

ORDINANCE NO. 1150

**AN ORDINANCE AMENDING SECTION 10.99 (General Penalty) OF
THE TOWN OF SILVER CITY MUNICIPAL CODE**

Sponsored by: Councilor Simon Wheaton-Smith

WHEREAS, provisions of the Town’s Municipal Code of Ordinances are enforceable according to specific provisions within the various ordinances, or where none is indicated, by the provisions of Chapter 10, §10.99; and

WHEREAS, Chapter 10, §10.99 provides that in the absence of a lesser penalty, or where a specific penalty is provided for a particular offense, there shall be a fine of not more than \$500 or imprisonment for not more than 90 days; and

WHEREAS, there exists various ordinances of the Town which include “enabling legislation” granting authorization to the Town Manager or his designee to prescribe and promulgate rules and regulations which shall be in furtherance of the general purpose of those ordinances; and

WHEREAS, the aforesaid rules and regulations are subject to requirements of posting and/or other means designed to give fair notice to the public, and are subject to appeal to the Town Council; and

WHEREAS, the Charter of the Town of Silver City, the municipal code of ordinances of the Town, as well as certain provisions of New Mexico Statutes provide for municipalities to issue proclamations from time-to-time; and

WHEREAS, the Town Council of the Town of Silver City has determined that violations of lawfully promulgated rules, regulations and proclamations should be subject to the same penalty provisions as would be applicable to violations of the ordinance or authority from which they are derived; and

WHEREAS, the Town Council has determined that such enforcement of lawfully promulgated rules, regulations and proclamations would be beneficial for the health, safety and welfare of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

Chapter 10, §10.99 (General Penalty) be amended by adding a new subparagraph (D), which shall read:

(D) All rules and regulations issued by the Town Manager, or proclamations issued by the Town Council, pursuant to ordinances, Charter provisions, or New Mexico statutes, wherein the authority to issue such rules, regulations, or proclamations has been specifically authorized shall have the authority of the ordinance from which derived. A violation of such rule, regulation, or proclamation shall be subject to the provisions of Chapter 10 §10.99 unless the ordinance from which the rule, regulation, or proclamation is derived prescribes a different penalty.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 14th day of October, 2008.

(Seal)

TOWN OF SILVER CITY

/s/

James R. Marshall, Mayor

ATTEST:

/s/

Yolanda C. Holguin, Acting Town Clerk