



Luna County Roads Policy



SECTION 1.0: GENERAL PROVISIONS

1.1 Purpose. The purpose of this document, hereinafter referred to as the Roads Policy, is to establish policies and procedures for the orderly and consistent management and administration of the Luna County road network and to provide the Board of County Commissioners of Luna County (“BOCC”) a uniform process and system to ensure that fair and equitable treatment is exercised to provide county road services. The overall purpose of this document is to establish standards for design and construction of safe and durable roads for the benefit of all citizens of the County within the limitations of funding, manpower, and equipment available to the County. The Commission strives to maintain county roads to the best of its ability, given its limited resources.

1.2 Luna County is responsible for maintaining approximately 2000 miles of County owned roads, referred to as Maintained County Roads, with very limited resources. The County also owns a number of roads that are not regularly maintained, referred to as Unmaintained County Roads. Considering the number of miles and limited resources, the BOCC must prioritize its road network for maintenance. When deemed necessary, the BOCC may request that the State Transportation Commission furnish available equipment and machinery in the vicinity, along with the operators and personnel required to perform such work, pursuant to Section 67-4-4, NMSA 1978. In such a case, consideration from the County to the State Transportation Commission is limited to “the actual cost of the fuel, oil and wages of such operators and personnel involved in the work performed.”

1.3 Applicability. This document applies to all county roads located within the unincorporated areas of Luna County, New Mexico. This document also applies to the platting, design and maintenance of any road within a proposed subdivision, in conjunction with the requirements of the New Mexico Subdivision Act, Sections 47-6-1, et seq., NMSA 1978, and applicable Luna County Ordinances, including Rights of Way Ordinance No. 42, Subdivision Ordinances No. 30 and 56 and Zoning Regulations Ordinance No. 87.

1.4 Declaration of Luna County roads. All roads have been established as a Luna County Road pursuant to the laws of New Mexico by the following, and with acceptance by the Board of County Commissioners:

- 1.4.1** Petition and declaration by Luna County Commissioners as recorded in minutes of such proceedings.
- 1.4.2** Dedication to use and benefit of the public by filed plat if approved and adopted by the County Commission.
- 1.4.3** Deeded to Luna County from the landowner by Warranty Deed, Quit Claim Deed, or other legal deed.
- 1.4.4** Easement.
- 1.4.5** Prescriptive right.
- 1.4.6** Donation by owner.
- 1.4.7** Purchased by Luna County.
- 1.4.8** Power of eminent domain.
- 1.4.9** Other legal acquisition by Luna County.

1.5 In certain instances, roads within existing county subdivisions have been declared and dedicated to the use and benefit of the public, but have not been accepted for county maintenance and are not considered County or public roads. Nothing in this policy shall change or alter the status of those roads that currently exist but are not maintained by Luna County.

1.6 All roads declared to be and accepted as Luna County Roads, as described above, shall be recognized as such and shall be designated as Maintained County Roads and certified to the New Mexico Department of Transportation (“NMDOT”) or as Unmaintained County Roads with proper designations on the official Luna County maintained road map which is hereby and hereinafter declared a part of this policy. All other roads in Luna County shall be referred to as Other Than County Roads (OTC Roads).

1.7 Luna County maintained road map. Each year a new updated map will be prepared and submitted for approval to the BOCC.

SECTION 2.0: MAINTENANCE CLASSIFICATION

2.1 Maintained County Road. A Maintained County Road road is a road that has been accepted for county maintenance. Each such road is or will be assigned a number and/or a name. Maintenance on these roads may include routine maintenance, as defined below, pavement, asphalt, chip seal, grading, shredding, dust control, replacement of base course, installation and repair of drainage structures, snow removal, pothole repair, signage, resurfacing, weed control, mowing, and such other maintenance as may from time to time be determined. Routine maintenance typically consists of blading as well as repairing pot holes, patches, improvements, repair and maintenance of existing cattle guards and culverts as further detailed herein.

2.2 Snow Removal. As with road maintenance, the County’s ability to remove snow from Maintained County Roads is limited by available resources. The County has limited graders, plows and cinderling trucks. As a result, it is necessary to prioritize snow removal.

2.3 When snow depth is five (5) inches or greater on non-paved Maintained County Roads, and three (3) inches or greater on paved Maintained County Roads, the Road Department shall commence snow removal. Snow removal shall proceed in the following order, unless emergency situations dictate otherwise:

2.3.1 Those Maintained County Roads which are considered essential for emergency services, shall be the first priority for snow removal.

2.3.2 School Bus Routes. Section 22-16-10, NMSA 1978, authorizes the County to remove snow on any school route. School Bus Routes shall be the second priority for snow removal.

2.3.3 Thereafter, as time and equipment permit, the Road Department shall remove snow from non-essential Maintained County Roads in the order of priority established for routine maintenance. Specifically, after roads for essential emergency services and school routes are cleared, the Road Department shall begin clearing quarterly maintained roads.

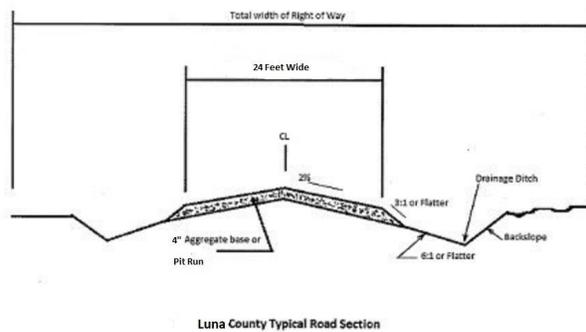
2.4 Treatment of School Bus Routes. School bus routes that are on private roads will not be maintained by the County. However, as noted above, the County is authorized by New Mexico law to remove snow from any school bus route, including private roads.

2.5 Classification. For internal scheduling purposes only, the County Road Department may classify county-maintained roads according to their road surface, i.e., dirt, caliche, chip-seal, pavement, asphalt.

2.6 Treatment of Private Roads. The County is required by law to work on County Roads and public highways and may not use county equipment or property for maintenance of private roads, driveways or roads within incorporated areas, unless specifically authorized by law.

SECTION 3.0: ROAD MAINTENANCE / ACCEPTANCE / SCHEDULING

3.1 Maintained County Roads Cross Section. A drawing of the cross-section of a typical county subdivision road is set forth herein and, all roads in proposed subdivisions, to be approved and accepted by the County, must meet the criteria shown. To the extent that this section is in variance to the Luna County Subdivision policy, this section shall prevail.



3.2 Maintenance Schedule. The County shall strive to conduct regular maintenance (grading and shaping) of a Maintained County Road each quarter. However, acts of God or other occurrences may alter or hinder the regular maintenance schedule. The County, at its discretion, reserves the right to initiate and implement the construction, development or quarterly maintenance of any Maintained County Road or any other road accepted by the County as a Maintained County Road at county expense whenever it is deemed appropriate and beneficial to the overall county road network and provided there are sufficient funds, manpower, and equipment to accomplish such work. The County will regularly maintain only roads that are designated Maintained County Roads at the date of adoption of this policy or that have been accepted by the BOCC in a publicly held commission meeting as set out hereafter.

3.3 Real Property Rights Required. Prior to acceptance of any road as Maintained County Road by the BOCC, real property rights must have been granted or dedicated to the County for all roads and rights-of-way. BOCC acceptance shall be every December at a publicly held commission meeting.

3.4 Minimum Right-of-Way Widths Required. A minimum right of-way width of at least sixty (60) feet shall be required for roads being submitted for acceptance as a Maintained County Road. The County, in its sole discretion, may require a different right-of-way width as deemed necessary for public health, welfare and safety. Nothing contained herein shall be construed as altering the requirements for roadway width in subdivisions approved prior to the institution of this policy and right of way widths for roads in approved subdivisions hereafter approved shall be as specified in applicable laws, regulations and ordinances. Nothing contained herein obligates the County to accept any road, including those in a subdivision, as a Maintained County Road.

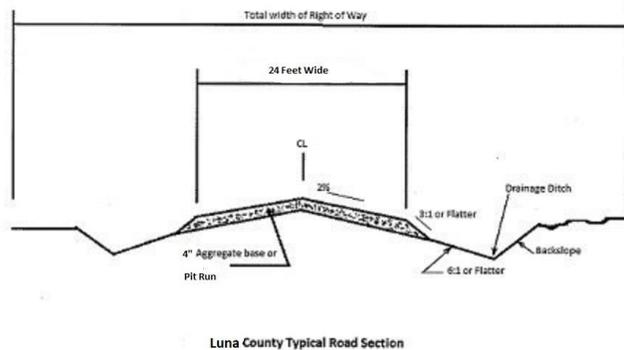
3.5 Minimum Road Construction. Unless a written variance, for cause, is granted by the County, all non-subdivision roads must meet the following conditions to be eligible for acceptance as a Maintained County Road:

- 3.5.1 The road shall have a minimum top measurement of twenty-four (24) feet.
- 3.5.2 The road sub-base shall be compacted to at least ninety-five percent (95%) compaction rate.
- 3.5.3 The road base shall consist of at least six (4) inches of NONSPEC. Base Course.
- 3.5.4 Each road shall have at least a Two percent (2%) crown.
- 3.5.5 For an existing chip sealed Maintained County Road, in addition to the above-referenced four requirements, each road shall meet the conditions as set forth by NMDOT.

3.6 Subdivision Roads. All subdivision roads must meet or exceed the following conditions to be eligible for acceptance as a Maintained County Road:

- 3.6.1 The road shall have a minimum top measurement of twenty feet (24).
- 3.6.2 The road sub-base shall be compacted to at least ninety-five percent (95%) compaction rate.
- 3.6.3 The road base shall consist of at least six (4) inches of NON-SPEC base course.
- 3.6.4 There must be at least sixty (60) feet of right of way available for drainage and road surfaces and shall be designated on the plat by the professional engineer retained by the subdivider of each subdivision.
- 3.6.5 For pre-existing subdivisions, the County shall have discretion regarding the width of the right of way.
- 3.6.6 Each road shall have at least a Two percent (2%) crown.
- 3.6.7 Each road must me all other applicable standards as set forth by NMDOT.

3.7 A drawing of the cross-section of a typical county subdivision road is set forth herein and, all roads, to be approved and accepted by the County, must meet the criteria shown.



SECTION 4.0: VACATION, ALTERATION OR ESTABLISHMENT

4.1 Vacating a County Road, maintained or unmaintained, shall be in accordance with Section 67-5-4, NMSA 1978, as implemented by the Luna County Road Department.

4.2 Alternation, acceptance or establishment of a County Road shall be by one of two methods, namely, by petition or by plat. The process for establishing a County Road by petition is governed by Section 67-5-5, NMSA 1978, as implemented by the Luna County Road Department. The process for establishing a County

Road road by plat is governed by the NM Subdivision Act, Sections 47-6-1, *et seq.*, NMSA 1978 and applicable Luna County ordinances and regulations.

4.3 Reclassification Standards. In considering a request to reclassify or add any road as a Maintained County Road, the road must be constructed to meet the minimum standards as set forth in this policy, or in the case of a subdivision road, the Luna County Subdivision Ordinance. A road shall not be reclassified or added as a Maintained County Road if maintenance is impossible, dangerous or unreasonably costly. Nor shall any road be reclassified or added as a County road if environmental problems exist.

4.4 Road Assessments. The County reserves the right to create a special assessment district to finance necessary road improvements. Any road improvements such as paving, drainage improvements, or other such improvements that are requested by the public that are not currently planned or budgeted by the county may also be financed by the creation of a special improvement district. Creation an assessment for maintenance or a special assessment district shall be subject to statutory requirements, including Sections 67-4-20 through 67-4-24, NMSA 1978, Sections 3-33-1 through 3-33-43, NMSA 1978 (as amended).

SECTION 5.0: ROUTINE ADMINISTRATION OF THE ROAD NETWORK

5.1 Report and Resolution Presentation. On an annual basis, the Road Department Director or his/her designee shall present a report to the BOCC in a publicly held Commission meeting for its consideration and approval that, on or before May 1 of each year, certifies to the Secretary of the New Mexico Department of Transportation the total mileage, names, route and, location of public roads maintained by Luna County, pursuant to Section 67-3-28.3, NMSA 1978. As part of the presentation, the Road Department Director or designee will report to the Commissioners the total miles of Maintained County Roads in the network, any additions and/or deletions and estimated maintenance cost of the network.

5.2 Also on an annual basis, the Road Department Director or his/her designee shall present a resolution to the BOCC for its consideration and approval which authorizes the submission of an application to the New Mexico Department of Transportation for assistance from the Local Government Road Fund to perform necessary repair of and construction of roads in Luna County, authorizing the expenditure of matching funds for categories of the Local Government Road Fund and recommend projects on which the funds may be used.

5.3 Establishing Speed Limits.

5.3.1 The speed limit on paved County maintained roads shall be 35 mph, unless otherwise posted.

5.3.2 Speed limits on roads in Luna County may be changed, modified or altered pursuant to statutory provisions set forth in Section 66-7-304, NMSA 1978.

5.4 Temporary Road Closures. Any road closure of five days or less for an emergency or temporary basis may be approved by the Road Department Director with ratification by the BOCC at its next Commission meeting. All road closures for more than five days in length must be approved by the BOCC. The Luna County Road Department shall use best efforts to maintain ingress and egress on all County Roads, during temporary road closures.

5.5 Acquisition of Water for County maintained road Maintenance. From time to time, it may be necessary for Luna County to obtain water from property owners/entities to use while making repairs and/or otherwise working on County Roads. When, at the discretion of the Road Department Director, it is not feasible to drive back to one of the County water access facilities and load the trucks with water, the Road

Department Director shall negotiate and enter into a contract with private property owners/water rights owners, for the acquisition of water in compliance with the Procurement Code and Luna County Procurement Policy.

SECTION 6.0 MANAGEMENT AND ADMINISTRATION OF ROAD NETWORK

6.1 General Provisions. Since there are limited funds available for road work each fiscal year, the County must carefully review the requirements and costs of manpower, equipment, and materials for road work currently being performed and the contractual or legal obligations requiring road work during the upcoming fiscal year before workable and practical decisions can be made in regard to additional requests for road work.

6.2 Obstructions and Injuries to Road. All persons and entities are prohibited from placing on any County Road a gate, fence, stone, timber, trees or any other obstruction and are further prohibited from damaging any County Road, including any culverts, cattle guards, signs, sign posts or bridges, except as allowed by law such as Section 67-7-10, NMSA 1978.

6.3 Any building, structure, vehicle, tree, plant or anything else that is situated, placed, left, installed or otherwise located within a Luna County maintained road easement or right-of-way can be removed, at any time, without notice, by the Luna County Road Department. Luna County shall not be required to reimburse any owner, property owner, resident or anyone else for damages, costs or expenses, or be liable in any other way, for the County's actions in removing any structure or item that is placed, left, constructed or is otherwise in Luna County maintained road easement or right of way.

6.4 Persons or entities wishing to place any item within a County road easement or right-of-way, such as a culvert, driveway or placing any item on a County Road, such as a cattle guard, or conducting an excavation, cross cut or other cut across a County Road must:

- 6.4.1** Request permission by submitting an Application, attached hereto and available at the Luna County Road Department;
- 6.4.2** Pay the \$50.00 Application fee;
- 6.4.3** Execute a Hold Harmless Agreement; and
- 6.4.4** If approved, pay the appropriate Installation Fee.

6.5 Application for Permission: Private parties or organizations shall not perform any type of construction or other activity such as, but not limited to, utility installation, or constructing a driveway/road intersection without first Applying for and securing authorization from the Luna County Road Department, thereafter complying fully with all provisions and standards set forth in the authorization.

6.6 Cattle Guards. Cattle guards may only be installed on a Maintained County Road by the Luna County Road Department or under the direct supervision of the Road Department Director or Designee after approval of an Application. The Application and Hold Harmless Agreement must be submitted and the administrative fee must be paid before the application will be presented to the Road Department Director for approval. Land owners are responsible for repairing any and all cattle guards that they have requested be installed. No repairs can be performed without County approval which, is to be obtained through the Road Department Director. Damaged or broken cattle guards present a hazard to the motoring public and, if the landowner fails to make said repairs, the Luna County Road Department will remove or repair said cattle guards and bill the owner of the property for the same. Any bill not paid is subject to a lien filed by the County for the work. The Luna County Road Department will be for cleaning out of cattle guards on County maintained roads as scheduled by the Road Department Director or authorizing private parties to do so.

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6.7 No cattle guards will be permitted on County maintained roads that do not meet the Luna County Road Department's minimum specifications. Maintenance of cattle guards on County Roads must first be authorized will be permitted unless first authorized (see Authorization Form) by the Road Department Director. All maintenance conducted by private parties must be fully inspected by the Luna County Road Department after completion.

6.8 Culverts. Culverts may only be installed on a County Road or within a Luna County road easement or right-of-way by the Luna County Road Department or under the direct supervision of the Road Department Director or Designee and approval of an Application. The Application and Hold Harmless Agreement must be submitted and the administrative fee must be paid before the application will be presented to the Road Department Director for approval. Luna County does not sell culverts, but the Luna County Road Department will install culverts or pipes that are on a County Road and have been approved by the Luna County Director or Designee. Current schedule fees govern the cost of installation.

6.9 Culverts will be provided by Luna County only on New Mexico Department of Transportation projects or designated County projects approved by the BOCC. Culverts shall have a minimum diameter of eighteen inches (18"). Once installed they become the property of the landowner and their responsibility. The landowners are responsible to maintain their culverts and, specifically, clean the culverts as and when necessary. All landowners must understand that weeds, debris, tumbleweeds and other matter collect in bar ditches at culverts. It is the landowners' responsibility to clean said culvert before they become clogged. If landowner fails to keep the culverts clean and the County is required to clean the culverts or remove debris from the culvert to allow water to flow in the ditch, then the County will invoice the landowner for the cost of the same. If the invoice is not paid, landowner will be subject to a lien filed by the County for the same.

6.10 Luna County bar ditches will be cleaned out by the Luna County Road Department. The County reserves the right to remove culverts if determined to be a hazard.

6.11 Luna County is not responsible for damage or removal of any non-permitted items placed in Luna County road easements, rights-of-way or on County Roads. The County may claim responsibility for damage to a permitted culvert caused entirely as a result of maintenance of a Maintained County Road by the Luna County Road Department. In such cases, Luna County will replace the culvert at no cost to the landowner. Any cost for repair of normal damage to the culvert will be the landowner's responsibility.

SECTION 7.0: AGREEMENT REQUIRED FOR EXCHANGE OF BENEFITS FOR ROAD WORK

7.1 County Work on Privately Owned Property. The County shall not perform work or perform any services on privately owned roads or property. No County equipment shall be used on private property unless approval by the County Manager and a Hold Harmless Agreement has been signed.

7.2 Excavating, Cross Cuts or Other Cuts on County maintained roads. No entity, third-party, governmental body, individual Franchisee, utility, whether public or private, or other entity shall do any excavating, cross cutting, digging, trenching or any other work on or across a County Road without first contacting the Road Department Director, completing and submitting the appropriate application, together with all application fees, to perform such work. In the event of an actual emergency, the Application may be approved by the concurrence of the Road Department Director and the Luna County Manager, but only after all of the appropriate paperwork has been approved and the application fees paid.

7.3 Work on County maintained roads by Private Parties. Private parties shall not perform any road construction work (such as plowing, disking, ripping, rebuilding, etc.) on Luna County Road easements, rights-of-way or roads except as may be specifically authorized by the Road Department Director and the BOCC. Private parties may enter into an agreement with Luna County to perform certain work and/or provide improvement on Maintained County Roads when such an agreement would be in the best interest of the citizens of Luna County and provide an improvement on an existing Maintained County Roads. No work shall be performed until and unless the landowner has completed and submitted an Application and appropriate fees to the Road Department Director. Only upon approval by the BOCC, shall said individual be authorized to work on County Roads or County Property.

7.4 Said form shall contain the following provisions:

7.4.1 Liability. The private party agrees to assume all liability and be responsible for any actions that may result from any injury or damage that may occur while road work is being performed by the private party and shall hold the County harmless from any claims for personal injury or property damage occurring during such road work.

7.4.2 Insurance. The private party shall be required to provide appropriate insurance coverage including bodily injury and property damage naming the County as an additional insured. Such liability and responsibility shall remain from the time that the work is commenced until it is completed and approved as acceptable by the Road Department Director. Nothing contained herein shall be construed as waiving any of the protections afforded the County pursuant to the New Mexico Tort Claims Act, Section 41-4-1 et. seq., NMSA 1978.

7.4.3 Transfer of Title. The private party agrees to transfer title to all improvements installed on the County road or property, such as material, cattle guards, culverts or other items, to Luna County after said items and property have been installed and accepted by the Road Department Director.

7.4.4 Notification of County. The private party agrees to notify the Road Department Director, prior to the start of the work, of the location of the proposed work, the type of proposed work, and the date that said work will start.

7.4.5 Minimum Standards. The private party agrees that any road work performed on County Roads shall meet the minimum standards to satisfy the County for such improvements.

7.5 It shall be the duty and responsibility of the Road Department Director to ensure that each agreement strictly complies with the provisions contained above and to inspect the work as it is ongoing to determine that the agreement is being fulfilled. No private party shall perform any work on any County Roads until a written agreement has been completed unless the Road Department Director or the County Manager, shall determine that an emergency situation exists requiring immediate action. In an emergency situation, the Road Department Director or County Manager may verbally authorize the work under the terms and conditions set forth in this section. A written agreement must be prepared within three (3) days of the verbal authorization and be signed by the Road Department Director and the County Manager and submitted to the BOCC for ratification at the next scheduled County Commission meeting.

7.6 Mowing of grass in right-of-way, pushing snow, etc. This is not included as “work on County Roads by private parties”. The prohibitions contained herein are meant to keep destructive acts from happening on County Roads and not to deter the general public from good faith efforts to clear County Roads of weeds, snow or etc.

7.7 Donations of Privately-Owned Materials. Nothing contained in this policy is intended to prohibit or in any way restrict the donation of road materials (caliche, gravel, water, etc.) to the County when such donation is free of charge and involves no expense to the County other than transporting the materials to the road site for use. The County specifically recognizes in this policy that the farmers and ranchers of Luna County have throughout the history of Luna County provided materials to the County for use in maintenance and

construction of roads, often at no charge to the County. Such donations by these citizens have proven to be an invaluable aid to the County in its attempts to construct and maintain a viable road system and is hereby specifically encouraged as a benefit to the citizens of Luna County in that it saves expenditures of funds and man hours. An agreement must be signed by the County and the landowner for the donation.

SECTION 8.0: MISCELLANEOUS PROVISIONS

8.1 Administrative Fees. In order to defray and/or offset a portion of the cost and/or expenses of the administration of private versus public construction and/or installation requests, the BOCC requires an application for permit and payment of an administrative fee. The administrative fee for this policy shall be established at \$50.00 per person, per application and can be changed, altered or amended by the BOCC as it deems fit.

8.2 Pavement, Gravel, Culverts, Weed Control, Traffic Signs/Pavement Striping and Street Lighting. The County may pave, gravel, install culverts, install cattle guards, perform weed control, install signs, stripe and install street lighting on any County Road, road easement or public right-of-way at its discretion. In addition, upon citizen request, the County may perform any of the above on a Maintained County Road if it is determined to be necessary and is in the best interest of the County. Any requested improvements will be prioritized based on need and will be contingent upon available funding, manpower and equipment.

8.3 Pavement. Currently paved roads will be maintained at the same level including asphalt patching and resurfacing when determined to be necessary by the County.

8.4 Gravel. Currently graveled roads will be maintained at the same level including routine quarterly blading and dust control when determined to be necessary by the County.

8.5 Blading. Under normal conditions, Luna County will not blade any back slopes from October 1 of any year through April 1 of the following year. Exceptions to this general policy may be allowed if the road is under construction or rebuilding is being done on said road.

8.6 With the approval of the Road Department Director, the front slopes or shoulder of Maintained County Roads will be bladed in order to establish water flow down the ditch. In areas where ditches are full of blow sand, again, Road Department Director may direct the cleaning of a ditch in order to reestablish a ditch line capable of keeping rain water off of the roadway. In sandy areas, any blading will only be done with adequate moisture to compact the material on the roadway.

8.7 Culverts. Culverts will be installed in such a manner as to align with the historic or established drainage. However, Luna County is not responsible for maintaining the drainage channel beyond the limits of the right-of-way or road easement. Only in the event it is determined that such maintenance of the drainage channel would directly benefit the County and the County has received permission and indemnification from the property owners would the County consider performing work.

8.8 Weed Control. The County may use herbicides and mowing as part of its weed management program. The use of herbicides and mowing on County road easements or rights-of-way will be at the discretion of the Road Department Director.

8.8.1 Herbicides may be used to inhibit or prevent weed, shrub and tree growth on Maintained County Roads, road easements and rights of-way. The County can, at the discretion of the Road Department Director, control noxious weeds on County and/or private property (with landowner's permission) if it is determined to be in the best interest of the County or should any noxious weed acts may be

enacted within this State. The County will attempt to perform this service at no charge to landowners, as well as provide reasonable notice to residents.

8.8.2 Mowing will be done on Maintained County Roads, road easements and rights-of-way when weed growth obstructs the visibility of traffic and/or pedestrian ingress and egress.

8.9 Traffic Signs/Pavement Striping. The placement of all traffic signs and pavement striping will be performed in compliance with the Manual on Uniform Traffic Control Devices (MUTCD). Materials shall be in accordance with requirements of ASTM standards, FHWA specification FP-96, and Federal Register Volume 48, No. 200, 10/14/83. Speed limits will be established based on State laws.

Luna County, NM

Ordinance 99

Ordinance: Process for Adoption of All Ordinances and Resolutions

Title 3: Administration Officers

Chapter 4: Process for Adoption of All Ordinances and Resolutions

Process for Adoption of All Ordinances and Resolutions

Whereas: The Luna County Code of Ordinances is frequently amended, corrected, revised, updated, and expanded. This Chapter is intended to formalize the procedure for adding any and all new language to the Luna County Code of Ordinance.

Whereas: Section 3-17-5A, NMSA 1978 provides a municipality must show proof of ordinance and the ordinance shall be kept in a book for that purpose and be authenticated by the signature of the presiding officer of the governing body and the municipal clerk and shall bear the seal of the municipality.

Whereas: Section 3-17-5C, NMSA 1978 If the ordinances and resolutions of the municipality are codified or codified and revised, it is not necessary to publish the entire codification or codification and revision. An ordinance, referring to the codification or codification and revision by title only and specifying one place in the municipality where the codification or codification and revision may be inspected during the normal and regular business hours of the municipal clerk, may be published instead of the codification or codification and revision.

Therefore: The Board of County Commission of Luna County establishes the designation of County Code Reviser and the compilation of ordinances and resolutions as the Luna County Code of Ordinances.

3.04.010 County Code Reviser

The Luna County Commission shall designate the County Code Reviser. The County Code Reviser shall compile the ordinances and resolutions and of the County into titles, chapters and sections without substantial change or alteration of purpose or intent.

3.04.020 Codification and revision of ordinances and resolutions

County Clerk _____ Date ___/___/___

Subject to such general policies as may be promulgated by the Board of County Commission of Luna County and to the general supervision of the Board of County Commission of Luna County, the reviser shall:

A. Codify for consolidation into the County Code all ordinances and resolutions of a general and permanent nature from and after the passage of this ordinance, resolved or adopted by the Board of County Commission of Luna County and assign permanent numbers to all new titles, chapters and sections so added to the code;

B. Edit and revise such ordinances and resolutions for such consolidation to the extent deemed necessary or desirable by the reviser and without changing the meaning of any such ordinance, in the following respects only:

1. Make capitalization uniform with that generally followed in the code,
2. Make chapter or section division and subdivision designations uniform with that followed in the code,
3. Substitute for the term "this ordinance," where necessary, the term "section," "article," "chapter," "title" or "code," or reference to specific section or chapter numbers, as the code may require,
4. Substitute for reference to a section of an ordinance the proper code section number reference,
5. Substitute for "as provided for in the preceding section" and other phrases of similar import the proper code section number references,
6. Substitute the proper calendar date for "effective date of this act" and other phrases of similar import,

7. Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures,
8. Rearrange the order of sections of ordinances and resolutions, incorporate any omitted material as well as correct manifest errors in spelling and manifest clerical or typographical errors or errors by way of additions or omissions,
9. Correct obvious and apparent errors that are not substantive in references by chapter or section number to other laws,
10. Correct obvious and apparent errors in numbering or renumbering sections of the code,
11. Divide long sections into two or more sections and rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the code when to do so will not change the meaning or effect of such sections,
12. Change the wording of the section captions, if any, and provide captions to new sections and chapters,
13. Strike provisions apparently obsolete;

C. Create new code titles, chapters and sections of the County code, or otherwise revise the title, chapter and sectional organization of the code, as may be required from time to time, to effectuate the orderly and logical arrangement of the code.

2.04.030 Omission of certain sections of ordinances and resolutions.

The reviser may omit from the code all titles to ordinances and resolutions, enacting and repealing clauses, preambles, declarations of emergency, and validity and construction

sections unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. The omission of validity or construction sections is not intended to, nor shall it change, or be considered as changing, the effect to be given thereto in construing ordinances of which such validity or construction were a part. Any section so omitted, other than repealing, emergency or validity provisions, shall be referred to or set forth as an annotation to the applicable sections of the ordinance as codified.

2.04.040 Code index.

The reviser shall compile and thereafter maintain a comprehensive index and from time to time prepare for publication supplements thereto.

2.04.050 Code tables.

The reviser shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession and repeal of the various sections of the code.

2.04.060 Inclusion of local rules of the Luna County Magistrate Court.

The reviser may provide for inclusion in the code of the local rules of the Luna County Magistrate Court.

2.04.070 Improvement of statutes.

A. The Code Reviser shall from time to time make written recommendations to the Board of County Commission of Luna County concerning deficiencies, conflicts or obsolete provisions in, and need for reorganization or revision of the ordinances and resolutions, and shall prepare for submission to the Board of County Commission of Luna County ordinances and resolutions for the correction or removal of such deficiencies, conflicts or obsolete provisions, or to otherwise improve the form or

County Clerk _____ Date ___ / ___ / ___

substance of any ordinance of the County as the public interest or the administration of the subject may require.

B. Such or similar projects may be undertaken at the request of the Board of County Commission of Luna County or other County agencies and departments if such undertaking will not impede the other functions of the reviser.

2.04.080 Ordinances and resolutions provided to the reviser.

All ordinances and resolutions submitted to the Board of County Commission of Luna County shall, in addition to any other requirements, contain:

- A. A title reflecting the subject matter of the ordinance;
- B. The date at which the ordinance shall become effective if passed;
- C. A final paragraph next below the Commission members' signatures reading as follows:

This ordinance/resolution has/has not been codified as Luna County Code of Ordinances on the ___ day of _____, 20____.

Immediately following this paragraph there shall be a signature line under which shall be the title "County Code Reviser."

2.04.090 Ordinances and Resolutions – Copies to be provided to the reviser.

The Board of County Commission of Luna County shall cause to be made two duplicate originals of all ordinances and resolutions passed. One of the two such duplicate originals shall be immediately forwarded to the code reviser and the second would be

recorded with the County Clerk of Luna County and subsequently forwarded to the County Code Reviser.

2.04.10 Specifications for code publication – Certificate of compliance.

A. The Code Reviser shall formulate specifications relative to the format, size, contents, indexing and general scope and character of footnotes and annotations, if any, for any publication for general use of the code and supplements. No such publication or the contents thereof, other than such temporary edition as may be authorized by the Board of County Commission of Luna County, shall be received as evidence of the ordinances and resolutions of this County unless it complies with the specifications of the Code Reviser as are current at the time of publication, including compliance with the section numbering adopted by the reviser. If a publication complies with such specifications, the Code Reviser shall furnish a Certificate of Compliance to the publisher.

B. Upon request of any publisher in good faith interested in publishing the code, the Code Reviser shall furnish a copy of the current specifications and shall not during the process of any bona fide publication of said code or supplement thereto modify any such specifications, if such modification would result in added expense or material inconvenience to the publisher, without written concurrence therein by such publisher.

2.04.11 Code deemed official if certified.

The County Code and any supplement or addition thereto or reprint edition thereof which contains the certificate of the Code Reviser referred will be deemed official and shall be prima facie evidence of the ordinances and resolutions contained therein.

2.04.12 Severability.

If any section, subsection, sentence, clause, phrase, portion or part of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction,

County Clerk _____ Date ___/___/___

such decision shall not affect the validity of the remaining portion of this code. The Board of County Commission of Luna County hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

APPROVED AND ADOPTED THIS _____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
LUNA COUNTY, STATE OF NEW MEXICO**

**Andrea Rodriguez, County Clerk
(Seal)**

**John Sweetser, Chairman
Commissioner, District 3**

**Barbara Reedy
Commissioner, District 1**

**Linda Smrkovsky
Commissioner, District 2**

This ordinance has/not been codified as Luna County Code of Ordinances on the ___ day of _____, 20__.

Interim Code Reviser

County Clerk _____ Date ___/___/___

Official name: Luna County Code of Ordinances, aka Code of Ordinances

This code is organized to make the laws of the county as accessible as possible to county officials, county employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; It is based on three tiers, beginning with Title, then Chapter, and ending with Section.

Title.

A title is a broad category under which ordinances on a related subject are compiled. The first title is Title 1, General Provision, which may contain ordinances about the general penalty, code adoption and definitions.

Chapter.

Articles deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

EXAMPLE: Title 1, Chapter 2, Section 3 or 1.02.030

Tables of Contents.

At the beginning of the code is the main table of contents listing each title.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the applicable underlying ordinances for that section.

