SCHEDULE

Chapter 4.01

PENALTY ASSESSMENT SCHEDULE

	Lovington Municipal Code	Applicable Violation	Penalty
GENERAL PROVISIONS			
Purpose of ordinances	1.08.010	1.08.010	\$500.00
General penalty designated	1.16.010	1.16.010	\$500.00
Maximum penalty	1.16.015	1.16.015	\$500.00
Mimumum penalty for repeat offences	1.16.030	1.16.030	\$500.00
Mandatory fees upon conviction for driving under the influence of intoxicating alcohol or drugs	1.20.020	1.20.020	\$500.00
Mandatory fees upon conviction for possession of marijuana	1.20.030	1.20.030	\$500.00
TRAFFIC VIOLATIONS			
False Alarm (1 ST Offense)	9.04.090	9.04.010	\$150.00
False Alarm (2 ND Offense)	9.04.090	9.04.010	\$300.00
Impersonating an Officer	9.04.090	9.04.030	\$500.00
Escape/Assist - Custody	9.04.090	9.04.070	\$500.00
Unlawful Noise	9.16.110	9.16.020	\$150.00
Discharge of Firearms	9.28.110	9.28.020	\$500.00
Air and BB Guns	9.28.110	9.28.030	\$74.00
Possess Prohibited Weapon	9.28.110	9.28.060	\$500.00
Obedience to Officers	10.04.020	12-3-2	\$74.00
Use of Coaster Wagons and Similar Devices	10.04.020	12-3-6	\$74.00
Acc. Inv. Death/Per Injury	10.04.020	12-4-1	\$329.00
Acc. Inv. Damage/Vehicle	10.04.020	12-4-2	\$329.00
Duty to Inform/Render Aid	10.04.020	12-4-3	\$329.00
Duty Upon Striking Vehicle	10.04.020	12-4-4	\$329.00
Duty Upon Striking Fixtures	10.04.020	12-4-5	\$74.00
Immediate Notice of Accident	10.04.020	12-4-6	\$74.00
False Report	10.04.020	12-4-9	\$329.00
Maintain Traffic Lane	10.04.020	12-5-14B	\$74.00
Obedience Traffic Control	10.04.020	12-5-3	\$74.00
Light and Their Application to Vehicles and Pedestrians A-F	10.04.020	12-5-6	\$74.00
Pedestrian Control Signal	10.04.020	12-5-7	\$74.00
Stop When Traffic Obstructed	10.04.020	12-5-7.2	\$74.00
Flashing Signals	10.04.020	12-5-8	\$74.00
Lane Control Signals	10.04.020	12-5-9	\$74.00
Display of Unauthorized Signs, Signals, or Marking	10.04.020	12-5-10	\$100.00
Interference with Official Traffic Control Devices or Railroad Signals	10.04.020	12-5-11	\$300.00
Traffic Lanes	10.04.020	12-5-14	\$74.00
Basic (Speeding) Rule	10.04.020	12-6-1.1	\$100.00
Speeding Limits Up to and Including 10 miles per hour	10.04.020	12-6-1.2	\$74.00
Speeding Limits 1) From 11 and Up to and Including 15 mph	10.04.020	12-6-1.2C(1)	\$89.00
Speeding Limits 2) From 15 and up to and including 20 mph	10.04.020	12-6-1.2C(2)	\$124.00
Speeding Limits 3) From 21 and up to and including 25 mph	10.04.020	12-6-1.2C(3)	\$159.00
Speeding Limits 4) From 26 and up to and including 30 mph	10.04.020	12-6-1.2C(4)	\$300.00
Speeding Limits 5) From 31 and up to and including 35 mph	10.04.020	12-6-1.2C(5)	\$300.00
Speeding Limits 6) Over 35 Miles mph	10.04.020	12-6-1.2C(6)	\$500.00
Construction Zone	10.04.020	12-6-1.3G	\$150.00
Minimum Speed Regulation (Limit)	10.04.020	12-6-1.5	\$100.00
Special Speed Limitations	10.04.020	12-6-1.7	\$74.00
Improper Passing	10.04.020	12-6-2.1	\$74.00
Obedience to Signs Designating One-Way Streets and Alleys	10.04.020	12-6-2.9	\$89.00
Rotary Traffic Islands	10.04.020	12-6-2.10	\$74.00

Driving on Streets Laned for Traffic	10.04.020	12-6-2.12	\$74.00
Following Too Closely	10.04.020	12-6-2.13	\$74.00
Driving on Divided Streets	10.04.020	12-6-2.14	\$74.00
Controlled Access Violation	10.04.020	12-6-2.15	\$74.00
Vehicles Shall Be Driven Only on Streets, Private Roads, and Driveways	10.04.020	12-6-4.1	\$74.00
Vehicle Approaching or Entering Intersection	10.04.020	12-6-4.1A-D	\$79.00
Vehicles Entering Stop or Yield Intersections	10.04.020	12-6-4.3A	\$74.00
Improper Turning	10.04.020	12-6-5.1	\$74.00
Position/Method/Turning	10.04.020	12-6-5.1	\$100.00
Obedience to Turn Signals	10.04.020	12-6-5.4	\$74.00
Starting Parked Vehicle	10.04.020	12-6-5.7	\$74.00
Turning and Stopping Movements and Required Signals	10.04.020	12-6-5.8	\$74.00
Signals by Hand and Arm or Signal Device	10.04.020	12-6-5.9	\$74.00
Parking Violations	10.04.020	12-6-6.1	\$100.00
Stopping, Standing, or Parking Prohibited in Specific Places	10.04.020	12-6-6.1	\$74.00
Additional Parking Reg.	10.04.020	12-6-6.2	\$100.00
Parking in Alley	10.04.020	12-6-6.4	\$100.00
Stopping for School Bus	10.04.020	12-6-7.3	\$179.00
Operation of Vehicle on Approach of Emergency Vehicle	10.04.020	12-6-7.4 A-C	\$500.00
Railroad Grade Crossing Violations	10.04.020	12-6-7.5	\$74.00
Train Crossing Signal	10.04.020	12-6-7.5	\$300.00
Stopping, Standing, or Parking in Passenger Curb Loading	10.04.020	12-6-8.3	\$74.00
Stopping, Standing, or Parking in Freight Curb Loading Zone	10.04.020	12-6-8.4	\$74.00
Stopping, Standing, or Parking of Busses and Taxicabs	10.04.020	12-6-9.3	\$74.00
Restricted Use of Bus and Taxicab Stands	10.04.020	12-6-9.4	\$74.00
School Crossing	10.04.020	12-6-10	\$74.00
Operation Without Oversize-Overweight Permit	10.04.020	12-6-11.1	\$500.00
Slow-Moving Vehicle Identification	10.04.020	12-6-11.2	\$74.00
Offenses by Persons Owning or Controlling Vehicles	10.04.020	12-6-12.2.2	\$129.00
Reckless Driving	10.04.020	12-6-12.3	\$500.00
Careless Driving (1 st Offense)	10.04.020	12-6-12.4	\$300.00
Careless Driving (2 nd Offense)	10.04.020	12-6-12.4	\$500.00
Operators and Chauffeurs Must be Licensed	10.04.020	12-6-12.5 A, B, C	\$99.00
Unlawful Use of License	10.04.020	12-6-12.6	\$300.00
Unattended Motor Vehicle	10.04.020	12-6-12.8	\$74.00
Limitations on Backing	10.04.020	12-6-12.9	\$74.00
Restriction on Use of Television in Motor Vehicles	10.04.020	12-6-12.11	\$100.00
Coasting Prohibited	10.04.020	12-6-12.12	\$74.00
Following Fire Apparatus Prohibited	10.04.020	12-6-12.13	\$144.00
Crossing Fire Hose Prohibited	10.04.020	12-6-12.14	\$144.00
Driving Through Safety Zones Prohibited	10.04.020	12-6-12.15	\$74.00
Driving on Sidewalk and Private Property	10.04.020	12-6-12.17	\$74.00
Prohibited Activities While Driving	10.04.020	12-6-12.18	\$89.00
Racing on Streets (1 st Offense)	10.04.020	12-6-12.19	\$150.00
Racing on Streets (2 nd Offense)	10.04.020	12-6-12.19	\$300.00
Processions	10.04.020	12-6-12.20	\$74.00
Unauthorized Person Driving	10.04.020	12-6-12.23	\$150.00
Permitting Unauthorized Persons to Drive	10.04.020	12-6-12.23	\$99.00
Party Unlawful Act	10.04.020	12-6-12.24	\$100.00
Unlawful Riding	10.04.020	12-6-13.2	\$74.00
Unhitched Trailer on Street	10.04.020	12-6-13.3	\$74.00
Littering	10.04.020	12-6-13.5	\$329.00
Trains and Buses Not to Obstruct Streets	10.04.020	12-6-13.6	\$74.00

Boarding or Alighting from Vehicles	10.04.020	12-6-13.7	\$74.00
Improper Opening of Doors	10.04.020	12-6-13.8	\$74.00
Occupied Moving House Trailer	10.04.020	12-6-13.9	\$74.00
Driving on Steep Grades	10.04.020	12-6-13.11	\$74.00
Child Restraint	10.04.020	12-6-13.12	\$74.00
Seat Belts	10.04.020	12-6-13.13	\$74.00
Open Container (1 st Offense)	10.04.020	12-6-13.14	\$150.00
Open Container (2 nd Offense)	10.04.020	12-6-13.14	\$300.00
Pedestrian Obedience to Required Traffic Control Devices and Regulations	10.04.020	12-6-14.1	\$74.00
Drivers to Exercise Due Care	10.04.020	12-6-14.8	\$129.00
Electric Personal Assistive Mobility Devices	10.04.020	12-6-16	\$74.00
Prohibited Use of Electronic Device While Driving a Commercial Vehicle (1 st Offense)	10.04.020	12-6-18-A	\$150.00
Prohibited Use of Electronic Device While Driving a Commercial Vehicle (2 nd Offense and Subsequent Offense)	10.04.020	12-6-18-A	\$300.00
Texting While Driving (1 st Offense)	10.04.020	12-6-18-B	\$150.00
Texting While Driving (2 nd Offense)	10.04.020	12-6-18-B	\$300.00
Operating Motorcycles on Streets Laned for Traffic	10.04.020	12-7-2	\$79.00
Clinging to Other Vehicles	10.04.020	12-7-3	\$74.00
Riding on Motorcycles	10.04.020	12-7-4	\$74.00
Riding on Motorcycles/Moped	10.04.020	12-7-4B	\$100.00
Eye Protection Mandatory	10.04.020	12-7-5	\$150.00
Helmet Required Under 18 years	10.04.020	12-7-6	\$300.00
Mandatory Use of Protective Helmets	10.04.020	12-7-6	\$329.00
Footrests and Handlebars	10.04.020	12-7-7	\$74.00
Motorcycle Maneuverability	10.04.020	12-7-8	\$74.00
Off-Highway Motor Vehicle – Registration; Plate Requirement	10.04.020	12-7-9.1	\$150.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	10.04.020	12-7-9.2	\$500.00
Driving of Off-Highway Motor Vehicles Adjacent to Streets	10.04.020	12-7-9.3	\$300.00
Operation of Off-Highway Motor Vehicles on Private Lands	10.04.020	12-7-9.4	\$100.00
Off-Highway Motor Vehicle Safety Permit; Requirement, Issuance	10.04.020	12-7-9.8	\$129.00
Operating and Equipment – Safety Requirements	10.04.020	12.7.9.9	\$100.00
Mopeds - Standards	10.04.020	12-7-10	\$74.00
Operation of Bicycles	10.04.020	12-8-3 to 12-8-12	\$79.00
Emergency Alley/Driveway/ETC.SIC	10.04.020	12-8-11	\$74.00
Handicap Parking	10.04.020	12-9-9	\$500.00
Improper Equipment	10.04.020	12-10-1.1	\$74.00
Windshield Unobstructed	10.04.020	12-10-1.12	\$74.00
Restriction Upon Use of Streets by Certain Vehicles	10.04.020	12-10-3.1	\$74.00
Minimum Vehicle Size	10.04.020	12-10-3.2	\$74.00
Projecting Loads on Passenger Vehicles	10.04.020	12-10-3.3	\$79.00
Special Projecting Load Limits	10.04.020	12-10-3.4	\$74.00
Trailers and Towed Vehicles	10.04.020	12-10-3.5	\$74.00
Width of Vehicles	10.04.020	12-10-3.6	\$74.00
Height and Length of Vehicles and Loads	10.04.020	12-10-3.7	\$74.00
Display of Current Valid Registration	10.04.020	12-10-4	\$99.00
Evidence of Registration on Demand	10.04.020	12-10-5	\$99.00
Mandatory Financial Responsibility	10.04.020	12-10-6	\$300.00
Sun Screening Material on Windshields and Windows (1 st Offense)	10.04.020	12-10-12	\$100.00
Sun Screening Material on Windshields and Windows (2 nd Offense)	10.04.020	12-10-12	\$150.00
Sun Screening Material on Windshields and Windows (3 rd Offense)	10.04.020	12-10-12	\$300.00
Failure to Obey Notice	10.04.020	12-12-7	\$129.00
Obstruction to Public Way	10.04.020	12-20-130	\$74.00

CODE ENFORCEMENT			
Permit License Required	5.40.120	5.40.120	\$500.00
RV/ MH Park-License to Operate Required	5.52.160	5.52.160	\$529.00
Preventing Trash from Scattering (1 st Offense)	8.16.030	8.16.060	\$329.00
Preventing Trash from Scattering (2 nd Offense)	8.16.030	8.16.060	\$429.00
Tall Weeds	8.16.030	8.16.130	\$79.00
Posting Notice Prohibited	8.16.030	8.16.220	\$100.00
Hazardous Accumulations (1 st Offense)	9.04.090	9.04.080	\$329.00
Hazardous Accumulations (2 nd Offense)	9.04.090	9.04.080	\$500.00
Unlawful Refuse Disposal (1 st Offense)	9.20.220	9.20.150	\$250.00
Unlawful Refuse Disposal (2 nd Offense)	9.20.220	9.20.150	\$300.00
Junk Automobiles	9.20.220	9.20.160	\$100.00
Stop/Park of Trucks, Trailers, other Vehicles Prohibited in Certain Places (1 st Offense)	12.08.160	12.08.060	\$329.00
Stop/Park of Trucks, Trailers, other Vehicles Prohibited in Certain Places (2 nd Offense)	12.08.160	12.08.060	\$500.00
Use of Alleys for Car Maintenance Prohibited	12.08.160	12.08.090	\$229.00
Overhang or Dangerous Trees	12.16.070	12.16.030	\$74.00
Tampering with Utilities (1 st Offense)	13.12.111	13.12.111	\$329.00
Tampering with Utilities (2 nd Offense)	13.12.111	13.12.111	\$500.00
Dilapidated Building Abatement (1 st Offense)	15.16.060	15.16.020	\$329.00
Dilapidated Building Abatement (2 nd Offense)	15.16.060	15.16.020	\$500.00
Permit Required	17.08.190	17.08.070	\$500.00
Off Street Park/Commercial Vehicle (1 st Offense)	17.16.090	17.16.080	\$300.00
Off Street Park/Commercial Vehicle (2 nd Offense)	17.16.090	17.16.080	\$500.00
Off Street Parking (1 st Offense)	17.16.090	17.16.080	\$329.00
Off Street Parking (2 nd Offense)	17.16.090	17.16.080	\$500.00
ANIMAL ENFORCEMENT			
Animal Nuisance	6.04.060	6.04.020	\$329.00
Wild or Vicious Animal	6.04.060	6.04.040	\$300.00
Rabies Vaccination	6.08.310	6.08.010	\$74.00
FIRE DEPARTMENT			
Fire Prevention Code	2.44.360	2.44.220	\$300.00
Fire Alarms	2.44.360	2.44.270	\$300.00
Burning Not Permitted	8.16.030	8.16.020	\$300.00
Fireworks Times of Usage	8.20.200	8.20.050	\$300.00

Chapter 5.04

BUSINESS REGISTRATION AND LICENSE FEES

5.04.130 Violation - Penalty.

Any person who violates this chapter or fails to comply with any of its requirements may be subject to a penalty as listed in Title 4 Chapter 4.01. (Ord. 308 (part), 1981: prior code § 19-1-10)

Chapter 5.08

SALE OF ALCOHOLIC BEVERAGES

5.08.200 Violation - Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof may be punished by a fine as listed in Title 4 Chapter 4.01 or by imprisonment for a period of not more than ninety days, or both, and his license thereupon shall be revoked by the city commission. (Prior code § 9-2-13)

Chapter 5.40
CANNABIS REGULATION

5.40.120 Penalties.

The maximum penalty per violation may be as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule. Each day during the time in which a violation occurs may be deemed a separate violation. Nothing herein may prevent city of Lovington from seeking injunctive relief, if appropriate.

(Ord. 588 (part), 2022)

Chapter 5.52
RECREATIONAL VEHICLE/MANUFACTURED HOME PARKS

5.52.160 Violation - Penalty.

Anyone found guilty of violating the provisions of this chapter may be punished by fine as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule or imprisonment of up to ninety days, or by both such fine and imprisonment. (Ord. 531 (part), 2015; Prior code § 23-2-1)

TITLE 6 – ANIMALS

Chapter 6.04
GENERAL PROVISIONS

6.04.060 Violation - Penalties.

Any person violating any provision of this chapter may be deemed guilty of a misdemeanor and may be punished by a fine as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule. If any violation continues, each day's violation may be deemed a separate violation. (Ord. 336 (part), 1985: Ord. 332 (part), 1985: prior code § 10-3-46)

Chapter 6.08
DOGS

6.08.310 Violations - Penalties.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

TITLE 8 – HEALTH AND SAFETY

Chapter 8.16
GARBAGE, REFUSE, WEEDS, AND LITTER

8.16.030 Violation - Penalties.

Any person violating any of the provisions of this chapter may be deemed guilty of a misdemeanor and upon conviction thereof may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses. Each day such violation is committed, or each day the violation is permitted to continue may constitute a separate offense and may be punished as such. (Ord. 345, 1987: Ord. 342 (part), 1987: prior code § 4-5-31)

Chapter 8.20
FIREWORKS AND EXPLOSIVES

Article II. Fireworks in Periods of Drought

8.20.200 Violation – Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

Article III. Explosives.

8.20.210 Explosives.

No person shall bring into or keep within the city any nitroglycerine, dynamite or other high explosives, except by consent of the fire chief who may, in his or her discretion, require adequate bond to ensure the proper handling thereof.

(Ord. 573 (part), 2019; prior code § 7-1-28)

Chapter 8.28
NUISANCES

8.28.070 Violation - Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule or by imprisonment not to exceed ninety days or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such. (Ord. 353 (part), 1988; prior code § 4-5-107)

TITLE 9 – PUBLIC PEACE, MORALS, AND WELFARE

Chapter 9.04
OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

9.04.090 Violation - Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

Chapter 9.16
OFFENSES AGAINST PUBLIC PEACE

9.16.110 Violation - Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

Chapter 9.20
OFFENSES RELATING TO PROPERTY

9.20.220 Violation – Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

Chapter 9.28 WEAPONS

9.28.110 Violation – Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offenses.

TITLE 10 – VEHICLES AND TRAFFIC

Chapter 10.04 UNIFORM TRAFFIC CODE

10.04.010 Adoption.

The 2010 compilation of the New Mexico Uniform Traffic Ordinance, comprised of sections 12-1-1 through 12-13-6 inclusive, and all changes through July 2025, are herewith adopted by reference, pursuant to Section 3-17-6 NMSA, 1978.

(Ord. 574 (part), 2019; Ord. 563 (part), 2018; Ord. 556, 2017; Ord. 543, 2016; Ord. 539, 2015; Ord. 529, 2014; Ord. 518, 2013; Ord. 500, 2010; Ord. 362 § 1, 1990)

10.04.020 Penalty Assessments.

A. As used in the Uniform Traffic Ordinance, a penalty assessment program is hereby adopted. Penalties are listed in Title 4 Chapter 4.01 Penalty Assessment Schedule.

B. A "penalty assessment misdemeanor" means violation of any of the Uniform Traffic Ordinance for which, except as provided in subsection E of this section, the listed penalty assessment is established in Title 4 Chapter 4.01 Penalty Assessment Schedule.

C. The term "penalty assessment misdemeanor" does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person.

D. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction may exceed the penalty assessment established for the particular penalty assessment misdemeanor, and no probation imposed upon a suspended or deferred sentence shall exceed ninety days.

E. The penalty assessment for speeding in violation of Section 12-6-1.2(A)(4), regarding speeding in a construction or safety zone posted as a double fine zone, may be twice the penalty assessment for speeding for the equivalent miles per hour over the speed limit set out under the adopted penalty assessment program contained herein.

Removal of 10.04.020 F

(Ord. 574 (part), 2019; Ord. 563 (part), 2018)

TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapter 12.08

STREET AND SIDEWALK USE REGULATIONS

12.08.160 Violation - Penalty.

Any person violating the provisions of this chapter shall be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule for subsequent offences.

Chapter 12.16

STREET TREES AND SHRUBS

12.16.070 Violation - Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule.

TITLE 13 – PUBLIC SERVICES

Chapter 13.12

RATES, BILLING AND COLLECTION

13.12.111 Tampering with public utilities.

A. It shall be unlawful for any person to connect or attach or cause to be connected or attached, any kind of pipe, wire or other contrivance to any pipe, fire hydrant, line, wire or other conductor or appurtenance thereto, carrying gas, water, electricity, television signals, telephone signals or other conveyances provided by or belonging to a public utility (whether publicly or privately owned) in such a manner as to enable such person or other persons to receive, consume or use gas, water, electricity, television signals, telephone signals or other utility service without the same passing through a meter, without obtaining the proper permit, without paying the required fee or in any other manner so as to evade payment for such public utility service.

B. It also shall be unlawful for any person to damage, tamper with or destroy any pipe, line, wire, meter or any other part of any public utility, including cable television, water, gas, electricity and telephone and telegraph systems.

C. If any meter, pipe, line, wire, fixture or other installation or appurtenance thereto provided by a public utility primarily for the purpose of serving a particular account is found to have been tampered with or altered in violation of Subsection A of this section, the person or other customer whose name appears on the records of the public utility affected as the person or firm responsible for payment of such account shall be held prima facie responsible for such violation. In addition to a potential criminal charge for tampering with utilities, consumers and/or property owners shall be billed the actual cost for any repairs and/or replacement of damaged equipment and/or appurtenances and the costs thereof and all other charges, fees, penalties, interest, etc., owed on the account must be paid, in full, prior to any utility services being restored to any property. All delinquent charges assessed to a property must be paid in full prior to reinstatement of any utility services to a delinquent property.

D. Any act which, if uncorrected, would result in any utility customer being billed or charged by such utility for a lesser amount of utility service than actually furnished shall be deemed in violation of Subsection A hereof.

E. Conviction for violation of this section shall not affect the offender's civil liability for damages done to facilities or responsibility to pay for gas, water, electricity, television signals, telephone signals or other utility service used but not paid for.

F. Anyone convicted of a violation of this section 13.12.111 may be fined the Penalty Assessment Schedule listed in Title 4 or imprisoned for not more than ninety (90) days, or both.

(Ord. 553, 2017: Ord. 445 (part), 2003)

TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.04

UNIFORM BUILDING CODE

15.04.020 Violation - Penalty

Any person who fails to comply with such rules and regulations as set forth in the building code adopted by this chapter or who violates any of the provisions of such building code shall be guilty of a misdemeanor and may be punished by a fine as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule. (Prior code § 14-1-2)

Chapter 15.16

DANGEROUS BUILDINGS

15.16.060 Violations - Penalties

Fines for the first and second offense are listed in the Penalty Assessment Schedule listed in Title 4 Chapter 4.01.

TITLE 17 – CODE ENFORCEMENT

Chapter 17.08

ADMINISTRATION

17.08.190 Violation - Penalty.

A. Any person, firm or corporation violating any of the provisions of this title may be punished by a fine not to exceed as listed in Title 4 Chapter 4.01 Penalty Assessment Schedule or imprisonment in the county jail not to exceed ninety days, and each day's violation may be a separate offense.

B. In case any building or structure is erected, constructed reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this title, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. (Prior code § 11-3-14 (b))

Chapter 17.16

GENERAL USE REGULATIONS

17.16.090 Violation - Penalty

Unlawful parking commercial vehicles within any residential zone of the city are subject to fines listed in the Penalty Assessment Schedule listed in Title 4 Chapter 4.01.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 2026.

Mayor, Howard Roberts

ATTEST:

City Clerk, Shannon Lester