

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2025-22

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe Lindell

Councilor Pilar Faulkner

Councilor Michael Garcia

AN ORDINANCE

RELATING TO THE SANTA FE TRAFFIC OPERATIONS PROGRAM; AMENDING SECTION 24-4 TO REMOVE THE REQUIREMENT FOR POLICE DEPARTMENT OVERSIGHT; PROVIDE FOR THE USE OF CAMERAS THAT DETECT VEHICLE NOISE VIOLATIONS USING AN AUTOMATED COMPLIANCE ENFORCEMENT SYSTEM; AND IMPOSE A FINE FOR SYSTEM-DETECTED VEHICLE NOISE VIOLATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 24-4.1 SFCC 1987 (being Ord. No. 2008-47, § 2) is included for reference without changes:

24-4.1 Short title.

Section 24-4 SFCC 1987 shall be referred to as the Santa Fe Traffic Operations Program or "STOP" and may sometimes be referred to as "this section."

Section 2. Section 24-4.2 SFCC 1987 (being Ord. No. 2017-17) is amended to read:

24-4.2 Findings and Intent.

1 The governing body finds that speeding and motor vehicle noise pollution are significant and
2 dangerous nuisances to the community and that enforcement of the legal limits on excessive speed
3 and noise by means of automated compliance enforcement systems will abate the nuisance of each
4 without dedicating police department personnel.

5 **A. Speed.**

6 The governing body declares the following findings and intentions regarding
7 vehicle speed:

8 (1) There is a significant risk to the health and safety of the community from
9 drivers who exceed the posted speed limit signs.

10 (2) Some drivers in Santa Fe repeatedly violate posted speed limits.

11 (3) State law against speeding is inadequate to preserve public safety in Santa
12 Fe.

13 (4) Photographic and electronic devices that measure speed are accurate and
14 reliable.

15 (5) Enforcement of speed limits by means of photographic and electronic
16 equipment will abate the nuisance of speeding.

17 **B. Noise.**

18 The governing body declares the following findings and intentions regarding vehicle
19 noise:

20 (1) There is a significant risk to the health and quality of life of the community
21 due to noise pollution.

22 (2) State law against excessive motor vehicle noise is inadequate to preserve
23 the public's peace.

24 (3) Photographic and electronic devices that measure automotive noise and
25 identify the offending vehicle in traffic accurately and reliably measure

1 decibel levels that exceed the limitations described in 10-2.9.

2 C. The governing body declares that a vehicle used to violate this section is the
3 instrumentality of a nuisance and shall be abated in the city.

4 D. The governing body declares that this section is a nuisance abatement section
5 enacted pursuant to the city's authority under state law and that the remedies are
6 purely civil and not criminal in nature.

7 **Section 3. Section 24-4.3 of SFCC 1987 (being Ord. No. 2017-17) is amended to**
8 **read:**

9 **24-4.3 Definitions.**

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

12 *Automated compliance enforcement system ("ACE")* is a device that includes but is not
13 limited to digital, photographic, videographic, and/or acoustic detection equipment, used to detect
14 and assist in the enforcement of the STOP program.

15 *Acoustic camera, sound device, or noise camera* means a type of camera, included as a
16 component within an ACE, that detects noise exceeding the limits established in Section 10-2.9,
17 "Motor Vehicle Noise", including, but is not limited to, digital equipment reasonably relied upon
18 by a STOP program administrator.

19 *Authorized emergency vehicle* means the same as defined under NMSA 1978, Section 66-
20 1-4.1 (E) (2001) as amended from time to time and, without limitation on the foregoing, shall mean
21 any fire department vehicle, police vehicle, ambulance and any emergency vehicles of municipal
22 departments or public utilities that are designated or authorized as emergency vehicles by the
23 director of the New Mexico State Police Division of the Department of Public Safety or chief of
24 police of the Santa Fe police department.

25 *Camera* means the component within an ACE that detects a violation of this section,

1 including, but is not limited to, digital speed or sound detection equipment reasonably relied upon
2 by STOP administrators.

3 *City* means the city of Santa Fe.

4 *City clerk* means the city clerk of the city of Santa Fe.

5 *City manager* means the city manager of the city of Santa Fe.

6 *Contractor* means a person or entity that enters a contract with the city to provide the city
7 with digital, photographic, videographic, and/or acoustic evidence of a violation of this Section
8 through an ACE and that may provide administrative support and facilitation for STOP.

9 *Days* means calendar days, including holidays.

10 *Default* means the failure to pay a STOP fine or to timely pay a fine pursuant to a decision
11 of a hearing officer under this section.

12 *Delivery or delivered* means the mailing of a STOP fine notification to a registered owner
13 or nominee or personal service of a STOP fine notification or hearing officer decision on a
14 registered owner or nominee.

15 *Department* means the city agency that employs the STOP administrator who issued a
16 STOP fine notification or caused a STOP fine notification to be issued.

17 *Department of motor vehicles or DMV* means the motor vehicle division of the taxation
18 and revenue department of the state of New Mexico or its successor agencies.

19 *Driver* means the person operating a motor vehicle at the time of a violation.

20 *Effective date* means the date a STOP fine notification is mailed to the recipient as indicated
21 on the face of the STOP fine notification.

22 *Finance department* means the city department established as per Section 2-8 SFCC 1987.

23 *Hearing officer* means the city hearing officer, as appointed by the presiding judge of the
24 civil division of the district court, pursuant to Section 3-18-17(A)(4)(e) NMSA 1978. The hearing
25 officer shall be a licensed member of the New Mexico Bar.

1 *Identify* means to submit all information on a driver sufficient to allow the city to locate
2 and notify the driver in lieu of the registered owner including but not limited to the name and
3 address of the driver.

4 *Nomination* means identification of the actual driver of a car by the registered owner as the
5 responsible party for a violation.

6 *Nominee* means the person or entity identified by the registered owner as the driver or
7 responsible party.

8 *Notice of default* means a document delivered to the registered owner and stating that the
9 registered owner is in default.

10 *Nuisance* means the act of operating a vehicle in violation of this section.

11 *Owner's affidavit* means a written statement signed under oath and submitted under penalty
12 of perjury by the registered owner of a vehicle who asserts therein that the registered owner was
13 not driving a vehicle at the time of a violation.

14 *Police officer* means a sworn member of the Santa Fe city police department, the Santa Fe
15 county sheriffs office, the New Mexico state police, or any other public official with authority to
16 stop a vehicle for a traffic violation in the city of Santa Fe.

17 *Registered owner* means the owner or owners of a vehicle according to the license plate
18 number or information obtained from the department of motor vehicles, from similar motor vehicle
19 agencies outside New Mexico, from information obtained from the Santa Fe municipal court, from
20 the Santa Fe county magistrate court, from department records, from an ACE or from any other
21 documentation or methods reasonably relied upon by a STOP administrator. The singular includes
22 the plural.

23 *Respondent* means an accused violator who has received a STOP fine notification and
24 requested a hearing.

25 *School zone* means a posted "safety zone" as that term is defined under NMSA 1978 66-

1-4.16 (2001) as amended from time to time.

Stop fine notification means a written document mailed to the address of the registered owner or nominee stating that a violation has occurred and payment is due.

STOP administrator means the city staff person or persons responsible for administering and enforcing this Section.

Speed camera, speed device, or speed camera means a type of camera, included as a component within an ACE, that detects a violation of this section for speed. The definition includes but is not limited to electronic or digital speed detection equipment reasonably relied upon by a STOP program administrator.

Violation means a violation of this section

Section 4. Section 24-4.4 SFCC 1987 (being Ord. No. 2017) is amended to read:

24-4.4 General Provisions.

A. An image or video recorded by an automated compliance enforcement system shall display the time, date, and location of the covered offense, and an audio recording by an automated compliance enforcement system shall include data sufficient to determine the time, date, and location of the covered offense.

B. Any violation of the Santa Fe Traffic Code, Section 12-6-1.2, "Speed Limits" or Santa Fe Environmental Regulations, Section 10-2.9, "Motor vehicle noise"; is a violation of this section. This section does not apply to authorized emergency vehicles responding to an emergency.

Section 5. Subsection 24-4.5 (being Ord. 2020-2, §7 as amended) is amended to read:

24-4.5 Enforcement.

A. *Criminal Violation Observed by Police Officer.* This section does not abrogate or impair enforcement authority of existing traffic laws by a police officer for a violation committed

1 in their presence. Specifically, if a police officer personally and contemporaneously
2 observes a traffic violation, the police officer may stop the vehicle and issue a citation
3 under state law or the city of Santa Fe Traffic Code in the usual manner.

4 B. *Violation Recorded by ACE*. The contractor shall provide all evidence of an ACE-recorded
5 violation to a STOP administrator. A STOP administrator shall review all ACE evidence
6 provided by the contractor. If the STOP administrator determines that a violation has
7 occurred, the STOP administrator shall cause a STOP fine notification to be delivered to
8 the registered owner. The registered owner is strictly and vicariously liable for the violation
9 unless one (1) of the exceptions herein applies. If there is more than one (1) registered
10 owner, all registered owners shall be jointly and severally liable.

11 C. *STOP Fine Notification*.

12 (1) Form and contents. The STOP fine notification shall include the
13 following:

- 14 (a) name of the registered owner or owners or nominee,
- 15 (b) effective date of the STOP fine notification,
- 16 (c) type of violation,
- 17 (d) date, time, and location of the violation,
- 18 (e) a picture of the violation,
- 19 (f) license number of the vehicle,
- 20 (g) name and identification of the issuing STOP program administrator,
- 21 (h) amount of the fine,
- 22 (i) whether the fine is a first or subsequent violation,
- 23 (j) the response due date and the address for sending the response,
- 24 (k) conspicuous, bold face type stating, "Failure to pay this fine on time
25 will lead to serious legal consequences including the assessment of

1 additional fines and monies due. A second or subsequent STOP
2 violation within two (2) years from the date of this STOP fine
3 notification will lead to increasing fines and penalties",

4 (l) an owner's affidavit form,

5 (m) a pre-addressed return envelope addressed to the STOP administrator,
6 and

7 (n) language informing the registered owner or the nominee of the right
8 to request a hearing with instructions describing how to indicate
9 interest, including instructions to do so within thirty-five (35) days of
10 the effective date of the STOP fine notification.

11 (2) Delivery. The STOP fine notification shall be mailed to the address of the
12 registered owner according to the address registered with the department
13 of motor vehicles or to the address of the nominee according to the
14 owner's affidavit. Because the registered owner has a duty to timely notify
15 DMV of a change of address, the failure to do so does not entitle the
16 registered owner to assert the defense of inadequate notice. The mailing
17 of a STOP fine notification to the address of the registered owner of a
18 vehicle according to the records of DMV or to the address of the nominee
19 according to the owner's affidavit is constructive notice of a STOP fine
20 notification.

21 D. *Response to a STOP Fine Notification.* Within thirty-five (35) days from the effective
22 date, the registered owner shall respond to the STOP fine notification in one of three
23 ways: 1) pay the fine, 2) appeal the fine and request a hearing, or 3) file an owner's
24 affidavit making a nomination.

25 (1) Payment of STOP fine. Upon receipt of the STOP fine notification, the

1 recipient may elect to admit the violation and pay the fine by signing and
2 dating the STOP fine notification on a space provided and returning it with
3 payment within thirty-five (35) days, according to the instructions on the
4 STOP fine notification. The city may, but is not required to, adopt procedures
5 for alternative methods of payment of fines using the internet or other on-line
6 services. There shall be a fifty-dollar (\$50.00) penalty for any payment
7 tendered that is not honored or is returned for any reason.

8 (2) Appeal and hearing. The recipient of the STOP fine notification may request
9 a hearing by returning the STOP fine notification, consistent with instructions,
10 within thirty-five (35) days of the effective date. There is no fee for a hearing.
11 The hearing officer shall schedule a hearing and conduct the hearing as is
12 described in 24-4.5(F), "Hearing".

13 (3) Nomination. Any registered owner who was not driving the car at the time of
14 the violation may either accept the responsibility or identify the driver so the
15 department or the contractor can send a notice of violation to the driver. The
16 nomination procedure described in this paragraph is available to any registered
17 owner and is not limited to corporations and governmental entities. If the
18 registered owner claims that another person was driving the vehicle at the time
19 of the violation, the registered owner shall so indicate on the owner's affidavit
20 and identify the person who was driving the vehicle and the person's address,
21 if known. The department or contractor may send a new STOP fine notification
22 to the nominee or cause the contractor to deliver a new STOP fine notification
23 to the nominee. The effective date of the STOP fine notification sent to the
24 nominee is the day the STOP fine notification is issued to the nominee as
25 indicated on the face of the new STOP fine notification. If the nominee

1 successfully appeals the allegation that-the nominee was the driver or defaults
2 on payment of the STOP fine, the city may proceed against the registered
3 owner by issuing to the registered owner a STOP fine notification with a new
4 effective date indicated on its face. If the city cannot assert jurisdiction over
5 the nominee, the registered owner is responsible, subject to the remaining
6 defenses available in this section. Any registered owner who submits an
7 owner's affidavit does so under penalty of perjury. If the registered owner
8 operates a business that uses a fleet of more than one (1) vehicle and nominated
9 the driver on a previous violation and the driver paid the fine or otherwise
10 cleared the violation, a subsequent violation pertaining to the fleet vehicle shall
11 not be considered a second, third, or subsequent violation regarding that
12 vehicle, unless the same driver was driving the vehicle in the initial violation
13 and subsequent alleged violations. Without limitation on the foregoing,
14 nomination may be used under the following circumstances:

- 15 (a) the registered owner is the United States of America, state of New Mexico,
16 county of Santa Fe, city of Santa Fe, or any other governmental entity that
17 owns a vehicle that was being driven by a natural person who was an
18 employee, contractor or agent of the governmental entity at the time of the
19 alleged violation. Said entities shall nominate and identify the driver.
- 20 (b) The registered owner is a place of business, corporation, or other non-
21 natural entity that owns a vehicle.
- 22 (c) The registered owner is an automobile rental business, automobile
23 dealership, or other business entity that, in the ordinary course of business,
24 leases vehicles to others and the lessee was driving the vehicle at the time
25 of the alleged violation. Said entities shall nominate and identify the

1 driver.

2 (d) The registered owner was not driving the vehicle at the time of the
3 violation. The registered owner shall nominate and identify the driver.

4 E. *Default.* If the city does not receive payment of the fine, a nomination, or a request for
5 a hearing within thirty-five (35) days from the effective date, the registered owner is
6 in default. Default automatically results in liability to the registered owner for the
7 violation and the registered owner is barred from requesting or obtaining any hearing
8 on the merits of the STOP fine after the date of the default. A default results in an
9 additional penalty of twenty-five dollars (\$25.00). The department shall mail, or cause
10 the contractor to mail, the notice of default to the defaulting party. The notice of default
11 shall inform the defaulting party that they have twenty (20) days from the date of
12 mailing of the notice of default to pay the fine and default penalty. If the default is not
13 cured, the city may pursue all remedies for collection of a debt and may seek an award
14 of reasonable attorney's fees incurred. An uncured notice of default shall be entered
15 into the records of the department. The registered owner is liable for a default by a
16 nominee.

17 F. *Hearing.* In the event of a demand for a hearing, the hearing officer shall hold a hearing
18 within ninety (90) days from the date of the request for hearing unless a continuance
19 is granted pursuant to the consent of the parties. The hearing does not need to be held
20 within ninety (90) days if a continuance is granted. The hearing officer is in charge of
21 the proceedings and may exclude any person for inappropriate conduct. The hearing
22 shall be conducted following the rules of evidence and civil procedure for the district
23 courts. The department has the burden to prove by a preponderance of the evidence
24 that the violation occurred. The respondent has the burden to prove any defenses by a
25 preponderance of the evidence. A photograph, videotape, audio file, or other evidence

collected by an ACE of a violation is authentic, is not hearsay, and shall be admitted into evidence by the hearing officer. The respondent may challenge the weight or accuracy of the evidence. If the department prevails, the respondent shall pay the fine. The hearing officer shall render a decision in writing in ten (10) days and provide the decision to the department and the finance department. A determination by the hearing officer shall not impose a total amount of penalties, fines, fees and costs in excess of that provided in this section. The hearing officer may refer the respondent to teen court according to the municipal court's procedures for teen court referrals. Failure to pay a fine as ordered by the hearing officer within twenty (20) consecutive days from the date of the decision is a default and will apply against the vehicle without service of a notice of default. Following a hearing, the respondent may appeal the decision of the hearing officer to district court within thirty (30) days of the decision and may recover the costs of filing the appeal if successful.

G. *Defenses.* The respondent may present the following defenses in addition to any other defenses available under law and has the burden of proof concerning the defenses:

- (1) The vehicle was stolen or otherwise being driven without the registered owner's knowledge or permission at the time of the alleged violation. The registered owner shall have a police report pertaining to the theft to avail the owner of this defense.
- (2) The ownership of the vehicle had lawfully been transferred and conveyed from the registered owner to another person before the time of the alleged violation. To assert this defense, the registered owner shall identify the transferee and provide proof of conveyance.
- (3) The evidence does not show that a violation was committed involving the subject vehicle.
- (4) The registered owner was not driving the vehicle at the time of the violation. To

1 assert the defense mentioned in this paragraph, the registered owner shall identify
2 the actual driver and comply with the nomination provision above to assert this
3 defense.

4 (5) The vehicle should not be assessed an increased fine for a subsequent violation
5 because the registered owner owns or operates a fleet of vehicles in a business and
6 nominated the actual driver who satisfied payment of the fine on the previous
7 violation.

8 (6) The registered owner did not receive notice because the STOP fine notification
9 was not mailed to the address of record with the department of motor vehicles.

10 H. *Fine.* Except as set forth in paragraph (3) below, the following fines are prescribed
11 for all violations, including those imposed by the hearing officer. Nothing in this
12 section shall prohibit the department from entering into pre-hearing settlement
13 agreements with respondents.

14 (1) Speeding.

15 (a) For each violation that is not within two years of a prior violation, the
16 fines for speeding are as follows:

17 (i) More than five (5) miles per hour over the speed limit in school
18 and construction zones: one hundred dollars (\$100);

19 (ii) More than ten (10) miles per hour over the speed limit in all
20 other locations: fifty dollars (\$50).

21 (b) For violations within two (2) years of the preceding violation, a fine
22 for speeding more than ten (10) miles per hour over the speed limit is
23 one hundred dollars (\$100).


24 (2) Noise.

25 For each violation of vehicular noise exceeding the limits in SFCC Section

10-2.9 the fine is five hundred dollars (\$500).

(3) The hearing officer may allow service to the city as an alternative to payment of fines. A violator who elects to avail themselves of the option of service to the city in lieu of payment of a fine does so voluntarily and is entitled to none of the benefits conferred upon city employees, including, without limitation, workers compensation. The city is not responsible for damages incurred except as otherwise provided by law. The person seeking relief hereunder shall timely request the option of service to the city in lieu of payment of a fine by requesting a hearing before a hearing office at which to demonstrate that the person eligible for the option and shall not be in default on payment of other fines, fees, or liens levied by the city. Respondents ordered to perform community service in lieu of payment of a fine shall complete such community service within thirty (30) days from the date of hearing. A person who cannot pass the background check to qualify as a volunteer shall not obtain relief under this paragraph. The services shall be performed with approved organizations or city departments. Services shall be rendered in not less than full hour increments and shall be credited against the fine payable at a rate consistent with the city of Santa Fe Living Wage Ordinance, Section 28-1.5(B) SFCC 1987. The city manager or designee may establish procedures for administering this paragraph including, but not limited to, the nature of services performed.

PASSED, APPROVED, and ADOPTED this 12th day of November, 2025.


Alan Webber (Nov 18, 2025 07:20:22 MST)
ALAN WEBBER, MAYOR

1 ATTEST:

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ANDREA SALAZAR (Nov 18, 2025 07:32:37 MST)

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ANDRÉA SALAZAR, CITY CLERK

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APPROVED AS TO FORM:

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Erin McSherry (Nov 17, 2025 23:15:30 MST)

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ERIN K. McSHERRY, CITY ATTORNEY

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24 *Bill No. 2025-6*

25 *Legislation/2025/Ordinances/2025-22(O)/Automated Compliance Enforcement System*