MANUEL BRUSUELAS, TRUSTEE
CHRISTOPHER RUPP, TRUSTEE

Deborah Cooksey
MAYOR

MARK GARWOOD, TRUSTEE
CASEY OTERO, TRUSTEE

REGULAR MEETING AGENDA

NOVEMBER 18, 2026 6:00 P.M.
609 St Francis Drive
Tularosa, NM 88352

A. Call to Order

B. Pledge of Allegiance

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty & justice for all"

C. Salute to the Flag of New Mexico

"I salute the flag of the state of New Mexico, the Zia symbol of perfect friendship among united cultures"

D. Roll Call:

_____	_____	_____	_____
Brusuelas	**Garwood**	**Rupp**	**Otero**

1. Consideration of Agenda

a. October 21, 2026, meeting minutes
b. Monthly bills listing
c. Next Regular Meeting-December 16, 2026

MOTION _____ SECOND_____ ACTION_____

All matters listed under Item 1, Consent Agenda, are routine by the Village Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2. Unscheduled correspondence and public comment (3 minutes)

3. Closed executive session as permitted under section 1-15-1(H)(2) under limited personnel matters-termination of school resource officer.

MOTION_____ SECOND_____ ACTION_____

Roll Call: _____ _____ _____ _____ **Time out:**
Brusuelas Rupp Garwood Otero

MOTION_____ SECOND_____ ACTION_____

Roll Call: _____ _____ _____ _____ **Time in:**
Brusuelas Rupp Garwood Otero

4. Deborah Cooksey, Mayor is asking for the approval of the termination of Leonard Vazquez School Resource Officer.

MOTION_____ SECOND_____ ACTION_____

5. APPROVAL OF NOTICE OF INTENT TO ADOPT ORDINANCE NO. 287 AN ORDINANCE ADDING CHAPTER 157, SECTIONS 157.01 THROUGH 157.12 TO TITLE XV, VACANT BUILDING REGISTRATION ORDINANCE (Ordinance to be heard on December 16, 2026).

MOTION_____ SECOND_____ ACTION_____

Roll Call: _____ _____ _____ _____
Brusuelas Rupp Garwood Otero

6. Clarisa Betancur, Senior Center Director is asking to approve the appointment of Yolanda Mendez as a part-time SEP Driver at a pay rate of $12.00hr.

MOTION_____ SECOND_____ ACTION_____

7. Rebekah Garcia, Village Clerk is asking for approval of the selection for Tularosa on call services RFP 2026-1 to be awarded to Bohannan Huston.

MOTION_____ SECOND_____ ACTION_____

8. Kevin Cardoza, PNM is giving a presentation regarding tree owners' responsibilities and overall vegetation management.

MOTION_____ SECOND_____ ACTION_____

9. 2026-SUP-005, SUP-006, & 2026-SUP-007 (Sunshare Community Solar) presentation & findings of fact transmittal.

MOTION_____ SECOND_____ ACTION_____

10. 2026-BP-019 After the fact re-roof permit (710 1st St.)

MOTION_____ SECOND_____ ACTION_____

11. Federal Opportunity Zone Nomination Update.

MOTION_____ SECOND_____ ACTION_____

(Only Mayor, Trustees or Staff to talk about old or new business)

12. Unfinished Business:

- **2026-ABT-001 Moreno Abatement. 1. Abatement status update from Village Attorney.**
- **P&Z 2026 Reform: Developmental impact fees and Wireless Ordinance**

13. New Business:

- **Resignation of Virgil Johnson from planning and zoning.**

14. Adjourn:

If you are an individual with a disability who is in need of a reader, amplifier, sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 585-2771 at least seven (7) days prior to the meeting or as soon as possible. Public documents, including agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk at 585-2771 if a summary or other type of accessible format is needed.

You may obtain a copy of the agenda by contacting Village Hall

Posted: 11/13/2026
10:30 AM

VILLAGE OF TULAROSA

RUSTY HELTON, VICE CHAIR
STEPHANIE DUBOIS, COMMISSIONER

SCHANEN YATES UNSER, SECRETARY
VIRGIL JOHNSON III, COMMISSIONER

VILLAGE OF TULAROSA
PLANNING AND ZONING COMMISSION

609 Saint Francis Drive | Tularosa, New Mexico 88352

BOARD OF TRUSTEES REGULAR MEETING — NOVEMBER 18, 2026
PLANNING AND ZONING COMMISSION AGENDA ITEMS

I. FILE #'S - 2026-SUP-005, 2026-SUP-006, & 2026-SUP-007 (SUNSHARE COMMUNITY SOLAR) PRESENTATION & FINDINGS OF FACT TRANSMITTAL

- **P&Z Findings of Fact Transmittal:** Transmittal and review of the formal Findings of Fact and Conditional Recommendations adopted by the Planning and Zoning Commission during their November 10, 2026 regular meeting.
- **Presentation:** Brief project presentation by SunShare Development, LLC representatives (Mike Ozeroff & Keenan Austin) regarding proposed 5.0 MW AC ground-mounted community solar photovoltaic facilities in Tularosa's 3-mile Extraterritorial Jurisdiction (ETJ):
  - *Roadrunner Sol, LLC* (Case 2026-SUP-005 — N. Railroad Ave & W. 12th St)
  - *Cumbres Sol, LLC* (Case 2026-SUP-006 — Moon Valley Rd)
  - *Guadalupe Sol, LLC* (Case 2026-SUP-007 — Moon Valley Rd)
- **Question & Answer Period:** Opportunity for Mayor Cooksey and the Board of Trustees to ask technical, land-use, and infrastructure questions directly to SunShare representatives.

- **FILE# - 2026-BP-019 | AFTER-THE-FACT REROOF PERMIT (710 1ST ST.)**
  - Review and formal action on P&Z's unanimous recommendation to approve the completed after-the-fact municipal re-roof permit for 710 1st St. (contractor received state NMCID permit prior to local Village clearance; local fees paid and application completed).

II. INFORMATIONAL

- **FEDERAL OPPORTUNITY ZONE NOMINATION UPDATE**
  - Briefing regarding the press release from the Otero County Attorney nominating Tularosa for federal Opportunity Zone status (2027–2036), highlighting the urgent need to finalize upcoming P&Z land-use reform ordinances (Developmental Impact Fees, Historic Preservation updates, and Vacant Building Licensing).

III. OLD /NEW BUSINESS

- **Resignation of Commissioner Johnson**

- **P&Z 2026 Reform**
  - Vacant Building Registration and Maintenance Policy
  - Developmental Impact Fees (DIFs)
  - Wireless Ordinance
- **2026-ABT-001 - Carolina and Felipe Bermudez-Moreno**
  - Update
- **Title XV Code Enforcement Update**

STATE OF NEW MEXICO
VILLAGE OF TULAROSA, NEW MEXICO
NOTICE OF INTENT TO ADOPT THE FOLLOWING:

ORDINANCE NO. 287

NOTICE OF INTENT TO ADOPT ORDINANCE NO. 287 AN ORDINANCE ADDING CHAPTER 157, SECTIONS 157.01 THROUGH 157.12 TO TITLE XV, VACANT BUILDING REGISTRATION ORDINANCE

NOTICE IS HEREBY GIVEN OF THE TITLE AND GENERAL SUBJECT MATTER CONTAINED IN AN ORDINANCE THAT THE VILLAGE COUNCIL OF THE VILLAGE OF TULAROSA, NEW MEXICO, INTENDS TO ADOPT AT A MEETING ON DECEMBER 16, 2026, AT 6:00 P.M. THE MEETING WILL BE HELD AT VILLAGE COUNCIL CHAMBERS, 609 ST. FRANCIS DRIVE, TULAROSA, NEW MEXICO.

Copies of the Ordinance will be available for inspection or purchase in the office of the Clerk during regular office hours.

This notice constitutes compliance with NMSA 1978 §3-17-3.

/s/ Rebekah Garcia
November 18, 2026

AN ORDINANCE ADDING CHAPTER 157, SECTIONS 157.01 THROUGH 157.12 TO TITLE XV, VACANT BUILDING REGISTRATION ORDINANCE

157.01. SHORT TITLE
157.02. PURPOSE AND INTENT
157.03. DEFINITIONS
157.04. EXEMPTIONS
157.05. OBLIGATION OF VACANT BUILDING OWNER
157.06. VACANT BUILDING REGISTRATION REQUIREMENTS
157.07. DETERMINATION OF VACANT BUILDINGS
157.08. APPEAL OF DETERMINATION
157.09. FEES
157.10. FAILURE TO PAY FEES AND CHARGES
157.11. SEVERABILITY
157.12. PENALTY

157.01. SHORT TITLE

This chapter shall be known and may be cited as the "Vacant Building Registration Ordinance of the Village of Tularosa."

157.02. PURPOSE AND INTENT

(A) The Board of Trustees for the Village of Tularosa (Village) finds, determines, and declares that residential, commercial and industrial buildings and structures which remain vacant and unoccupied for any appreciable period of time have a negative impact on surrounding properties and the community and contribute to blight, increase the risk of vandalism and arson in buildings, reduce community property values and tax base, and require additional public services. It is also determined that vacant buildings of relatively large area represent disproportionate adverse impacts to the community relative to smaller buildings. It is the purpose and intent of the village to protect the public health, safety and well-being by enactment of this chapter to:

(1) Establish a process to address the significant number of vacant, abandoned, foreclosed, and/or otherwise distressed buildings and structures located within the village;

(2) To identify, register, regulate and reduce the number of vacant, abandoned or dilapidated primary buildings and structures located within the village;

(3) To create conditions favorable to the general welfare, prosperity and harmonious development of the village;

(4) To establish the responsibilities of owners of vacant buildings and structures and to acknowledge community impacts resulting from long-term vacancy of buildings and

structures;

(5) Reduce, minimize or eliminate the negative impacts on surrounding properties and neighborhoods from unsupervised vacant, abandoned, and foreclosed buildings and structures;

(6) Provide for administration, enforcement and imposition of fees and penalties related to this chapter.

(B) This chapter shall apply to all vacant, abandoned, and foreclosed primary residential, commercial, and industrial buildings and structures within the Village of Tularosa, New Mexico. This chapter shall apply to any such described building that is fully intact, partially removed, burned, demolished or destroyed, or a building in which any portion of the structure is remaining in place or on the site.

(C) Further, it is found to be in the public interest for the village to impose a fee in conjunction with registration of vacant, abandoned, and foreclosed primary buildings and structures to offset the disproportionate costs imposed on the village by the presence of these properties.

(D) This chapter is intended to encourage the rehabilitation, reuse, or redevelopment of vacant buildings and to prevent long-term vacancy from undermining neighborhood stability, consistent with the Village of Tularosa Comprehensive Plan. In administering this chapter, the Village may prioritize enforcement actions where nuisance or vacancy conditions contribute to neighborhood decline, public safety risks, or impede rehabilitation or redevelopment efforts.

157.03. DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED PROPERTY. Means a parcel of real property that is vacant or unoccupied in any manner for a period of more than 180 days and is under a current notice of default or notice of trustee's sale, or has been the subject of a foreclosure sale where the title was retained by the beneficiary involved in the foreclosure, or has been transferred under a deed in lieu of foreclosure. Property will be presumed abandoned when mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least 180 days, and the property has been vacant for at least 180 days. A dwelling may not be considered abandoned if all appropriate permits are issued, in force, and construction is ongoing.

BUILDING. Means any structure occupied or intended for supporting or sheltering any occupancy.

CODE ENFORCEMENT OFFICER. Means the designated Code Enforcement Officer of the Village of Tularosa or authorized designate that may include (but not be limited to) any law enforcement officer,

building inspector, zoning official, or fire inspector, or other person authorized by the village to enforce the applicable code(s).

EVIDENCE OF VACANCY. In determining whether a building or structure is "vacant," the village may consider the factors listed herein, among others. A building or structure may be deemed vacant if:

(1) It is unoccupied and uninhabited; is occupied or inhabited in violation of any provision of the Village Code or the applicable Building Code; is subject to a declaration of condemnation; or is occupied only by trespassers or transients seeking a temporary hiding place or shelter;

(2) It is a building or structure at which lawful business, construction operation or residential occupancy is at a level of at least 95% vacant;

(3) It is unsafe, unsanitary, a fire hazard or otherwise constitutes a danger to the public health, safety or welfare in violation of the applicable Building Code, applicable Fire Code, or other applicable code;

(4) It lacks active utilities service;

(5) It has been abandoned by the owner;

(6) It is under a condemnation notice or order to vacate;

(7) It does not receive mail service;

(8) It is not in compliance with the electrical, mechanical, plumbing, or building codes;

(9) There appears to have no lawful occupant;

(10) It has one or more broken or boarded windows;

(11) It is open to casual entry or trespass;

(12) It does not appear to be furnished;

(13) It is deteriorating due to a lack of maintenance or neglect;

(14) It is a potential hazard or danger to the safety of individuals;

(15) It is structurally unsound;

(16) It is utilized solely for personal or private storage of vehicles, equipment, machinery, supplies, parts or miscellaneous without an active residential, commercial or industrial purpose;

(17) The lawful activity that the building or structure was designed and built for or intended to be used for has ceased for a period of 180 days; or

(18) Or any other condition or circumstance observed by the Code Enforcement Officer that causes them to reasonably believe the building is not lawfully occupied.

OWNER.

(1) Any person, partnership, association, corporation, operator, firm, legal representative, agent or

entity having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(2) The owner shall include, but not be limited to, a trustee, mortgagee or financial institution which is in possession (in whole or in part) of the real property, is a beneficiary under a trust deed, is identified as having or claiming a lien interest, or that is foreclosing a lien or mortgage interest in the property but may or may not have legal or equitable title.

STORAGE BUILDING. Means building, structure or complex that is specifically designed and intended for storage and is actively operated as a commercial storage enterprise.

VACANT BUILDING. When considering evidence of vacancy, means any structure or building that is unoccupied by a person for 180 days or occupied by unauthorized persons. This includes without limitation each individual vacant mobile home (separately) located in a mobile home park, mobile home subdivision or in any other location in the village, buildings utilized for non-commercial storage or warehousing, and each discrete primary building or building unit that is vacant. Vacant building does not include:

(1) permitted warehouses; permitted storage structures; or structures being newly constructed or under substantial rehabilitation within the terms of their building and zoning permits for a period of one year from the later of the date of issuance of the building permit or the date of the issuance of the zoning permit; or

(2) an accessory structure that is not intended for occupancy, such as a garage, shed, or storage building when a primary building exists on the property of record and is occupied.

WAREHOUSE. Means building, structure or complex where raw materials or manufactured goods are stored before their export or distribution for sale and is actively operated as a commercial or industrial warehouse enterprise.

157.04. EXEMPTIONS

(A) Any government agency or entity that owns vacant property will be exempt from the requirements of this chapter. For the purposes of this chapter, any insured mortgage or financing provision from or through a federal, state or local government housing program shall not be considered a government agency or entity and shall not be exempt from the requirements of this chapter. Ownership acquired through a federal or state housing program foreclosure shall also not be exempt from the provisions of this chapter.

(B) Non-single family residential housing, apartments and rental units will be exempt from the requirements of this chapter provided the vacancy rate of the building they are situated in does not exceed 75%.

(C) Single-family dwelling units used as seasonal residences that are actively maintained in compliance with all applicable village minimum maintenance standards, secured against unauthorized entry, provided with active utility service, and furnished and fit for occupancy shall be exempt from the requirements of this chapter.

157.05. OBLIGATION OF VACANT BUILDING OWNER

(A) Owner obligations are as follows:

(1) The owner of a vacant building or structure shall obtain a vacant building permit in accordance with the requirements of this section for the period during which owner believes it is vacant. When a building or structure becomes vacant, as defined in this chapter, the owner of the building shall apply for and obtain a vacant building permit and pay the fee within 30 days of the vacancy of the building. A separate permit is required for each vacant building. A vacant building permit issued is not transferable.

(2) Upon the expiration of a vacant building permit, if the building or structure is still vacant, the owner shall renew the permit within ten days of expiration in the same manner as the expired permit. All renewed permits shall be subject to all conditions and obligations imposed by this chapter or the initial permit unless expressly exempted therefrom. Failure to renew permit is a violation of this chapter and shall subject the property owner to late fees.

(3) The owner of a vacant building or structure shall comply with all building, fire, life safety, zoning, nuisance and other applicable codes or ordinances and shall apply for all necessary building, fire prevention, and zoning permits upon application for a vacant building permit.

(4) Where the owner of a vacant building or structure fails to immediately remove any waste, combustible refuse, rubbish or debris from the interior of the structure or from the yards, the Code Enforcement Officer is authorized to cause such action to occur immediately. The actual cost of the associated work or materials, plus any other penalties or costs allowed by law in connection therewith, shall become a lien upon the property for which such items were removed from the building, structure, or yards in the manner prescribed by law.

(5) The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons. Where the owner of a vacant building, structure or property fails to

immediately lock, barricade or secure all doors, windows and other openings, the Code Enforcement Officer is authorized to cause such action to occur immediately. The actual cost of the associated work or materials, plus any other penalties or costs allowed by law in connection therewith, shall become a lien upon the property for which such items were removed from the building, structure, or yards in the manner prescribed by law. The owner of a vacant building or structure shall provide the Village with a list of persons authorized to be present in the building and shall provide notices of trespass to law enforcement officials authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.

(6) The owner of a single family residential vacant building or structure shall provide proof of general liability insurance, no less than $100,000 for the property and/or a surety bond for the value of structure if insurance cannot be obtained. The owner of a commercial or industrial vacant building or structure shall provide proof of general liability insurance, no less than three $300,000 for the property, or the current actual property value as determined by the Otero County Assessor (whichever is greater) and/or a surety bond for the value of structure if insurance cannot be obtained. Owner shall submit a valid current certificate of insurance for personal and premises types of liability insurance, and a fire legal endorsement if applicable.

(B) The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this article. The Code Enforcement Officer shall have continuing abatement authority throughout the time of vacancy.

(C) The owner shall notify the Code Enforcement Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided for such purpose.

(D) Each owner and each designated agent is liable for the responsibilities of this chapter.

157.06. VACANT BUILDING REGISTRATION REQUIREMENTS

(A) Each vacant building registration shall be submitted in writing by the owner to the Code Enforcement Officer prior to issuance of a vacant building permit by the Village. The owner shall remit the required fee with registration documentation. Initial registration for every vacant building, regardless of condition, is due no later than January 1, 2027.

(B) An owner of a foreclosed, vacant or abandoned property shall apply for a registration on forms provided by the Village. No registration is valid unless filled out accurately and completely,

signed by the owner, and the proper fees have been paid. A registration fee once tendered may not be refunded or transferred. It is a violation of this article for an owner to provide inaccurate information on an application for registration.

(C) In addition to other information required by the Village, the registration form shall include the name, street address and telephone number of a natural person 18 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this chapter. This person must maintain an office in Otero County, New Mexico, or must actually reside within Otero County, New Mexico. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this subsection, the owner is consenting to receiving all legal notices regarding the vacant building. The agent's designation for the purposes of this subsection continues until the owner notifies the Code Enforcement Officer in writing thereof of a change of authorized agent or until the owner files an application for the renewal of the vacant building registration.

(D) Any owner who fails to register a vacant building under the provisions of this chapter shall be deemed to consent to receive, by posting at the building and by regular mail to the owner's address of record in the Otero County Assessor's Office, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

157.07. DETERMINATION OF VACANT BUILDINGS

(A) The Code Enforcement Officer may evaluate all buildings in the village believed to be vacant and make a determination for each as to whether the building is a "vacant building" within the meaning of this chapter. The Code Enforcement Officer may determine that a building which meets any of the criteria set forth in this chapter is not to be regulated under this chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, the Code Enforcement Officer determines that regulation of the building under this chapter would not serve the public health, welfare, and safety and makes written findings in support of their decision. Any such determination shall be in writing and shall state the factual basis for the determination. For buildings the Code Enforcement Officer determines to be "vacant buildings," they shall send

notice of the written determination, with the factual findings, to the last owner of record listed by the County clerk or assessor, failure of delivery shall not excuse a person from complying with this chapter. The Code Enforcement Officer may personally serve or cause personal service of the notice of determination.

(B) The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to this chapter, and a notice of the owner's right to appeal the Code Enforcement Officer's determination to the Board of Trustees.

157.08. APPEAL OF DETERMINATION

(A) The owner of a building determined by the Code Enforcement Officer to be a vacant building as provided for in this chapter may appeal that determination to the Board of Trustees. Such appeal shall be in writing, shall be filed with the Village Clerk on the prescribed forms within 15 days of the date of mailing of the notice of determination, and shall accompany a $50.00 appeal fee. The filing of an appeal stays the owner's obligation to register their building as required by this chapter, unless the Code Enforcement Officer certifies to the Board of Trustees after the notice of appeal shall have been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

(B) The appeal shall contain a complete statement of the reasons the owner disputes the Code Enforcement Officer's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Board of Trustees shall decide the appeal at a public hearing which adheres to quasi-judicial procedures on the basis of facts and evidence presented by the owner in his or her written appeal and the Code Enforcement Officer's written determination and shall affirm, deny or modify the determination.

(C) An appeal of the Board of Trustees final determination may be made to the appropriate district court, pursuant to New Mexico State Statutes.

157.09. FEES

(A) The owner of a vacant building shall submit an annual fee for the registration of a vacant building or when the Code Enforcement Officer issues an initial notification of violation of this chapter. The owner shall be required to renew the vacant building registration each year on the anniversary date of the initial filing or on the anniversary date of the initial notification of violation from the Code Enforcement Officer, whichever occurs first, for the time the building remains vacant, and

pay the annual fee as follows:

	Less than 5,000 sq. ft. in area	5,000 sq. ft. in area or greater
Initial registration fee	$100.00	$200.00
Second year registration fee	$200.00	$400.00
Third year registration fee	$300.00	$600.00
Fourth year registration fee	$400.00	$800.00
Fifth year and each subsequent year registration fee	$500.00	$1,000.00

(B) Annual fees are non-refundable, shall be capped at the fifth-year amount, and shall not increase after the fifth year.

(C) The basis of structure area determination shall be the following:

(1) Area of primary building or structure (including additions) where one primary building and one or more accessory buildings or structures exist;

(2) Aggregate area of multiple housing unit complex where more than 75% of the complex of is vacant;

(3) Each discrete unit of a commercial development consisting of independently operated businesses or commercial enterprises.

(D) No prorated refunds shall be returned. All fees are non-refundable.

157.10. FAILURE TO PAY FEES AND CHARGES

Any costs incurred by the Village of Tularosa for associated work or materials to clean or board a vacant building shall be and constitute a lien against the property, to be enforced and foreclosed as provided by ordinance and state statute for other municipal liens.

157.11. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or part hereof is declared unconstitutional or invalid, the validation of the remaining portions shall not be affected, since it is the express intent of the Board of Trustees of the Village of Tularosa to pass each section, subsection, paragraph, sentence, clause, phrase or provisions, and every part thereof separately and independently of every other part.

157.12. PENALTY

The Code Enforcement Officer may file action in a court of competent jurisdiction as a means of

compelling compliance with this Ordinance. Any person determined by the court to be violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined a minimum of $100.00, or an amount not exceeding $300.00, or be imprisoned for a period not exceeding 30 days, or be both so fined and imprisoned, in the discretion of the court. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.