

961831L

P. 3569-
3570

TORRANCE COUNTY ORDINANCE # 96-5

Divisions of land within Torrance County; defining the divisions of land controlled hereby; providing a penalty, severability and effective date and declaring an emergency.

WHEREAS: the Torrance County Board of Commissioners are subject to the provisions of House Bill 1006, as signed into law by Governor Johnson, and effective as of July 1, 1996; and

WHEREAS: House Bill 1006 amends the New Mexico Subdivision Act in many of its major requirements, to wit:

By defining "subdivision" to include almost all divisions of land;
By eliminating certain exceptions to what constitutes a "subdivision" and adding or expanding other exceptions; By requiring the county to adopt regulations regarding additional items of critical concern, such as water availability and protections for cultural sites; And, by adding new remedies for violations of the Act and stiffening existing penalties.

WHEREAS: current Torrance County Subdivision Regulations are based upon provisions of the New Mexico Subdivision Act no longer in effect and cannot be used to review land divisions submitted for approval after June 30, 1996; and

WHEREAS: the continued processing of land divisions under current Subdivision Regulations will subject the county to severe sanctions for violation of state law and poses an immediate danger to the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Torrance County Board of Commissioners as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be referred to as the Land Division Moratorium Ordinance of the County of Torrance, New Mexico.

SECTION 2. DEFINITION

For the purposes of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings given below: "land division" shall mean the division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance; or for building development, whether immediate or future.

SECTION 3. AFFECTED AREA

All land within Torrance County.

SECTION 4. ACTIVITY PROHIBITED

Any division of land as herein defined is prohibited for the time proscribed in Section 5 hereof.

STATE OF NEW MEXICO
County of Torrance
I hereby certify that this instrument was
filed for record on the 19 day
August A.D. 19 96
at 4:32 o'clock P M and duly
recorded in book 274 at page 359
Witness my hand and Seal of office
Charla Clayton
County Clerk, Torrance Co. N.M.
[Signature] Deputy

SECTION 5. TIME LIMIT

This Ordinance shall be effective until the adoption of Amended County Subdivision Regulations but in no event beyond June 30, 1997.

SECTION 6. CONFLICT

Definitions of land division and subdivision herein shall control and prevail over any different definition contained in the Subdivision Regulations of Torrance County.

SECTION 7. PENALTIES

Persons violating this Ordinance shall, upon conviction, be subject to the penalties of a petty misdemeanor as the same are set forth in Section 4-37-3 NMSA 1978 as it now exists or may hereafter be amended. Each day that any prohibited land division exists shall be considered a separate violation of this Ordinance.

SECTION 8. SEVERABILITY

If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of this Ordinance is, for any reason, held to be unconstitutional, invalid or void, the remaining portions shall not be affected since it is the express such article, section, subsection, paragraph, sentence, clause, phrase or provision and every part thereof separately and independently from every other part.

SECTION 9. RECORDING

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the County Clerk.

SECTION 10. EFFECTIVE DATE

The Ordinance shall apply retroactively from July 1, 1996, by virtue of the declaration of emergency contained herein.

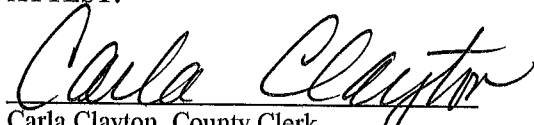
**BOARD OF COUNTY COMMISSIONERS
OF TORRANCE COUNTY**


Bill Williams, Chairman


Roy Spencer, Member


Rodger Rayner, Member

ATTEST:


Carla Clayton, County Clerk

