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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2022-\_\_**

**INTRODUCED BY:**

Councilor Signe Lindell

Mayor Alan Webber

Councilor Amanda Chavez

**AN ORDINANCE**

**AMENDING SECTION 12-10-1.10 OF THE UNIFORM TRAFFIC ORDINANCE GOVERNING MUFFLERS AND EMISSION CONTROL DEVICES; AND AMENDING SCHEDULE A OF THE UNIFORM TRAFFIC ORDINANCE TO INCREASE PENALTIES FOR MUFFLER NOISE VIOLATIONS.**

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

**Section 1. Section 12-10-1.10 of SFCC 1987 (being Ord. 2021-2, § 16 as amended)**

A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, muffler bypass, straight-through mufflers that do not contain baffles (including but not limited to glass packs, steel packs, and straight pipes), or similar device upon a motor vehicle on a street in this municipality.

B. The muffler, emission control equipment or device, engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive

1 fumes or smoke.

2 ~~[C. Every registered gasoline fueled motor vehicle manufactured or assembled,~~  
3 ~~commencing with the 1968 models, shall at all times be equipped and maintained in good working~~  
4 ~~order with the factory installed devices and equipment or their replacements designed to prevent,~~  
5 ~~reduce or control exhaust emissions or air pollution. (66-3-844 NMSA 1978)]~~

6 D. Muffler changes or modification. No person shall sell, offer for sale, install or  
7 offer to install, modify or change the exhaust muffler, intake muffler, or any other noise abatement  
8 device of a motor vehicle in a way that increases or tends to increase the exhaust fumes, smoke, or  
9 noise from a motor vehicle. Such prohibited changes or modifications shall include, but not be  
10 limited to cut-outs, by-passes, and straight-through mufflers that do not contain baffles (including  
11 but not limited to glass packs, steel packs, and straight pipes).

12 **Section 2. Schedule A of the Uniform Traffic Ordinance (being Ord. No. 2006-**  
13 **34, as amended) is amended to read:**

14 **SCHEDULE A**

15 **TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE**

16 ADOPTED: July 12, 2006 - Ord. No. 2006-34

17 AMENDED: March 25, 2009 - Ord. No. 2009-11

18 February 10, 2010 - Ord. No. 2010-2

19 June 29, 2011 - Ord. No. 2011-23

20 August 13, 2014 - Ord. No. 2014-26

21 February 24, 2021 - Ord. No. 2021-2

22 **SECTION 2.**

1           A. "Penalty assessment misdemeanor" means violation of the following listed  
2 sections of the city of Santa Fe Uniform Traffic Code for which the listed penalty assessment is  
3 established. The term "penalty assessment misdemeanor" does not include any violation which  
4 has caused or contributed to the cause of an accident resulting in injury or death to any person.  
5 When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear  
6 in lieu of a notice of penalty assessment, the fine imposed upon later conviction shall not exceed  
7 the penalty assessment established for the particular penalty assessment misdemeanor and  
8 probation imposed upon a suspended or deferred sentence shall not exceed ninety days. (Ord. No.  
9 2021-2, § 24)

<b>COMMON NAME OF OFFENSE</b>	<b>SECTION VIOLATED</b>	<b>PENALTY ASSESSMENT</b>
Obedience To Traffic-Control Devices/Failure To Stop	12-5-3	\$25.00
Red Light	12-5-6	\$25.00
Pedestrian Controls	12-5-7	\$25.00
Flashing Signals	12-5-8	\$25.00
Display of Unauthorized Signs, Signals, or Markings	12-5-10	\$25.00
Basic (Speeding) Rule	12-6-1.1	\$25.00
Speed Limits	12-6-1.2	
A. The following apply outside a school zone:		
Up to and including 10 miles an hour over speed limit		\$15.00
From 11 up to and including 15 miles an hour over speed limit		\$30.00

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From 16 up to and including 20 miles an hour over speed limit		\$65.00
From 21 up to and including 25 miles an hour over speed limit		\$100.00
From 26 up to and including 30 miles an hour over the speed limit		\$125.00
From 31 up to and including 35 miles an hour over the speed limit		\$150.00
More than 35 miles an hour over the speed limit		\$200.00
B. In a school zone	12-6-1.2A	\$171.00
C. In a construction zone: The penalty assessment for speeding in violation of Section 12-6-1.2 (4) of the city of Santa Fe traffic ordinance is twice the penalty assessment established in subsection A above for the equivalent miles per hour over the speed limit		
D. In a pedestrian zone. The penalty assessment for speeding in violation of the posted speed limit in a designated pedestrian zone is twice the penalty assessment established in subsection A. above for the equivalent miles per hour over the speed limit.		
Minimum Speed Regulations	12-6-1.5	\$25.00
Driving On Right Side Of Street	12-6-2.1	\$25.00
Overtaking A Vehicle On The Left	12-6-2.3	\$25.00
Limitations On Overtaking On The Left	12-6-2.4	\$25.00
Overtaking A Vehicle On The Right	12-6-2.6	\$25.00
No Passing Zones/Restrictions On Passing	12-6-2.7	\$25.00
Streets Laned For Traffic	12-6-2.12	\$25.00

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Following Too Closely	12-6-2.13	\$25.00
Driving On Divided Streets	12-6-2.14	\$25.00
Driving Vehicle On Or Across Bicycle Lane Or Path.	12-6-2.17	\$25.00
Turning Left At Intersection	12-6-4.2	\$25.00
Entering Stop/Yield Intersection/Failure To Yield	12-6-4.3	\$25.00
Required Position/Method of Turning/Improper Turn	12-6-5.1	\$25.00
Obedience To No-Turn Signs	12-6-5.4	\$25.00
Limitations On Turning Around/Illegal U-Turn	12-6-5.5	\$25.00
Starting A Parked Vehicle	12-6-5.7	\$25.00
Turn/Stop Movements	12-6-5.8	\$25.00
Failure To Signal	12-6-5.9	\$25.00
Motorist Turning Across Bicycle Lane.	12-6-5.11	\$25.00
Stopping, Standing & Parking	12-6-6	See Exhibit B
Special Stops Required	12-6-7 (Excluding 12-6-7.3, 12-6-7.4, 12-6-7.5 and 12-6-7.7)	\$25.00
Stopping For School Bus	12-6-7.3	\$100.00

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Failure To Stop At Railroad Crossing	12-6-7.5 and 12-6-7.7	\$150.00
Operators and Chauffeurs Must Be Licensed	12-6-12.5	\$25.00
Driving While License Suspended/Administratively Suspended	12-6-12.6 and 12-6-12.6A	\$25.00
Driving While License Revoked	12-6-12.6B	\$300-\$500
Unattended Motor Vehicle	12-6-12.8	\$25.00
Limitations On Backing	12-6-12.9	\$25.00
Restriction On Use of Video In Motor Vehicles	12-6-12.11	\$25.00
Coasting Prohibited	12-6-12.12	\$25.00
Prohibited Activities While Driving (including handheld mobile communication device use)	12-6-12.18	\$200.00
Mobile communication device use while driving in a school zone	12-6-12.18	\$300.00
Permitting Unauthorized Persons To Drive	12-6-12.23	\$25.00
Destructive Material On Roadway/Failure To Secure Load	12-6-13.5	\$100.00
Improper Opening Of Doors	12-6-13.8	\$25.00
Child Restraint Device Or Safety Belt	12-6-13.12	\$100.00
Mandatory Use Of Seat Belts	12-6-13.13	\$100.00
Open Container, 1 <sup>st</sup> Offense	12-6-13.14	\$100.00
for subsequent violations		mandatory court appearance

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Littering	12-6-13.15	\$300.00
Jaywalking	12-6-14.1 through 12-6- 14.8	\$25.00
Windshield	12-10-1.12	\$25.00
When Lighted Lamps Are Required	12-10-1.3	\$25.00
Headlamps On Vehicles	12-10-1.5	\$25.00
Dimming Of Lights	12-10-1.6	\$25.00
Tail Lamps	12-10-1.7, except 12-10-1.7C	\$25.00
Plate Light Required	12-10-1.7C.	\$10.00
Stop Lamps/Brake Lamps	12-10-1.9	\$25.00
Mufflers, Prevention of Noise, 1 <sup>st</sup> Offense	12-10-1.10	<del>[\$25.00]</del> <u>Minimum \$250</u> <u>not to exceed</u> <u>\$500.00</u>
<u>for subsequent offenses</u>		<u>\$500.00</u>
Lamp Or Flag On Projecting Load	12-10-1.11	\$25.00
Windshield Must Be Unobstructed and Equipped with Wipers and Windows Must Be Transparent	12-10-1.12	\$25.00
Tinted Windows	12-10-1.12A	\$25.00
Unsafe Equipment (Brakes)	12-10-1.16	\$25.00

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Display of Current Valid Registration Plate	12-10-4	\$25.00
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PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED AS TO FORM:

  
Erin McSherry (Sep 7, 2022 23:10 MDT)

ERIN K. McSHERRY, CITY ATTORNEY