

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2009-10

INTRODUCED BY:

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AN ORDINANCE

AMENDING SECTION 12-6-5.8 REGARDING TURNING AND STOPPING
MOVEMENTS AND REQUIRED SIGNALS; SECTION 12-6-12.18 REGARDING
PROHIBITED ACTIVITIES WHILE DRIVING; SECTION 12-6-13.15 REGARDING
INJURIOUS MATERIALS ON CITY STREETS; SECTION 12-9-9 REGARDING
DESIGNATED DISABLED PARKING SPACES; SECTION 12-12-20 REGARDING THE
VEHICLE IMMOBILIZATION (BOOT) PROGRAM; THE TRAFFIC VIOLATION
PENALTY ASSESSMENT SCHEDULE; AND THE PARKING VIOLATION PENALTY
ASSESSMENT SCHEDULE ALL OF THE CITY OF SANTA FE UNIFORM TRAFFIC
CODE.

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

Section 1. Section 12-6-5.8 of the City of Santa Fe Uniform Traffic Code (being
Ord. #2006-34) is amended to read:

12-6-5.8 TURNING AND STOPPING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper

1 position upon the street as required in Section 12-6-5.1 or turn a vehicle to enter a private road or
2 driveway or otherwise turn a vehicle from a direct course or move right or left upon a street
3 unless and until such movement can be made with reasonable safety. No person shall so turn any
4 vehicle without giving an appropriate signal in the manner hereinafter provided [~~in the event any~~
5 ~~other traffic may be affected by such movement~~].

6 B. A signal of intention to turn right or left when required shall be given
7 continuously during not less than the last one hundred feet traveled by the vehicle before turning.

8 C. No person shall stop or suddenly decrease the speed of a vehicle without first
9 giving an appropriate signal in the manner provided herein to the driver of any vehicle
10 immediately to the rear when there is opportunity to give such signal. (66-7-325 NMSA 1978)

11 D. The signals provided for in this section shall be used to indicate an intention to
12 turn, change lanes or start from a parked position and shall not be flashed on one side only on a
13 parked or disabled car or flashed as a courtesy or "do pass" signal to operators of other vehicles
14 approaching from the rear. (*)

15 **Section 2. Section 12-6-12.18 of the City of Santa Fe Uniform Traffic Code**
16 **(being Ord. #2006-34) is amended to read:**

17 **12-6-12.18 PROHIBITED ACTIVITIES WHILE DRIVING.**

18 **A.** No person shall:

19 (1) drive a vehicle while engaged in any activity which interferes with the
20 safe operation of the vehicle;

21 (2) drive while having in his lap any adult person, adult or minor, or any
22 animal;

23 (3) drive while seated in the lap of another person while the vehicle is in
24 motion;

25 (4) drive a vehicle while having either arm around another person;

1 (5) operate a motor vehicle's equipment, including but not limited to the
2 vehicle horn or lights, in such a manner as to distract other motorists on the public way or in such
3 a manner as to disturb the peace; or

4 (6) ~~[drive a vehicle while talking on a hand-held cellular phone while the~~
5 ~~vehicle is in motion. Calling 911 while driving, in order to report roadside assistance, an~~
6 ~~emergency or a crime being committed shall be exempt]~~ except as provided in subsection D.
7 below, operate a vehicle upon a public highway while using a mobile telephone to engage in a
8 call or create, send or read text messages.

9 B. For the purposes of Section 12-6-12.18, the following definitions apply:

10 (1) ENGAGE IN A CALL. Talking into, dialing or listening on a hand-held
11 mobile telephone.

12 (2) HAND-HELD MOBILE TELEPHONE. A mobile telephone with which
13 a user engages in a call using at least one hand (or prosthetic device or aid in the case of a
14 physically disabled person).

15 (3) HANDS-FREE MOBILE TELEPHONE. A mobile telephone that has an
16 internal feature or function, or that is equipped with an attachment or addition, whether or not
17 permanently part of such mobile telephone, by which a user engages in a call without the use of
18 either hand (or prosthetic device or aid in the case of a physically disabled person), whether or not
19 the use of either hand (or prosthetic device) is necessary to activate, deactivate or initiate a
20 function of such telephone.

21 (4) MOBILE TELEPHONE. The device used by subscribers and other users
22 of wireless telephone service to access such service and shall include personal digital assistants.

23 (5) NON-TRAVEL LANE. The berm or shoulder of a street or highway.

24 (6) PERSONAL DIGITAL ASSISTANT. A device operated using a
25 wireless telecommunications service that provides for data communication other than by voice.

1 (7) WIRELESS TELEPHONE SERVICE. Two-way real time voice
2 telecommunications service that is interconnected to a public switched telephone network and
3 commonly referred to as cellular service or personal communication service.

4 C. An operator of a motor vehicle who holds a mobile telephone to, or in the
5 immediate proximity of, his or her ear is presumed to be engaging in a call within the meaning of
6 this Section. The presumption established by this Section is rebuttable by evidence tending to
7 show that the operator was not engaged in a call. Immediate proximity shall mean that distance as
8 permits the operator of a mobile telephone to hear telecommunications transmitted over such
9 mobile telephone, but shall not require physical contact with such operator's ear.

10 D. Subsection A.(6) above shall not apply to:

11 (1) The use of a mobile telephone for the sole purpose of communicating
12 with any of the following regarding an emergency situation: an emergency response operator; a
13 hospital, physician's office or health clinic; an ambulance company or corps; a fire department,
14 district or company; or a police department;

15 (2) The use of a hands-free mobile telephone when being used in a hands
16 free manner; or

17 (3) The use of a hands-free mobile telephone when being used in a non-
18 travel lane.

19 Section 3. **[REPEAL.]** Section 12-6-13.15 of the City of Santa Fe Uniform
20 Traffic Code (being Ord. #2006-34) is repealed.

21 Section 4. **[NEW MATERIAL.]** A new Section 12-6-13.15 of the City of Santa
22 Fe Uniform Traffic Code is ordained to read:

23 **12-6-13.15. PUTTING INJURIOUS MATERIAL OR TRASH ON A CITY STREET.**

24 A. No person shall throw or deposit from a motor vehicle upon a city street any
25 trash, glass bottles, glass, nails, tacks, wire or cans.

1 B. No person shall throw a lighted match, cigar, cigarette, matches, or other flaming
2 or glowing substance from a motor vehicle where it can start a fire.*

3 C. A person who drops or permits to be dropped or thrown from a motor vehicle
4 upon any city street any destructive or injurious material or trash shall immediately remove the
5 same or cause it to be removed.

6 D. A person removing a wrecked or damaged vehicle from a city street shall remove
7 any glass or other injurious substance dropped upon the city street from the vehicle.

8 E. As used in this section, "trash" means any article or substance that when
9 discarded creates or contributes to an unsanitary, offensive or unsightly condition. "Trash"
10 includes waste food; paper products; cans, bottles and other containers; household furnishings
11 and equipment; parts or bodies of vehicles and other metallic junk or scrap; and collections of
12 ashes, dirt, yard trimmings and other rubbish.

13 **Section 5. Section 12-9-9 of the City of Santa Fe Uniform Traffic Code (being**
14 **Ord. #2006-34 as amended) is amended to read:**

15 **12-9-9 PARKING IN DESIGNATED DISABLED PARKING SPACES.**

16 A. It is unlawful for any person to park a motor vehicle not carrying registration
17 plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 in a
18 designated accessible parking space for persons with significant mobility limitation or in such a
19 manner as to block access to any part of a curb cut designed for access by persons with significant
20 mobility limitations. Any person who violates this section shall be subject to a mandatory court
21 appearance and a fine, of not less than two hundred fifty dollars (\$250) or more than five hundred
22 dollars (500). Failure to properly display a parking placard or special registration plate issued
23 pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of
24 Subsection A of this section (66-7-352.5 NMSA 1978)

25 B. As used in this section, "designated accessible parking space" means any space

1 including an access aisle, marked and reserved for the parking of a vehicle that carries registration
2 plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978,
3 and designated by a conspicuously posted sign bearing the international symbol of accessibility
4 and if paved, by a clearly visible depiction of this symbol painted white on blue on the pavement
5 of the space. Temporary accessible parking spaces may be designated by a blue hood labeled as
6 accessible parking or in such other manner as to clearly indicate the space is for accessible
7 parking only. "Curb cut" means a short ramp through a curb or built up to the curb designed for
8 access by persons with disabilities. (66-7-352.5 NMSA 1978).

9 C. Any vehicle parked in violation of Subsection A of this section is subject to being
10 towed at the expense of the vehicle owner upon authorization by law enforcement personnel or by
11 the property owner or manager of a parking lot.

12 D. State, county and municipal law enforcement personnel have the authority to
13 issue citations for violations of §12-9-9 in their respective jurisdictions, whether the violation
14 occurs on public property or private property. (Ord. No. 2006-34, Ord. No. 2007-49)

15 **Section 6. Section 12-12-20 of the City of Santa Fe Uniform Traffic Code (being**
16 **Ord. #2006-34) is amended to read:**

17 **12-12-20 VEHICLE IMMOBILIZATION (BOOT) PROGRAM**

18 A. Purpose. The purpose of the vehicle immobilization (boot) program is to
19 encourage compliance with the city of Santa Fe parking ordinances.

20 B. Definitions. The following definitions shall apply:

21 (1) vehicle immobilization, also known as a "boot" means the use of a
22 locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from
23 moving without damage to the tire to which the locking wheel boot is attached.

24 (2) parking citation means a written notice of a parking violation placed in
25 an envelope affixed to the windshield of the vehicle by a city of Santa Fe parking enforcement

1 officer, or police officer or other person authorized by the city of Santa Fe. Each parking citation
2 shall contain the following: vehicle information, date of violation, location of the violation, type
3 of violation, amount of fine owed, payment instructions, and instructions to contest the violation
4 as well as notice that three or more unpaid parking citations with the city of Santa Fe or three or
5 more unpaid municipal parking lot fee notices will result in the vehicle being eligible for booting.

6 (3) municipal parking lot fee notices means a written notice affixed to the
7 windshield of the vehicle by a city of Santa Fe parking enforcement officer, parking attendant, or
8 police officer or other person authorized by the city of Santa Fe, for failure to pay the mandatory
9 parking fees. Each notice shall contain the following: vehicle information, date of violation,
10 location of the violation, type of violation, amount of fine owed, payment instructions, and
11 instructions to contest the violation as well as notice that three or more unpaid parking citations
12 with the city of Santa Fe or three or more unpaid municipal parking lot fee notices will result in
13 the vehicle being eligible for booting.

14 (4) boot eligible vehicle means a vehicle that has received three or more
15 unpaid parking citations, or three or more unpaid municipal parking lot fee notices with the city
16 of Santa Fe.

17 C. [Notice Provisions.] Booting List. Owners or operators of vehicles that have
18 three or more unpaid parking citations with the city of Santa Fe or three or more unpaid
19 municipal parking lot fee notices ~~[shall be notified by certified mail and placement of notice on~~
20 ~~the windshield of the vehicle that they have ten working days to either pay their unpaid fines, fees~~
21 ~~and penalties, or request a hearing to contest their parking citations and/or municipal parking lot~~
22 ~~fees. In the event the vehicle is not currently registered and the owner is unknown, a notice~~
23 ~~attached to the driver's side window shall suffice as notice for due process purposes. If payment~~
24 ~~has not been received, or a hearing requested, the vehicles license plate number]~~ shall be placed
25 on an eligible list for vehicle "booting" maintained by the city of Santa Fe parking division.

1 D. Booting Procedures.

2 (1) When a boot eligible vehicle has been located on the public streets of the
3 city of Santa Fe, or city owned parking lot, the parking enforcement officer, police officer or
4 parking attendant, shall first contact the city of Santa Fe parking division to determine if the
5 unpaid fines, fees and penalties have been paid.

6 (2) If payments have not been made, the parking enforcement officer, police
7 officer or parking attendant, will contact the parking division to verify ownership of the vehicle
8 with the New Mexico motor vehicle department.

9 (3) If no payments have been made and ownership has been verified, a
10 “boot” shall be placed on the vehicle.

11 (4) A notice of immobilization (booting) shall be placed on the windshield
12 and on the driver’s side window of the vehicle. The notice warns the operator of the vehicle not
13 to move the vehicle or tamper with the boot and instructs the operator how to proceed on having
14 the boot removed.

15 (5) The booted vehicle shall be towed by the city or its designee at the owner
16 or operator’s expense if the unpaid fines, fees or penalties have not been paid within 72 hours of
17 the immobilization.

18 (6) If a vehicle meeting the above specifications cannot be booted because of
19 possible damage to the vehicle, or if the wheels are protected in a manner in which the boot
20 cannot be applied, the vehicle may be towed at the owner’s or operator’s expense.

21 (7) The unauthorized removal of a boot from a “booted vehicle” shall
22 constitute a violation of this ordinance, and shall be prosecuted in municipal court, and
23 punishable by a fine of \$500, and/or ninety days in jail, pursuant to §1-3 of the Santa Fe City
24 Code 1978.

25 E. Release Procedures

1 (1) All outstanding fines, penalties and fees shall be paid to the parking
2 division prior to the removal of the boot.

3 (2) A booting fee of \$50.00 shall be assessed by the parking division prior to
4 removal of the boot from the vehicle.

5 (3) The owner or operator of the vehicle may contest the "booting" and
6 request a hearing before the municipal judge.

7 (4) Upon proof of ownership, a bond shall be posted with the municipal
8 court, releasing the vehicle until a hearing in the matter has been conducted.

9 (5) The amount of the bond shall equal the amount of unpaid fines, penalties,
10 fees, and the booting fee as set forth in Exhibit C of Chapter 24 SFCC 1987.

11 (6) The owner or operator of the booted vehicle shall forfeit the bond if they
12 fail to appear at the municipal court hearing as scheduled.

13 (7) At the hearing, if it is determined that the owner or operator of the
14 vehicle has been improperly booted, the bond shall be released. (Ord. No. 2006-34)

15 **Section 7. Exhibit A Traffic Violation Penalty Assessment Schedule of the City**
16 **of Santa Fe Uniform Traffic Code (being Ord. #2006-34) is amended to read:**

17 **EXHIBIT A**

18 **TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE**

19 **ADOPTED: July 12, 2006**

20 **AMENDED: _____, 2009**

21 **SECTION 1.**

22 This Exhibit may be cited as the city of Santa Fe traffic violation penalty assessment schedule for
23 violations of the city of Santa Fe Uniform Traffic Code except those violations relating to parking
24 which are set forth in Exhibit C of Chapter 24 SFCC 1987.

25 **SECTION 2.**

"Penalty assessment misdemeanor" means violation of the following listed sections of the city of Santa Fe Uniform Traffic Code for which the listed penalty assessment is established. The term "penalty assessment misdemeanor" does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, the fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

		PENALTY
COMMON NAME OF OFFENSE	SECTION VIOLATED	ASSESSMENT
Obedience To Traffic-Control Devices	12-5-3	[\$10.00] <u>\$25.00</u>
Flashing Signals	12-5-8	[\$15.00] <u>\$25.00</u>
Basic (Speeding) Rule	12-6-1.1	[\$10.00] <u>\$25.00</u>
Speed Limits	12-6-1.2	
A. <i>The following apply outside a school zone:</i>		
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
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. <i>In a school zone</i>	12-6-1.2A.(1)	\$171.00
C. <i>In a construction zone:</i> 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		

1 assessment established in subsection A above for the equivalent miles per hour
 2 over the speed limit.

3 D. *In a pedestrian zone.* The penalty assessment for speeding in violation of the
 4 posted speed limit in a designated pedestrian zone is twice the penalty assessment
 5 established in subsection A above for the equivalent miles per hour over the
 6 speed limit.

7	Minimum Speed Regulations	12-6-1.5	[\$10.00] <u>\$25.00</u>
8	Overtaking A Vehicle On The Left	12-6-2.3	[\$10.00] <u>\$25.00</u>
9	Limitations On Overtaking On The Left	12-6-2.4	[\$10.00] <u>\$25.00</u>
10	No Passing Zones/Restrictions On Passing	12-6-2.7	[\$10.00] <u>\$25.00</u>
11	Following Too Closely	12-6-2.13	[\$10.00] <u>\$25.00</u>
12	Driving On Divided Streets	12-6-2.14	[\$10.00] <u>\$25.00</u>
13	Approaching/Entering Intersection	12-6-4.1	[\$10.00] <u>\$25.00</u>
14	Turning Left At Intersection	12-6-4.2	[\$10.00] <u>\$25.00</u>
15	Entering Stop/Yield Intersection	12-6-4.3	[\$10.00] <u>\$25.00</u>
16	[Required Position/Method Of Turning	12-6-5.1	\$10.00]
17	[Obedience To No Turn Signs	12-6-5.4	\$10.00]
18	[Limitations On Turning Around	12-6-5.5	\$10.00]
19	[Starting Parked Vehicle	12-6-5.7	\$10.00]
20	[Turning/Stopping Movements Required Signals	12-6-5.8	\$10.00]
21	<u>Turning And Starting And Signals On Stopping & Turning</u>	12-6-5	\$25.00
22	Stopping, Standing & Parking	12-6-6	[\$10.00] <u>See Exhibit B</u>
23	Special Stops Required	12-6-7	[\$10.00] <u>\$25.00</u>
24	<u>(Excluding 12-6-7.3 and 12-6-7.4)</u>		
25	Stopping For School Bus	12-6-7.3	\$100.00

1	[Operators/Commercial Driver's License	12-6-12.5	\$10.00]
2	Unattended Motor Vehicle	12-6-12.8	[\$10.00] <u>\$25.00</u>
3	Limitations On Backing	12-6-12.9	[\$10.00] <u>\$25.00</u>
4	Prohibited Activities While Driving		
5	(including hand held mobile telephone)	12-6-12.18	[\$10.00] <u>\$100.00</u>
6	[except for violations regarding hand held cellular phones which shall be		\$60.00]
7	<u>Unauthorized Persons Driving</u>	<u>12-6-12.23</u>	<u>\$25.00</u>
8	Destructive Material On Roadway	12-6-13.5	\$100.00
9	Improper Opening Of Doors	12-6-13.8	[\$10.00] <u>\$25.00</u>
10	Child Restraint Device Or Safety Belt	12-6-13.12	[\$25.00] <u>\$100.00</u>
11	Mandatory Use Of Seat Belts	12-6-13.13	[\$25.00] <u>\$100.00</u>
12	Possession/Consumption of Alcoholic Beverages in Open Containers	<u>12-6-13.14</u>	
13	first offense		[\$25.00] <u>\$100.00</u>
14	for subsequent violations [see Section	12-6-13.14]	<u>mandatory court appearance</u>
15	Littering	12-6-13.15	\$300.00
16	[Littering with a lighted match, cigar, cigarette, matches,		
17	or other flaming or glowing substance or object on any		
18	surface or article where it can cause an unwanted fire		\$500.00]
19	[Pedestrian Violation]	[12-6-14]	[\$10.00]
20	<u>Exercise Due Care For Pedestrians</u>	<u>12-6-14.8</u>	<u>\$25.00</u>
21	When Lighted Lamps Are Required	12-10-1.3	[\$10.00] <u>\$25.00</u>
22	Headlamps On Vehicles	12-10-1.5	[\$10.00] <u>\$25.00</u>
23	Dimming Of Lights	12-10-1.6	[\$10.00] <u>\$25.00</u>
24	Tail Lamps	12-10-1.7	[\$10.00] <u>\$25.00</u>
25	<u>Stop Lamps, Signal Lamps, Signal Devices</u>	<u>12-10-1.9</u>	<u>\$25.00</u>

1	Mufflers, Prevention Of Noise	12-10-1.10	[\$10.00] <u>\$25.00</u>
2	Lamp Or Flag On Projecting Load	12-10-1.11	[\$10.00] <u>\$25.00</u>
3	Brakes	12-10-1.16	[\$10.00] <u>\$25.00</u>
4	[Display Of Registration Plate	12-10-4	\$10.00]

5 **SECTION 3. MANDATORY COURT APPEARANCES**

6 Violations of the following listed sections of the city of Santa Fe Uniform Traffic Code require a
7 mandatory court appearance:

8	<u>Leaving The Scene Of An Accident</u>	<u>12-4-2</u>
9	<u>Duty to Give Information and Render Aid</u>	<u>12-4-3</u>
10	<u>Immediate Notice of Accident</u>	<u>12-4-6</u>
11	<u>Yield to Emergency Vehicle</u>	<u>12-6-7.4</u>
12	<u>Reckless Driving</u>	<u>12-6-12.3</u>
13	<u>Careless Driving</u>	<u>12-6-12.4</u>
14	<u>Operator/Chauffeur Licenses Required</u>	<u>12-6-12.5</u>
15	<u>Unlawful Use of License (Revoked)</u>	<u>12-6-12.6</u>
16	<u>Unlawful Use of License (Suspended)</u>	<u>12-6-12.6</u>
17	<u>Fleeing or Attempting to Elude An Officer</u>	<u>12-6-12.7</u>
18	<u>Racing on Streets</u>	<u>12-6-12.19</u>
19	<u>Consumption/Possession of Alcohol in Open Container</u>	<u>12-6-13.14 (second and</u>
20		<u>subsequent offenses)</u>
21	<u>Pedestrian Related Violations</u>	<u>12-6-14 (except 12-6-14.8)</u>
22	<u>Display of Current Registration</u>	<u>12-10-4</u>
23	<u>Evidence of Registration</u>	<u>12-10-5</u>
24	<u>Mandatory Financial Responsibility (Insurance)</u>	<u>12-10-6</u>

25 **SECTION 3-14. TRAFFIC CALMING FEES**

1 A. Persons violating speed limits within the city have created a need for traffic
2 calming. The governing body has determined that those persons violating the speed limits should
3 pay additional fees. The purpose of the additional fees is to discourage speeding within the city
4 and to provide funds for the city's traffic calming program.

5 B. The city hereby imposes a traffic calming fee equal to the maximum fine
6 (excluding court fees) to be paid by any person convicted of a speeding violation as set forth in
7 the Uniform Traffic Ordinance as adopted by the city, the total of which shall not exceed the
8 jurisdictional limits of the court. [~~The traffic calming fee does not apply to a construction zone.~~]
9 The traffic calming fee applies to all violations of Section 12-6-1.2, but the traffic calming fee is
10 not doubled.

11 C. The traffic calming fee shall be collected by the municipal court for
12 funding the city's traffic calming program. The amount of fees collected shall not decrease the
13 amount of money allocated to the traffic calming program through the current fiscal year Capital
14 Improvement Program bonding process.

15 D. The governing body shall review the results of this subsection including the
16 amount of fees which have been collected and the amount of police overtime because of this
17 subsection. The municipal court shall provide the governing body with the appropriate statistics
18 to review this subsection.

19 **SECTION [4-]5. MUNICIPAL COURT FEES**

20 In addition to the penalty assessment established pursuant to this Exhibit, there shall be assessed
21 the municipal court fees for each penalty assessment misdemeanor as set forth in Section 1-3.2
22 Section SFCC 1987.

23 **SECTION [5-]6. PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT**

24 A. Unless a warning notice is given, at the time of making an arrest for any penalty
25 assessment misdemeanor, the arresting officer shall offer the alleged violator the option of

1 accepting a penalty assessment. The violator's signature on the penalty assessment notice
2 constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the
3 prescribed penalty assessment is a complete satisfaction of the violation.

4 B. Payment of any penalty assessment shall be made by mail to the Municipal
5 Court, City of Santa Fe, P.O. Box 909, Santa Fe, New Mexico, 87504-0909 within 30 days from
6 the date of arrest. Payments of penalty assessments are timely if postmarked within the time
7 limits set from the date of arrest. The Municipal Court shall issue a receipt when a penalty
8 assessment is paid by currency, but a check or money order tendered by the violator upon which
9 payment is received is sufficient receipt.

10 C. No record of any penalty assessment payment is admissible as evidence in any
11 court in any civil action.

12 **SECTION [6.]7. FAILURE TO PAY PENALTY ASSESSMENT**

13 A. If a penalty assessment is not paid within 30 days from the date of arrest, the
14 violator shall be prosecuted for the violation charged on the penalty assessment notice in a
15 manner as if the penalty assessment notice had not been issued. Upon conviction in such
16 prosecution, the court shall impose penalties as provided for by the New Mexico Uniform Traffic
17 Ordinance (Section 12-12-1.1), or other law relating to motor vehicles for the particular offense
18 charge, and the scheduled penalty assessment shall not apply.

19 B. In addition to the prosecution provided for in Section A above, it is a
20 misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within
21 30 days from the date of arrest.

22 C. The municipal court shall notify the motor vehicle division of the state of New
23 Mexico when a person fails to pay a penalty assessment within the required period of time. The
24 motor vehicle division shall report the notice upon the driver's record and shall not renew the
25 person's license to drive until the municipal court notifies the motor vehicle division that the

1 penalty assessment, or its equivalent, as well as any additional penalties imposed are properly
2 disposed of.

3 **SECTION 7.18 VIOLATIONS NOT LISTED ON PENALTY ASSESSMENT**

4 **SCHEDULE.**

5 This traffic violation penalty assessment schedule does not apply to traffic violations not listed
6 above which are petty misdemeanors. Such violations mandate a court appearance with a fine of
7 up to three hundred dollars (\$300) and up to 90 days in jail.

8 **Section 8. Exhibit B Parking Violation Penalty Assessment Schedule of the City**
9 **of Santa Fe Uniform Traffic Code (being Ord. #2006-34) is amended to read:**

10 **EXHIBIT B**

11 **PARKING VIOLATION FINES SCHEDULE**

12 ADOPTED: July 12, 2006

13 AMENDED: _____, 2009

14 **SECTION 1.**

15 This Exhibit may be cited as the city of Santa Fe parking violation fines schedule.

16 **SECTION 2.**

17 "Parking violation" means violation of the following listed sections of the city of Santa Fe
18 Uniform Traffic Code for which the listed fine is established. The term "parking violation" does
19 not include any violation which has caused or contributed to the cause of an accident resulting in
20 injury or death to any person.

21	COMMON NAME OF OFFENSE	SECTION VIOLATED	FINE
22	Stopping, Standing or Parking Prohibited	12-6-6.1	\$27
23	Additional Parking Regulations	12-6-6.2	\$21
24	Stopped/Parked Vehicles Interferes with other Traffic	12-6-6.3	[\$37] \$35
25	Parking Alleys Prohibited	12-6-6.4	\$27

1	All-Night Park Prohibited	12-6-6.5	\$27
2	Parking for Certain Purposes Prohibited	12-6-6.6	\$27
3	Parking Adjacent to Schools Prohibited	12-6-6.7	\$27
4	Parking Prohibited on Narrow Streets	12-6-6.8	\$27
5	Standing or Parking on One-Way Streets	12-6-6.9	\$27
6	Standing or Parking on Divided Streets	12-6-6.10	\$27
7	Stopping Standing or Parking/Hazardous Places	12-6-6.11	\$27
8	Stopping, Standing or Parking/Certain streets	12-6-6.12	\$27
9	Stopping, Standing or Parking/Business/Residence distr.	12-6-6.14	\$27
10	Parking in a Special Parking Area Without a Permit	12-6-6.15	\$32
11	Stopping, Standing or Parking/Freight Loading Zones	12-6-8.4	\$37
12	<u>Parking of Buses and Taxicabs</u>	12-6-9.3	\$37
13	Restricted Use of Bus and Taxicab Stands	12-6-9.4	\$27
14	Parking Meter Space	12-9-3	\$27
15	<u>Parking Time Limits</u>	12-9-4	\$16
16	[Deposit of Coins	12-9-5	\$16]
17	<u>Presumption of Unlawful Parking</u>	12-9-8	\$27
18	<u>Abandoned vehicles on private property</u>	12-12-18	\$15

19 **SECTION 3. MUNICIPAL COURT FEES**

20 The municipal court fees set forth in Section 1-3.2 Section SFCC 1987 shall not apply to parking
 21 violations set forth in Section 2 above.

22 **SECTION 4. PAYMENT OF FINES**

23 Fines shall be paid to the city:

24 (a) by mailing a check or money order to city of Santa Fe parking violations bureau

25 P.O. Box 909 Santa Fe New Mexico 87504-0909;

1 (b) by depositing a check, money order or cash in a yellow collection box located on
2 parking meters around the down town area; or

3 (c) in person at locations designated by the city.

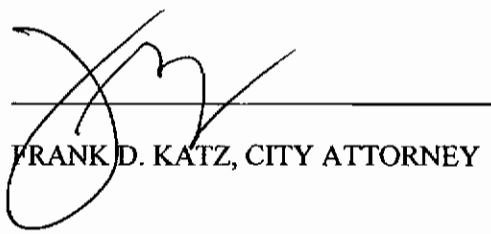
4 Payment shall be received within 15 days of the date of citation otherwise, the fine shall double. Failure to
5 pay the fine may result in the booting of the vehicle as set forth in section 12-12-20 of the city of Santa
6 Fe uniform traffic code adopted in section 24-1.1 SFCC 1987. An alleged violator may protest the charge
7 of violation by filing the proper form to protest the violation with the municipal judge located at 2511
8 Camino Entrada within 30 days of the charge of violation. No fine imposed upon later conviction shall
9 exceed the fine established for the particular parking violation.

10 **SECTION 5. MANDATORY COURT APPEARANCE.**

11 This parking violations fines schedule does not apply to the following parking violation which
12 requires a mandatory court appearance and a fine no less than two hundred fifty dollars (\$250)
13 and no more than five hundred dollars (\$500):

14 Parking in Designated Accessible Parking Space [~~12-12-9~~] 12-9-9

15 APPROVED AS TO FORM:

16 
17 _____
18 FRANK D. KATZ, CITY ATTORNEY
19
20
21
22
23
24

25 Jp/ca/jpmb/2009 bills/UTO penalty assess