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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2025-6

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe Lindell

Councilor Pilar Faulkner

Councilor Michael Garcia

A BILL

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) ~~[The governing body finds that t]~~ There is a significant risk to the health
9 and safety of the community from drivers who exceed the posted speed
10 limit signs.

11 (2) ~~[B. The governing body finds that s]~~ Some drivers in Santa Fe repeatedly
12 violate posted speed limits.

13 (3) ~~[The governing body finds that s]~~ State law against speeding is inadequate
14 to preserve public safety in Santa Fe.

15 (4) ~~[The governing body finds that p]~~ Photographic and electronic devices that
16 measure speed are accurate and reliable.

17 (5) ~~[The governing body finds that implementation of e]~~ Enforcement of
18 speed limits by means of photographic and electronic equipment will abate
19 the nuisance of speeding.

20 B. **Noise.**

21 The governing body declares the following findings and intentions regarding vehicle
22 noise:

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

25 (2) State law against excessive motor vehicle noise is inadequate to preserve

1 the public's peace.

2 (3) Photographic and electronic devices that measure automotive noise and
3 identify the offending vehicle in traffic accurately and reliably measure
4 decibel levels that exceed the limitations described in 10-2.9.

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

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

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

12 **24-4.3 Definitions.**

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

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

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

22 Authorized emergency vehicle means the same as defined under NMSA 1978, Section 66-
23 1-4.1 (E) (2001) as amended from time to time and, without limitation on the foregoing, shall mean
24 any fire department vehicle, police vehicle, ambulance and any emergency vehicles of municipal
25 departments or public utilities that are designated or authorized as emergency vehicles by the

1 director of the New Mexico State Police Division of the Department of Public Safety or chief of
2 police of the Santa Fe police department.

3 *Camera*~~[, speed device or "CSD"]~~ means the component within an ACE ~~[instrument]~~ that
4 detects a violation of this section ~~[.The definition]~~, include~~[es]~~ing, but is not limited to, ~~[electronic]~~
5 digital speed or sound detection equipment reasonably relied upon by ~~[police officers]~~ STOP
6 administrators.

7 *City* means the city of Santa Fe.

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

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

10 *Contractor* means a person or entity that enters a contract with the city to provide the city
11 with digital, photographic, videographic, and/or ~~[electronic]~~acoustic evidence of a violation of this
12 Section through an [CSD] ACE and that may provide administrative support and facilitation for
13 STOP.

14 *Days* means calendar days, including holidays.

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

17 *Delivery or delivered* means the mailing of a STOP fine notification to a registered owner
18 or nominee or personal service of a STOP fine notification or hearing officer decision on a
19 registered owner or nominee.

20 *Department* means the ~~[police]~~ city agency that employs the ~~[police officer]~~ STOP
21 administrator who issued a STOP fine notification or caused a STOP fine notification to be issued.

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

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

25 *Effective date* means the date a STOP fine notification is mailed to the recipient ~~[by the~~

1 ~~contractor~~] as indicated on the face of the STOP fine notification.

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

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

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

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

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

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

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

16 *Owner's affidavit* means a written statement signed under oath and submitted [~~to the city~~
17 ~~or the city's contractor~~] under penalty of perjury by the registered owner of a vehicle who asserts
18 therein that the registered owner was not driving a vehicle at the time of a violation.

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

22 [~~Public safety aide means a public safety aide of the Santa Fe city police department.~~]

23 *Registered owner* means the owner or owners of a vehicle according to the license plate
24 number or information obtained from the department of motor vehicles, from similar motor vehicle
25 agencies outside New Mexico, from information obtained from the Santa Fe municipal court, from

the Santa Fe county magistrate court, from department records, from an ~~an~~ CSD ACE or from any other documentation or methods reasonably relied upon by ~~police officers~~ a STOP administrator.

The singular includes the plural.

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

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 ~~[Violation]~~ 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 12-5-6 or]~~, Section 12-6-1.2, "Speed Limits" or Santa Fe Environmental Regulations, Section 10-2.9, "Motor vehicle noise"; ~~[of the City of Santa Fe Traffic Code]~~ is a violation of this section.

1 This section does not apply to authorized emergency vehicles responding to an
2 emergency.

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

5 **24-4.5 Enforcement.**

6 A. *Criminal Violation Observed by Police Officer.* This section does not abrogate or impair
7 enforcement authority of existing traffic laws by a police officer for a violation committed
8 in their presence. Specifically, if a police officer personally and contemporaneously
9 observes a traffic violation, the police officer may stop the vehicle and issue a citation
10 under state law or the city of Santa Fe Traffic Code in the usual manner.

11 B. *Violation Recorded by [CSD] ACE.* The contractor shall provide all evidence of an [CSD]
12 ACE-recorded violation to a [~~police officer~~] STOP administrator. A [~~police officer~~] STOP
13 administrator shall review all [CSD] ACE evidence provided by the contractor. If the
14 [~~police officer~~] STOP administrator determines that a violation has occurred, the [~~police~~
15 ~~officer~~] STOP administrator shall cause a STOP fine notification to be delivered to the
16 registered owner. The registered owner is strictly and vicariously liable for the violation
17 unless one (1) of the exceptions herein applies. If there is more than one (1) registered
18 owner, all registered owners shall be jointly and severally liable.

19 C. *STOP Fine Notification.*

20 (1) Form and contents. The STOP fine notification shall [~~state and contain~~]
21 include the following:

22 (a) name of the registered owner or owners or nominee,

23 (b) [~~the~~] effective date of the STOP fine notification,

24 (c) [~~the~~] type of violation,

25 (d) [~~the~~] date, time, and location of the violation,

- (e) a picture of the violation,
- (f) ~~the~~ license number of the vehicle,
- (g) ~~the~~ name and identification of the issuing ~~[police officer]~~ STOP
program administrator,
- (h) ~~the~~ amount of the fine ~~[consistent with fees listed in Schedule A of~~
~~Exhibit A of Chapter 24 (Uniform Traffic Ordinance)]~~,
- (i) whether the fine is a first or subsequent violation,
- (j) the response due date and the address for sending the response~~[of the~~
~~city clerk]~~,
- (k) ~~[The STOP fine notification shall]~~ conspicuous~~[ly and in]~~, bold face
type stat~~e~~ing, "Failure to pay this fine on time will lead to serious
legal consequences including the assessment of additional fines and
monies due. A second or subsequent STOP violation within two (2)
years from the date of this STOP fine notification will lead to
increasing fines and penalties;"
- (l) ~~[The STOP fine notification shall include]~~ an owner's affidavit
form~~[-]~~,
- (m) ~~[The STOP fine notification shall contain]~~ a pre-addressed return
envelope addressed to the STOP administrator ~~[-contractor or the~~
~~Santa Fe police department]~~,
- (n) ~~[The STOP fine notification shall]~~ language informing the registered
owner or the nominee of the right to request a hearing ~~[by so indicating~~
~~in a space provided on the form and returning same to the city clerk]~~
with instructions describing how to indicate interest, including
instructions to do so within thirty-five (35) days of the effective date

of the STOP fine notification.

(2) Delivery. The STOP fine notification shall be mailed ~~[delivered]~~ to the address of the registered owner according to the address registered with the department of motor vehicles or to the address of the nominee according to the owner's affidavit. Because ~~[F]~~the registered owner has a duty to timely notify DMV of a change of address, ~~[and]~~ the failure to do so does not entitle the registered owner to assert the defense of inadequate notice. The mailing of a STOP fine notification to the address of the registered owner of a vehicle according to the records of DMV or to the address of the nominee according to the owner's affidavit is constructive notice of a STOP fine notification.

D. *Response to a STOP Fine Notification.* Within thirty-five (35) days from the effective date, the registered owner shall respond to the STOP fine notification in one of three ways: 1) pay the fine, 2) [file an owner's affidavit making a nomination] appeal the fine and request a hearing, or 3) [request a hearing] file an owner's affidavit making a nomination. ~~[To pay the fine, the recipient shall deliver the STOP fine notification with payment to the city or to the contractor according to the instructions on the STOP fine notification. To make a nomination, the recipient shall return the STOP fine notification with a completed owner's affidavit to the contractor. To request a hearing, the recipient shall return the STOP fine notification with the request for hearing to the hearing officer. There is no fee to request a hearing. Three (3) days for mailing is not allowed and the response shall be actually received later than thirty five (35) consecutive days (including holidays) from the effective date. The department and hearing officer shall forthwith notify the contractor concerning the receipt of a request for hearing. If the fine has not been paid, there has been no nomination or a request for~~

1 a hearing within thirty-five (35) days from the effective date, the contractor shall send
2 written notice of default to the department and the registered owner or nominee or
3 both].

4 (1) Payment of STOP fine. Upon receipt of the STOP fine notification, the
5 recipient may elect to admit the violation and pay the fine [~~To proceed under~~
6 ~~this paragraph, the recipient shall admit the violation~~] by signing and dating
7 the STOP fine notification on a space provided and returning it [~~the STOP fine~~
8 ~~notification~~] with payment [~~to the contractor or to the city~~] within thirty-five
9 (35) days, according to the instructions on the STOP fine notification. The city
10 may, but is not required to, adopt procedures for alternative methods of
11 payment of fines using the internet or other on-line services. There shall be a
12 fifty-dollar (\$50.00) penalty for any payment tendered that is not honored or
13 is returned for any reason.

14 (2) Appeal and hearing. The recipient of the STOP fine notification may request
15 a hearing by [~~so indicating and~~] returning the STOP fine notification,
16 consistent with instructions, [~~to the hearing officer~~] within thirty-five (35)
17 days of the effective date. There is no fee for a hearing. The hearing officer
18 shall schedule a hearing and conduct the hearing as is described in 24-4.5(F),
19 “Hearing”.

20 (3) Nomination. Any registered owner who was not driving the car at the time of
21 the violation may either accept the responsibility or identify the driver so the
22 department or the contractor can send a notice of violation to the driver. The
23 nomination procedure described in this paragraph is available to any registered
24 owner and is not limited to corporations and governmental entities. If the
25 registered owner claims that another person was driving the vehicle at the time

1 of the violation, the registered owner shall so indicate on the owner's affidavit
2 and identify the person who was driving the vehicle and the person's address,
3 if known. [~~The contractor shall forthwith deliver the STOP fine notification~~
4 ~~and owner's affidavit to the department to the attention of the issuing police~~
5 ~~officer~~]. The [~~police officer~~] department or contractor may send a new STOP
6 fine notification to the nominee or cause the contractor to deliver a new STOP
7 fine notification to the nominee. The effective date of the STOP fine
8 notification sent to the nominee is the day the STOP fine notification is issued
9 to the nominee as indicated on the face of the new STOP fine notification. If
10 the nominee successfully appeals the allegation that [~~he or she was~~] the
11 nominee was the driver or defaults on payment of the STOP fine, the city may
12 proceed against the registered owner by issuing to the registered owner a
13 [~~subsequent~~] STOP fine notification [~~to the registered owner~~] with a [~~the~~] new
14 effective date [~~being the date so~~] indicated on its [~~the~~] face [~~of the subsequent~~
15 ~~STOP fine notification~~]. If the city cannot assert jurisdiction over the nominee,
16 the registered owner is responsible, subject to the remaining defenses available
17 in this section. Any registered owner who submits an owner's affidavit does so
18 under penalty of perjury. If the registered owner operates a business that uses
19 a fleet of [~~one (1) or~~] more than one (1) vehicle[s] and nominated the driver on
20 a previous violation and the driver paid the fine or otherwise cleared the
21 violation, a subsequent violation pertaining to the fleet vehicle shall not be
22 considered a second, third, or subsequent violation regarding that vehicle,
23 unless [~~driven by~~] the same driver was driving the vehicle in the initial
24 violation and subsequent alleged violations. Without limitation on the
25 foregoing, nomination may be used [~~when~~] under the following circumstances:

1 (a) the registered owner is the United States of America, state of New Mexico,
2 county of Santa Fe, city of Santa Fe, or any other governmental entity that
3 owns a vehicle that was being driven by a natural person who was an
4 employee, contractor or agent of the governmental entity at the time of the
5 alleged violation. Said entities shall nominate and identify the driver.

6 (b) The registered owner is a place of business, corporation, or other non-
7 natural entity that owns a vehicle ~~[that was being driven by a natural~~
8 ~~person who was the employee, contractor or agent of the business,~~
9 ~~corporation or other non-natural entity at the time of the alleged violation.~~
10 ~~Said entities shall nominate and identify the driver].~~

11 (c) The registered owner is an automobile rental business, automobile
12 dealership, or other business entity that, in the ordinary course of business,
13 leases vehicles to others and the lessee was driving the vehicle at the time
14 of the alleged violation. Said entities shall nominate and identify the
15 driver.

16 (d) The registered owner was not driving the vehicle at the time of the
17 violation. ~~[To assert the defense mentioned in this paragraph, t]~~ The
18 registered owner shall nominate and identify the ~~[actual]~~ driver, ~~and~~
19 ~~comply with the nomination provision above to assert this defense].~~

20 E. *Default.* If the city does not receive payment of the fine, a nomination, or a request for
21 a hearing within thirty-five (35) days from the effective date, the registered owner is
22 in default. Default automatically results in liability to the registered owner for the
23 violation and the registered owner is barred from requesting or obtaining any hearing
24 on the merits of the STOP fine after the date of the default. A default results in an
25 additional penalty of twenty-five dollars (\$25.00). The department shall mail, or cause

1 the contractor to mail, the notice of default to the defaulting party. The notice of default
2 shall inform the ~~[recipient]~~ defaulting party that they have twenty (20) days from the
3 date of mailing of the notice of default to pay the fine and default penalty ~~[or request a~~
4 ~~hearing from the hearing officer]~~. If the default is not cured, the city may pursue all
5 remedies for collection of a debt and ~~[is entitled to]~~ may seek an award of reasonable
6 attorney's fees incurred. An uncured notice of default shall be entered into the records
7 of the department. The registered owner is liable for a default by a nominee.

8 F. *Hearing.* In the event of a demand for a hearing, the hearing officer shall hold a hearing
9 within ninety (90) days from the date of the request for hearing unless a continuance
10 is granted pursuant to the consent of the parties. The hearing does not need to be held
11 within ninety (90) days if a continuance is granted. The hearing officer is in charge of
12 the proceedings and may exclude any person for inappropriate conduct. The hearing
13 shall be conducted following the rules of evidence and civil procedure for the district
14 courts. The department has the burden to prove by a preponderance of the evidence
15 that the violation occurred. The respondent has the burden to prove any defenses by a
16 preponderance of the evidence. A photograph, videotape, audio file, or other
17 ~~[electronic]~~ evidence collected by an ACE of a violation is authentic, is not hearsay,
18 and shall be admitted into evidence by the hearing officer. The respondent may
19 challenge the weight or accuracy of the evidence. If the department prevails, the
20 respondent shall pay the fine. The hearing officer shall render a decision in writing in
21 ten (10) days and provide the decision to the department and the finance department.
22 A determination by the hearing officer shall not impose a total amount of penalties,
23 fines, fees and costs in excess of that provided in this section. The hearing officer may
24 refer the respondent to teen court according to the municipal court's procedures for teen
25 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 assert the defense mentioned in this paragraph, the registered owner shall identify the actual driver and comply with the nomination provision above to assert this defense.
- (5) The vehicle should not be assessed an increased fine for a subsequent violation because the registered owner owns or operates a fleet of vehicles in a business and nominated the actual driver who satisfied payment of the fine on the previous violation.
- (6) The registered owner did not receive notice because the STOP fine notification was not mailed to the address of record with the department of motor vehicles.

1 H. *Fine.* Except as set forth in paragraph ([2]3) below, the following fines are prescribed
2 for all violations, including those imposed by the hearing officer. Nothing in this
3 section shall prohibit the department from entering into pre-hearing settlement
4 agreements with respondents.

5 (1) Speeding.

6 (a) For ~~[each]~~ the first violation, the fines for speeding are as follows:

7 ([a] i) More than five (5) miles per hour over the speed limit in
8 school and construction zones: one hundred dollars
9 (\$100~~[-]~~);

10 ([b] ii) More than ten (10) miles per hour over the speed limit in
11 all other locations: fifty dollars (\$50~~[-]~~).

12 ([2]b) For subsequent violations within two (2) years of the preceding
13 violation, the fines for speeding are as follows:

14 ([a]i) More than five (5) miles per hour over the speed limit in
15 school and construction zones: one hundred and fifty
16 dollars (\$150);

17 ([b]ii) More than ten (10) miles per hour over the speed limit: one
18 hundred dollars (\$100).

19 (2) Noise.

20 (a) vehicular noise exceeding the limits in SFCC Section 10-2.9: five
21 hundred dollars (\$500).

22 ([2]3) The hearing officer may allow service to the city as an alternative to payment
23 of fines. A violator who elects to avail themselves of the option of service to the city in lieu
24 of payment of a fine does so voluntarily and is entitled to none of the benefits conferred
25 upon city employees, including, without limitation, workers compensation. The city is not

1 responsible for damages incurred except as otherwise provided by law. The person seeking
2 relief hereunder shall timely request the option of service to the city in lieu of payment of
3 a fine by requesting a hearing before a hearing office at which to demonstrate that the
4 person eligible for the option and shall not be in default on payment of other fines, fees, or
5 liens levied by the city ~~[of Santa Fe]~~. Respondents ordered to perform community service
6 in lieu of payment of a fine shall complete such community service within thirty (30) days
7 from the date of hearing. ~~[Passing a background check is required]~~ A person who cannot
8 pass the background check to qualify as a volunteer shall not obtain relief under this
9 paragraph. The services shall be performed ~~[for]~~ with approved organizations or city
10 departments. Services shall be rendered in not less than full hour increments and shall be
11 credited against the fine payable at a rate consistent with the city of Santa Fe Living Wage
12 Ordinance, Section 28-1.5(B) SFCC 1987. The city manager or designee may ~~[shall]~~
13 establish procedures for administering this paragraph including, but not limited to, the
14 nature of services performed.

15 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2025.

16 APPROVED AS TO FORM:

17
18 

[Erin McSherry \(Sep 19, 2025 17:08:54 MDT\)](#)

19 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2025/Bills/Automated Compliance Enforcement System*