



VILLAGE OF CORRALES

ORDINANCE NO. 12-013

AN ORDINANCE AMENDING CHAPTER 24, SECTION 24-8 “CRIMINAL TRESPASS; PUBLIC PROPERTY” OF THE CODE OF ORDINANCES OF THE VILLAGE OF CORRALES, BEING SECTION 6(g)(2) OF ORDINANCE NO. 36, ADOPTED NOVEMBER 16, 1972; PROVIDING THAT CRIMINAL TRESPASS IS UNLAWFUL; DEFINING THE ELEMENTS OF CRIMINAL TRESPASS UPON PRIVATE LANDS AND LANDS OF THE VILLAGE OF CORRALES; PROVIDING FOR CIVIL DAMAGES FOR INJURY TO PROPERTY BY A TRESPASSER.

WHEREAS, the Village Council, the governing body of the Village of Corrales (“Governing Body”) finds that the maintenance of public order, safety and security require that the conditions constituting criminal trespass on private or public lands, including lands of the Village, should be clearly established by ordinance; and

WHEREAS, Section 24-8 of the Village’s Code of Ordinances (the “Village Code”) has not been amended since its original adoption in 1972; and

WHEREAS, since 1972 there have been changes in New Mexico statutes governing trespass and criminal trespass, including but not limited to Section 30-14-1, NMSA 1978; and

WHEREAS, to ensure clarity and consistency with the New Mexico statutes, the Governing Body finds that Section 24-8 of the Village Code should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that Chapter 24, Section 24-8 “Criminal Trespass; Public Property” of the Code of Ordinances of the Village, being Section 6(g)(2) of Ordinance No. 36, adopted November 16, 1972, shall be amended to read, in its entirety, as follows:

Section 24-8. Criminal trespass; public property

(a) Criminal trespass consists of knowingly entering or remaining upon posted private property without possessing written permission from the owner or person in control of that property.

(b) Criminal trespass also consists of knowingly entering or remaining upon the unposted lands of another knowing that consent so to enter or remain is denied or withdrawn by the owner, occupant, or person in control thereof. Notice of no consent to enter shall be deemed sufficient notice to the public and evidence to the courts, by the posting of the property at all vehicular access entry ways.

(c) Criminal trespass also consists of knowingly entering or remaining upon lands owned, operated or controlled by the Village knowing or having been informed that consent so to enter or remain is denied or withdrawn by the custodian thereof.

(d) Whoever commits criminal trespass on any lands in the Village is guilty of a misdemeanor.

(e) Any person who enters upon the lands of another without prior permission and injures, damages or destroys any part of the realty or its improvements, including buildings, structures, trees, shrubs or other natural features, is guilty of a misdemeanor and shall be liable to the owner, lessee or person in lawful possession for civil damages in an amount equal to double the value of the damage to the property injured or destroyed.

(f) It shall be unlawful for any person other than the owner, lessee or person in lawful possession of the posted land to remove, tamper with or destroy any "no trespass" sign or similar sign notifying that land has been posted in accordance with law.

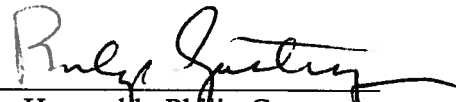
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

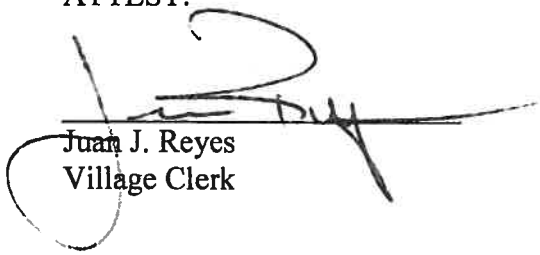
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 11th day of September, 2012.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk