

VILLAGE OF ANGEL FIRE

Angel Fire NM 87710

(575) 377-3232

PUBLIC NOTICE

Council Meeting

Tuesday September 11th, 2012 at 5:30pm at Village Hall

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Consent Agenda

1. Approval of August 14th Regular Council Meeting Minutes

Requests and Responses from the Audience (Limited to 3 minutes)

Announcements and Proclamations

Reports

1. Governing Body Report

2. Administrators Report

3. Staff Report

Business

1) Old Business

A. Discussion / Approval of an Ordinance Amending the Uniform Traffic Ordinance (UTO) Second Reading (2nd) (Public Hearing)

B. Discussion / Approval of an Ordinance Granting a Zone Change From R-2 Medium Density Residential to HC Heavy Commercial on a Portion of Lot 179 of the Moreno Valley 3rd Land Subdivision Second Reading (2nd) (Public hearing)

C. Discussion/Approval of changes to the Village Code for Fees for Petty Misdemeanors. Second Reading (2nd) (Public Hearing)

2) New Business

A. Discussion / Approval of the 2014-2018 Infrastructure Capital Improvement Plan (ICIP)

Terry Cordova, Village Clerk

Barbara Cottam, Mayor

Post: 9/6/2012

THE PUBLIC IS INVITED TO ATTEND

Next Regular Council meeting will be: September 25th, 2012

Subject to Change Until: Monday September 10th, 2012 at 5:30pm

AGENDA MAY BE PICKED UP AT THE VILLAGE HALL

3388 MOUNTAIN VIEW BLVD., ANGEL FIRE, NM 87710

AGENDA MAY ALSO BE VIEWED AT OUR WEBSITE: ANGELFIRENM.GOV

IF YOU ARE AN INDIVIDUAL WHO IS IN NEED OF ANY AUXILIARY AID OR SERVICE TO ATTEND THE MEETING ,PLEASE CONTACT THE VILLAGE CLERKS OFFICE 48 HOURS PRIOR TO THE MEETING .

COUNCIL AGENDA ITEM
STAFF RECOMMENDATION

MEETING DATE: September 11th, 2012

TO: Mayor / Council and Village Administrator

FROM: Terry Cordova

SUBJECT: Approval of Second (2) Reading of Ordinance Amending the Uniform Traffic Ordinance (UTO (Public Reading)

Background/Facts :During this years Legislative session there was a change to the Uniform Traffic Ordinance . The only change was to remove one part in Sec. 12-8-5(c) . This item makes the UTO conform to state statue .

Alternatives: N/A

1) **Financial Impact and Review:**

Financial Impact: Some printing and publishing costs.

Budgeted Item: yes no: **X**

Funding Source: General Fund

Finance Department Comments and Review:

Finance Directors Signature

2) **Attached Documents:** Letter from NMML and amendment

3) **Staff's Recommended Motion:** Motion and Second to approve the second reading of the proposed ordinance amending the Uniform Traffic Code

4) **Village Administrator Recommendation:**

Approval: _____ **Disapproval:** _____ **other:** _____

Signature: _____



P.O. Box 846 • Santa Fe, New Mexico 87504-0846
Phone (505) 982-5573 • 1-800-432-2036
FAX No. 1-505-984-1392
www.nmml.org

Date: April 10, 2012
To: Municipal Clerks
From: Randy Van Vleck, General Counsel
Roger Makin, Communications Coordinator
Subject: Amendment to the Uniform Traffic Ordinance (UTO)

Attached you will find a single amendment to the Uniform Traffic Ordinance. We have included the description of the change in legislative style and provided you with replacement pages for the 2010 Compilation of the Uniform Traffic Ordinance. Please disregard this memo if your municipality has not adopted the UTO.

The only change this year is to remove one part in Sec 12-8-5 (C) pertaining to bicyclists using a dedicated bike lane. That had been removed several years ago by the legislature. This makes the UTO conform to state statute. There are no amendments to the UTO from the 2012 legislative session.

Remove pages:

2011 Cover Page
2011 Introduction page
VIII -1 & 2

Replace with new pages:

2012 Cover Page
2012 Introduction page
new VIII-1 & 2

We are sending this change to the Municipal Clerk in order for you to put the adoption procedure in process. **Please remember: this amendment must be adopted by ordinance since the UTO has been adopted as an ordinance. This means your municipal governing body will have to adopt the change as it would adopt any other ordinance. This requires publishing or posting at least two weeks prior to adoption of the proposed change to your UTO.**

If you have any questions, please do not hesitate to contact us here at the League. Thanks for your cooperation.

2012 Uniform Traffic Ordinance (UTO) Amendment

[—] = delete

 = addition

12-8-5 RIDING ON STREETS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a street shall ride as near to the right side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. (66-3-705 NMSA 1978) It shall not be considered practicable to ride as near to the right side of the street under the following circumstances:

- (1) when overtaking and passing another bicycle or vehicle proceeding in the same direction;
- (2) when preparing for a left turn at an intersection or into a private road or roadway;
- (3) when reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane;
- (4) when operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.(*).

B. Persons riding bicycles upon a street shall not ride more than two abreast except on paths or parts of streets set aside for the exclusive use of bicycles. (66-3-705 NMSA 1978)

~~[C. Whenever a usable path for bicycles has been provided adjacent to a street, bicycle riders shall use such path and shall not use the street.]~~

COUNCIL AGENDA ITEM

STAFF RECOMMENDATION

MEETING DATE: 11 September 2012

TO: Mayor / Council and Village Administrator

FROM: Mark Rivera

SUBJECT: Z-01-12, A zone change request from R-2 to HC; **SECOND READING**

Background/Facts: Mr. Robert Sena, owner of SS Rocks Y Mass is requesting a zone change on a portion of Lot 179 of the 3rd Moreno Valley Subdivision from R-2 Medium Density Residential to HC Heavy Commercial. The lot is approximately 3 acres and is located east of the High School on the north side of Camino Grande.

This section of Camino Grande is not improved and is not maintained by the Village. The closest utilities are at the High School.

This is an appropriate area for the HC designation. Mr. Serna's application does not indicate what the future plans are for the property. If it is used in association with his existing business, the HC district does allow exterior storage of goods and materials, and requires said storage be screened from adjacent rights-of-way with a solid 8 ft. fence.

In the case of a rezoning, the P&Z Commission found the request justifiable and that the impact of the zone change to surrounding properties will be minimal, and sends a positive recommendation to the Council.

Alternatives:

Approve the Ordinance

Deny the Ordinance

Modify the Ordinance

1) **Financial Impact and Review:**

Financial Impact: N/A

Budgeted Item: yes: ____ no: X Funding Source: _____

Finance Department Comments and Review: _____

Finance Directors Signature

2) **Attached Documents:**

Ordinance

Zone Change Application

Vicinity Map

Zoning Map
HC Provisions

3) **Staff's Recommended Motion:** Motion and Second

4) **Village Administrator Recommendation:**

Approval: _____ Disapproval: _____ other: _____

Signature: _____
Tomas Benavidez, Village Administrator

ORDINANCE NO

**AN ORDINANCE GRANTING A ZONE CHANGE
FROM R-2 MEDIUM DENSITY RESIDENTIAL
TO HC HEAVY COMMERCIAL
ON A PORTION OF LOT 179 OF
THE MORENO VALLEY 3RD LAND SUBDIVISION**

WHEREAS Mr. Robert Serna, owner of SS Rocks Y Mas is requesting a zone change from R-2 Medium Density Residential to HC Heavy Commercial for a three acre of land generally located north of Camino Grande near the east Village limit boundary in the northeast corner of lot 179 of the Moreno Valley 3rd Land Subdivision; and

WHEREAS Mr. Serna wishes to store materials related to his landscaping business; and

WHEREAS the Planning & Zoning Commission has reviewed this request and found the request justifiable and with minimal impact to surrounding properties; and

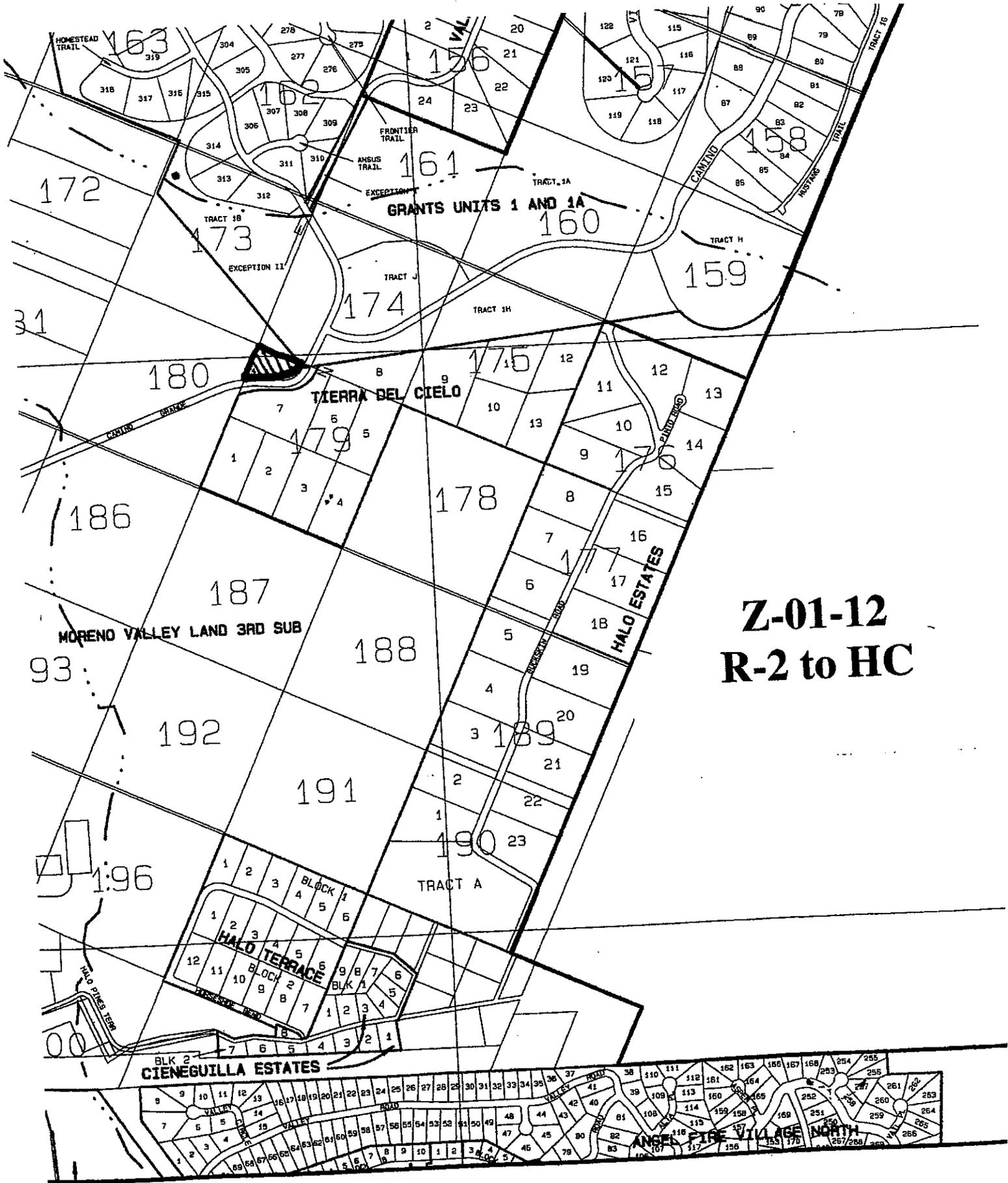
WHEREAS all materials stored on this property will comply with the Heavy Commercial storage provisions.

NOW THEREFORE BE IT ORDAINED by the Angel Fire Village Council that a zone change is granted for a portion of Lot 179 of the Moreno Valley 3rd Land Subdivision from R-2 to HC and will be shown on the official Zoning Map.

PASSED, APPROVED AND ADOPTED this 11th Day of September, 2012

Mayor Barbara Cottam

Attest: _____
Terry Cordova, Village Clerk



**Z-01-12
R-2 to HC**

GRANTS UNITS 1 AND 1A

TIERRA DEL CIELO

HALO ESTATES

CIENEGUILLA ESTATES

ANGEL FIRE VILLAGE NORTH

MORENO VALLEY LAND 3RD SUB

TRACT 1B

TRACT 1A

TRACT H

TRACT 1H

TRACT A

EXCEPTION 11

EXCEPTION 12

COSTON GRACE

CANTINO TRAIL

RUSTLING TRAIL

BLK 2

BLK 1

BLK 2

BLK 3

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CHAPTER 11

COMMERCIAL DISTRICTS

ARTICLE D. HC HEAVY COMMERCIAL ZONE

SECTION:

- 9-11D-1: Purpose
- 9-11D-2: Permitted Uses
- 9-11D-3: Conditional Uses
- 9-11D-4: Development Standards
- 9-11D-5: Architectural Standards

9-11D-1: **PURPOSE:** The purpose for which the HC district is created is to ensure that the village can readily accommodate land uses associated with fabrication, assembly, construction oriented businesses and support services that are necessary to complement and expand the economy of the village and in a manner consistent with the resort character of the village. Other retail sales, commodities, and professional services not listed below are prohibited land uses within this district. (Ord. 2010-04, 5-4-2010)

9-11D-2: **PERMITTED USES:**

Assembly and bottling plants, provided yard area is screened from adjacent properties with a solid fence construction a minimum of eight feet (8') high.

Automobile, boat, motorcycle and recreational vehicle sales and service.

Contractors' offices, shops, and yards.

Exterior storage of goods and materials provided said goods and materials are screened from adjacent properties and all adjacent rights of way with a solid fence construction a minimum of eight feet (8') high.

Feed, grain and related sales and storage.

Firewood sale, splitting and storage, provided yard area is screened from adjacent properties with a solid fence construction a minimum of six feet (6') high.

Freight houses and truck terminals.

Fuel storage facilities.

Heavy equipment sales or service or repair, provided yard area is screened from adjacent properties with a solid fence construction a minimum of eight feet (8') high.

Metal work and machine shops, provided yard area is screened from adjacent properties with a solid fence construction a minimum of eight feet (8') high.

Warehousing, storage, distribution of bulk goods.

Welding shops for repair of vehicles and equipment, provided yard area is screened from adjacent properties with a solid fence construction a minimum of six feet (6') high.

Workforce apartments integrated within the commercial structure provided said dwellings do not occupy more than twenty percent (20%) of the total floor area. (Ord. 2010-04, 5-4-2010)

9-11D-3: CONDITIONAL USES:

Any permitted use found to create one or more of the following hazards shall require a conditional use permit: unusual traffic hazard, noise, dust, fumes, odor, smoke, vapor, vibration, glare, or industrial waste disposal problems.

Auto body and paint shop, provided all structures are one hundred feet (100') away from any adjacent residential district boundary.

Kennels, commercial.

Recycling collection and separating and storage facilities.

Stables, commercial.

Wireless telecommunication towers, see section 9-11B-3 of this chapter.

Wrecker service. (Ord. 2010-04, 5-4-2010)

9-11D-4: DEVELOPMENT STANDARDS:

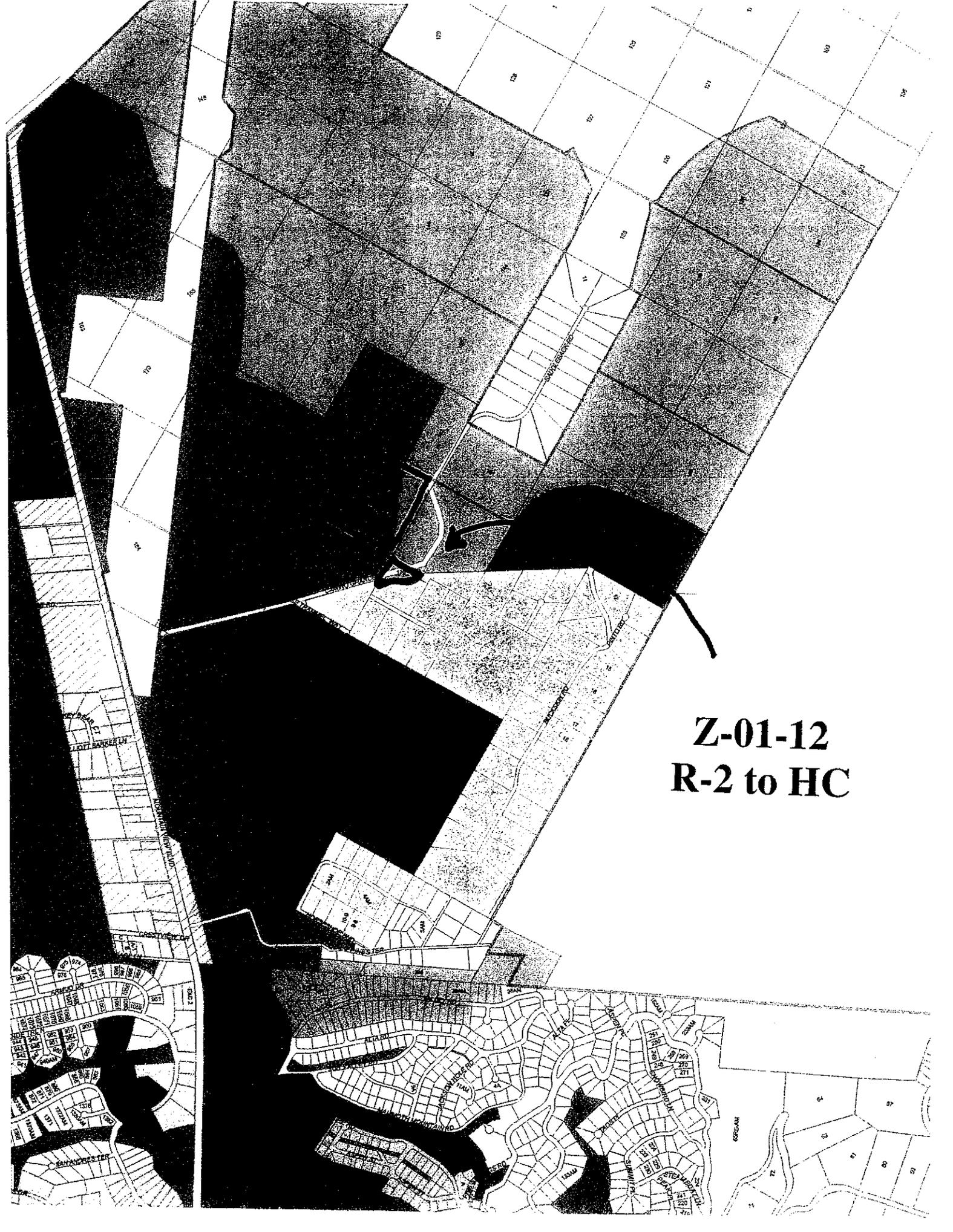
- A. Minimum Lot Area: Ten thousand (10,000) square feet. Lots that were legally platted into sizes less than ten thousand (10,000) square feet before December 31, 1999, are considered developable, nonconforming lots.
- B. Minimum Lot Frontage: One hundred feet (100'); forty feet (40') on a cul-de-sac.
- C. Minimum Setbacks:
 - 1. Minimum front setback: Twenty feet (20') from any road frontage.
 - 2. Minimum side setback: Twenty feet (20').
 - 3. Minimum rear setback: Twenty feet (20').
- D. Maximum Building Height: Thirty five feet (35').
- E. Minimum Off Street Parking Requirements:
 - 1. One space per four hundred (400) square feet of interior office/retail/display space; and
 - 2. One space per one thousand (1,000) square feet of heated shop/plant space or one space per employee on the shift with the maximum number of employees; whichever is greater. (Ord. 2010-04, 5-4-2010)

9-11D-5: ARCHITECTURAL STANDARDS: Generally accepted architectural styles shall be compatible with Angel Fire alpine environment and may include alpine mountain style and pueblo/Spanish revival style or a combination of these two.

- A. Use Of Metal Buildings: Metal siding is permitted on all sides that do not face a public right of way, provided the total square footage of the building does not exceed five thousand (5,000) square feet. Permitted colors are limited to nonreflective shades of green and brown. All other colors or buildings larger than five thousand (5,000) square feet will require a conditional use permit as defined in

chapter 5 of this title. In either case of permitted or CUP application, a physical sample of the siding must be submitted with the building permit application or the CUP application.

- B. **Roofline:** A minimum one to twelve (1:12) pitch and a minimum six inch (6") overhang are required unless parapet walls are utilized in the design. For roof materials, see subsection 9-7-11E of this title.
- C. **Building Service Areas:** Areas for loading and unloading, trash collection and disposal, and utility services must be located away from and screened from view from all public rights of way. (Ord. 2010-04, 5-4-2010)



Z-01-12
R-2 to HC

COUNCIL AGENDA ITEM
STAFF RECOMMENDATION

MEETING DATE: September 11th, 2012

TO: Mayor / Council and Village Administrator

FROM: Warren Morey

SUBJECT: Proposed changes to Village Code Second (2) Reading (Public Reading)

Background/Facts : The New Mexico Forty-Seventh Legislature, Second Regular Session, 2006 revised State Law by increasing the amounts of certain crimes classified as Petty Misdemeanors from \$100 to \$250. The proposed changes to Village Code is simply in keeping with State Law.

Alternatives: N/A

1) **Financial Impact and Review:**

Financial Impact: Some printing and publishing costs.

Budgeted Item: yes no: **X**

Funding Source: General Fund

Finance Department Comments and Review:

Finance Directors Signature

2) **Attached Documents:** Copy of proposed changes to Village Code with changes shown in bold print.

3) **Staff's Recommended Motion:**

4) **Village Administrator Recommendation:**

Approval: _____ **Disapproval:** _____ **other:** _____

Signature: _____

Recommended changes to the Village Code of the Village of Angel Fire.

The proposed changes to our Village Code, shown below, reflect corresponding changes in State Law enacted through the Forty-Seventh Legislature, Second Regular Session, 2006, which raised the dollar amounts of certain crimes classified as Petty Misdemeanors from \$100 to \$250. References to State Law are shown in brackets, but are not a part of Village Code. The changes from our current Village Code prose are indicated in bold print.

5-2C-2: ARSON AND NEGLIGENT ARSON:

[reference: 30-17-5 NMSA 1978]

"Arson" consists of maliciously or willfully starting a fire or causing an explosion with the purpose of destroying or damaging any building, occupied structure or property of another, or bridge, utility line, fence or sign; or with the purpose of destroying or damaging any property, whether the person's own or another's, to collect insurance for such loss. Whoever commits arson or negligent arson when the value of the thing destroyed or damaged is **two hundred fifty dollars (\$250.00)** or less is guilty of a violation of this chapter. (Ord. 1992-02, 6-22-1992)

5-2C-4: PETTY LARCENY; SHOPLIFTING:

[reference: 30-16-19 NMSA 1978 and 30-16-20 NMSA 1978]

A. Definitions:

MERCHANDISE: Chattels of any type or description of the value of **two hundred fifty dollars (\$250.00)** or less offered for sale in or about the store.

MERCHANT: Any owner or proprietor of any store or any agent, servant, or employee of the owner or proprietor.

STORE: A place where merchandise is sold or offered to the public for sale at retail.

B. Petty Larceny: "Petty larceny" consists of the stealing of anything of value of **two hundred fifty dollars (\$250.00)** or less which belongs to another.

C. Shoplifting: "Shoplifting" consists of any one or combination of the following acts:

1. Willfully taking possession of any merchandise with the intention of converting it without paying for it.
2. Willfully concealing any merchandise with the intention of converting it without paying for it.
3. Willfully altering any label, price tag, or marking upon any merchandise with the intention of depriving the merchant of all or some part of value of it.
4. Willfully transferring any merchandise from the container in or on which it is displayed to any other container with the intention of depriving the merchant of all or some part of the value of it.

D. Presumption Created: Any person who willfully conceals merchandise on his person or on the person of another or among his belongings or the belongings of another or on or outside the premises of the store shall be prima facie presumed to have concealed the merchandise with the intention of converting it without paying for it. If any merchandise is found concealed upon any person or among his belongings, it shall be prima facie evidence of willful concealment.

E. Reasonable Detention; Arrests:

1. If any police officer, special officer, or merchant has probable cause for believing that a person has willfully taken possession of any merchandise with the intention of converting it without paying for it, or has willfully concealed merchandise and that he can recover the merchandise by detaining the person or taking him into custody, the police officer, special officer, or merchant may, for the purpose of attempting to effect a recovery of the

merchandise, take a person into custody and detain him in a reasonable manner for a reasonable time.

2. Any police officer may arrest without warrant any person he has probable cause for believing has committed the crime of shoplifting. (Ord. 1992-02, 6-22-1992)

5-2C-5: FRAUD:

[reference: 30-16-6 NMSA 1978]

"Fraud" consists of the intentional misappropriation or taking of anything of value of **two hundred fifty dollars (\$250.00)** or less which belongs to another by means of fraudulent conduct, practices, or representations. (Ord. 1992-02, 6-22-1992)

5-2C-6: EMBEZZLEMENT:

[reference: 30-16-8 NMSA 1978]

"Embezzlement" consists of the embezzling or converting by a person to his own use, anything of value of **two hundred fifty dollars (\$250.00)** or less, with which he has been entrusted, with fraudulent intent to deprive the owner thereof. (Ord. 1992-02, 6-22-1992)

5-2C-8: THEFT OF CREDIT CARD:

[reference: 30-16- 25 NMSA 1978 and 30-16-33 NMSA 1978]

- A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

ANYTHING OF VALUE: Includes money, goods, and services.

CARDHOLDER: The person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by any issuer.

CREDIT CARD: Any instrument or device whether known as

a credit card, credit plate, charge card, or by other name issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything of value, either on credit or in consideration of an undertaking or guarantee by the issuer of the payment of a check drawn by the cardholder.

EXPIRED CREDIT CARD: A credit card which shows on its face that it is outdated.

INCOMPLETE CREDIT CARD: A credit card upon which a part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder, has not been stamped, embossed, imprinted, or written on.

ISSUER: The business organization or financial institution or its duly authorized agent which issues a credit card.

MERCHANT: Every person who is authorized by an issuer or a participating party to furnish money, goods, services, or anything of value upon presentation of a credit card by the cardholder.

PARTICIPATING PARTY: A business organization or financial institution other than the issuer which acquires for value a sales slip or agreement.

REVOKED CREDIT CARD: A credit card for which permission to use has been suspended or terminated by the issuer and notice thereof has been given to the cardholder.

SALES SLIP OR AGREEMENT: Any writing evidencing a credit card transaction. (Ord. 1992-02, 6-22-1992; amd. 2003 Code)

B. Committing Theft Of A Credit Card: Theft of a credit card is committed when:

1. Any person other than the issuer receives or possesses a credit card that he knows or has reason to know to have been stolen, lost, mislaid, or delivered under a mistake as to the identity or

address of the cardholder, and who retains possession thereof with the intent to use it or sell it or to transfer it to a person other than the issuer or cardholder; or

2. Any person receives money, goods, or services, or anything else of a value of **two hundred fifty dollars (\$250.00)** or less obtained by another person through the use of a credit card possessed in violation of this section, and who knows or has reason to believe that it was so obtained.

C. Value of Credit Cards; Prosecutions: For the purpose of this chapter, every credit card, whether valid, expired, incomplete, or revoked, is presumed to have value, and proof of said value is not necessary in any prosecution hereunder. (Ord. 1992-02, 6-22-1992)

5-2C-9: FALSELY OBTAINING SERVICES OR ACCOMMODATIONS: 📄

[30-16-16 NMSA 1978]

"Falsely obtaining services or accommodations" consists of any person obtaining any service, petroleum product, food, entertainment or accommodations of a value of **two hundred fifty dollars (\$250.00)** or less without paying therefor, and with intent to cheat the owner or person supplying such service, petroleum product, food, entertainment or accommodations. (Ord. 1992-02, 6-22-1992)

5-2C-10: RECEIVING STOLEN PROPERTY: 📄

[reference: 30-16-11 NMSA 1978]

A. Definitions:

DEALER: A person in the business of buying or selling goods or commercial merchandise.

RECEIVING STOLEN PROPERTY: The intentional receiving, retaining, or disposing of stolen property knowing that it has been stolen, unless the property is received, retained or disposed of with intent to restore it to the rightful owner.

B. Requisite Knowledge: The requisite knowledge or belief that property has been stolen is presumed in the case of an individual or dealer who:

1. Is found in possession or control of property stolen from two (2) or more persons on separate occasions; or
2. Acquires stolen property for a consideration which the individual or dealer knows is far below the property's reasonable value. A dealer shall be presumed to know the fair market value of the property in which he deals.

C. Receiving Stolen Property Prohibited: Whoever receives stolen property when the value of the property is **two hundred fifty dollars (\$250.00)** or less is guilty of violating this chapter. (Ord. 1992-02, 6-22-1992)