

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2018-20

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4
5 AN ORDINANCE

6 RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE;
7 AMENDING SECTION 12-9-3.9 REGARDING THE FAILURE TO PROPERLY DISPLAY A
8 PARKING PLACARD AS A DEFENSE AGAINST A CHARGE OF VIOLATION OF THE
9 SUBSECTION; AND AMENDING SUBSECTION 12-9-4.5(B) TO ALLOW FOR A
10 REDUCED DEPOSIT FOR FIRST TIME OFFENDERS OF A DESIGNATED ADA
11 ACCESSIBLE PARKING VIOLATION WHO REQUEST AN ADMINISTRATIVE
12 HEARING.

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

15 Section 1. Section 12-9-3.9 of the City of Santa Fe Uniform Traffic Ordinance
16 (being Ord. #2014-39) is amended to read:

17 12-9-3.9 PARKING IN DESIGNATED ADA ACCESSIBLE PARKING SPACES.

18 A. It is unlawful for any person to park a motor vehicle not carrying registration plates
19 or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section 3-51-
20 46 NMSA 1978 in a designated accessible parking space for persons with significant mobility
21 limitation or in such a manner as to block access to any part of a curb cut designed for access by
22 persons with significant mobility limitations. Any person who violates this section shall be subject to
23 a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500).
24 Failure to properly display a parking placard or special registration plate issued pursuant to Section
25 66-3-16 NMSA 1978 may be a defense against a charge of violation of Subsection A of this section

1 (66-7-352.5 NMSA 1978).

2 B. It is unlawful for any person to stand or stop a motor vehicle not carrying registration
3 plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section
4 3-51-46 NMSA 1978 in a designated accessible parking space for persons with significant mobility
5 limitation. Any person who violates this section shall be subject to a fine of not less than two
6 hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a
7 parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 may be a
8 defense against a charge of violation of Subsection A of this section (66-7-352.5 NMSA 1978).

9 C. It is unlawful for any person to use a designated accessible parking space for persons
10 with significant mobility limitation for the purpose of receiving or discharging passengers or for
11 loading or unloading if the vehicle receiving or discharging the passengers or loading or unloading
12 does not carry registration plates or a placard indicating disability in accordance with Section 66-3-16
13 NMSA 1978 and Section 3-51-46 NMSA 1978. Any person who violates this section shall be subject
14 to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500).
15 Failure to properly display a parking placard or special registration plate issued pursuant to Section
16 66-3-16 NMSA 1978 may be a defense against a charge of violation of Subsection A of this section
17 (66-7-352.5 NMSA 1978).

18 D. As used in this section, "designated accessible parking space" means any space
19 including an access aisle, marked and reserved for the parking of a vehicle that carries registration
20 plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and
21 Section 3-51-46 NMSA 1978, and designated by a conspicuously posted sign bearing the
22 international symbol of accessibility and if paved, by a clearly visible depiction of this symbol
23 painted white on blue on the pavement of the space, except where the total number of parking spaces
24 is four or less. Temporary accessible parking spaces may be designated by a blue hood labeled as
25 accessible parking or in such other manner as to clearly indicate the space is for accessible parking

1 only. "Curb cut" means a short ramp through a curb or built up to the curb designed for access by
2 persons with disabilities. (66-7-352.5 NMSA 1978).

3 E. Any vehicle parked in violation of Subsections A, B or C of this section is subject to
4 being towed at the expense of the vehicle owner upon authorization by law enforcement personnel or
5 by the property owner or parking division director.

6 F. State, county and municipal law enforcement personnel, including city of Santa Fe
7 parking enforcement officers, have the authority to issue citations for violations of §12-9-3.9 in their
8 respective jurisdictions, whether the violation occurs on public property or private property (Section
9 3-51-46 NMSA 1978).

10 G. A law enforcement officer may issue a citation or authorize towing of a vehicle for a
11 violation of Section A of this section regardless of the presence of the driver (66-7-352.5 NMSA
12 1978).

13 **Section 2. Section 12-9-4.5(B) of the City of Santa Fe Uniform Traffic Ordinance**
14 **(being Ord. #2014-39, as amended) is amended to read:**

15 B. *Response to a Parking Citation Notification.* Within fifteen (15) days from the date
16 of issuance of the citation or from the date of first notice, the registered owner shall pay the fine or
17 submit a request for a hearing.

18 (1) *Payment of the parking fine.* Upon receipt of the parking citation notification,
19 the recipient may elect to acknowledge the violation and pay the fine. To proceed under this
20 paragraph, the recipient shall acknowledge the violation by signing and dating the parking
21 citation notification on a space provided and returning the parking citation notification with
22 payment to the parking violations bureau within fifteen (15) days from the date of issuance of
23 the citation. The city may, but is not required to, adopt procedures for alternative methods of
24 payment of citations using the internet or other on-line services. There shall be a fifty dollar
25 (\$50.00) penalty for any payment tendered that is not honored or is returned for any reason.

1 (2) *Request for administrative review.* The recipient of a parking citation may
2 submit in writing within fifteen (15) days from the date of issuance of the parking citation or
3 date of notice, a request for an administrative review of their citation. Parking violations
4 bureau staff will conduct an administrative review of the evidence provided and make a
5 decision of the citizen's review request. Parking violations bureau staff will then notify the
6 appellant within ten (10) business days of the decision. Parking violations bureau staff shall
7 then verify citation status, including the disposition following administrative review, whether
8 the fine has been paid, and shall confirm whether an administrative hearing request has been
9 made within fifteen (15) days following the mailing of the notice of the results of the
10 administrative review.

11 (3) *Request for administrative hearing.* If all parking violations bureau defined
12 requirements are met, and a request for an administrative hearing has been received within
13 fifteen (15) days following the mailing of the notice of the results of the administrative
14 review, parking violations bureau staff shall schedule a hearing with the hearing officer
15 within five (5) business days from date of receipt of the request for an administrative hearing
16 from the registered owner. The administrative hearing date will be selected based on the
17 hearing officer's schedule and availability. Citizen's availability will be accommodated based
18 upon the hearing officer's availability. Except in the case of a first time designated ADA
19 accessible parking space violation, an amount equal to the original citation fine amount shall
20 accompany a request for an administrative hearing, and this payment will be held as a deposit
21 until a decision has been made by the hearing officer. In the case of a first time designated
22 ADA accessible parking space violation, an amount equal to thirty-five dollars (\$35.00) shall
23 accompany the violator's request for an administrative hearing and this payment will be held
24 as a deposit until a decision is made by the hearing officer. If the decision of the hearing
25 officer is in favor of the hearing requestor, then the deposited amount will be returned to the

1 registered owner of the vehicle; or if the deposit was made in the form of a check, then the
2 deposit will be returned to the account holder of the checking account the check was drawn
3 from. In the event the hearing officer decides to uphold the citation, then the registered
4 owner of the vehicle is liable to pay the citation fine amount owed less the thirty-five dollar
5 (\$35.00) deposit within fifteen (15) days from the date of the administrative hearing decision
6 letter. A penalty of two hundred and fifty dollars (\$250.00) will be assessed to the balance
7 owed on the designated ADA accessible parking space violation for non-payment within
8 fifteen (15) days from the date of the administrative hearing decision letter.

9 All other administrative hearing deposited amounts will be handled in accordance
10 with the hearing officer's decision. If the decision of the hearing officer is in favor of the
11 hearing requestor, then the deposited amount will be returned to the registered owner of the
12 vehicle, or if the deposit was made in the form of a check, then the deposit will be returned
13 the account holder of the checking account. If the hearing officer decides to uphold the
14 citation, then the deposited amount shall be applied to other unpaid parking citations directly
15 linked to the registered owner in the order of the oldest citation being paid first until the
16 deposited amount is fully consumed. Should a balance of the deposited amount remain after
17 all outstanding citations have been paid, then the remaining balance will be returned to the
18 registered owner, or if the deposit was made in the form of a check, then the balance of the
19 deposit will be returned to the account holder of the checking account.

20 (4) If an appeal is denied by the hearing officer, the appellant may file an appeal
21 in the first judicial district court, county of Santa Fe, under Rule 1-074 NMRA. If the court
22 rules in favor of the appellant, the citation account will be closed, no further action by the
23 appellant will be necessary, and the amount of the citation which was previously deposited
24 with the city will be reimbursed to the appellant by the parking violations bureau.

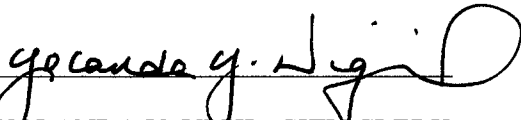
25 PASSED, APPROVED AND ADOPTED this 8th day of August, 2018.

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ALAN M. WEBBER, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY