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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2010-2

AN ORDINANCE

AMENDING ARTICLE 24-1 SFCC 1987 REGARDING THE *CITY OF SANTA FE UNIFORM TRAFFIC CODE*; AMENDING SECTIONS 12-1-42.1, 12-7-9.2, AND 12-7-9.5 OF THE *CITY OF SANTA FE UNIFORM TRAFFIC CODE* REGARDING OFF-HIGHWAY MOTOR VEHICLE USE; AND AMENDING EXHIBIT A OF THE *CITY OF SANTA FE UNIFORM TRAFFIC CODE* REGARDING TRAFFIC VIOLATION PENALTY ASSESSMENTS.

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

Section 1. Section 24-1.1 SFCC 1987 (being Ord. #2006-34 as amended) is amended to read:

24-1.1 Creation of City of Santa Fe Uniform Traffic Code.

A. Pursuant to Section 3-17-6 NMSA 1978, the New Mexico Uniform Traffic Ordinance 2004 Compilation containing revisions through July 2009, compiled by the New Mexico municipal league is adopted by reference and incorporated as if fully set out herein, except as amended by the governing body. The New Mexico Uniform Traffic Ordinance 2004 Compilation containing all revisions through July 2009 and as amended by the governing body shall be known as the “city of Santa Fe uniform traffic code”.

B. The city of Santa Fe uniform traffic code shall be maintained as a separate compilation and be kept on file at the police department and the city clerk’s office and shall be, at

1 all reasonable times, available and subject to inspection. A copy of the uniform traffic code is
2 available to any individual upon request and payment of a reasonable charge as set by the city.

3 Editor's Note: Exhibit A of Chapter 24 SFCC 1987 shall be removed.

4 **Section 2. Section 24-1.2 SFCC 1987 (Ord. #2006-34, §5 as amended) is**
5 **amended to read:**

6 **24-1.2 Traffic Violation Penalty Assessment Schedule.**

7 The traffic violation penalty assessment schedule is included in the city of Santa Fe
8 uniform traffic code.

9 Editor's Note: Exhibit B of Chapter 24 SFCC 1987 shall be removed.

10 **Section 3. Section 24-1.3 SFCC 1987 (Ord. #2006-34, §6 as amended) is**
11 **amended to read:**

12 **24-1.3 Parking Violation Fines Schedule.**

13 The parking violation fines schedule is included in the city of Santa Fe uniform traffic
14 code.

15 Editor's Note: Exhibit C of Chapter 24 SFCC 1987 shall be removed.

16 **Section 4. Section 12-1-42.1 of the City of Santa Fe Uniform Traffic Code**
17 **(being Ord. #2006-34) is amended to read:**

18 **12-1-42.1 OFF-HIGHWAY MOTOR VEHICLE.** "Off-Highway Motor Vehicle" means
19 a motor vehicle designed by the manufacturer for operation exclusively off the highway or road
20 and includes:

21 (1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width,
22 having an unladen dry weight of one thousand pounds or less, traveling on three or more low-
23 pressure tires and having a seat designed to be straddled by the operator and handlebar-type
24 steering control; or

25 (2) "off-highway motorcycle", which means a motor vehicle traveling on not more

1 than two tires and having a seat designed to be straddled by the operator and that has handlebar-
2 type steering control. (66-3-1001.1 NMSA 1978) (Ord. No. 2007-32)

3 (3) "recreational off-highway vehicle," which means a motor vehicle designed for
4 travel on four or more non-highway tires, for recreational use by one or more persons and having;

- 5 (a) a steering wheel for steering control;
- 6 (b) non-straddle seating;
- 7 (c) maximum speed capability greater than 35 miles per hour;
- 8 (d) gross vehicle weight rating no greater than 1,750 pounds;
- 9 (e) less than 80 inches in overall width, exclusive of accessories;
- 10 (f) engine displacement of less than 1,000 cubic centimeters; and
- 11 (g) identification by means of a 17-character vehicle identification number;

12 or

13 (4) by rule of the department, any other vehicles that may enter the market that fit the
14 general profile of vehicles operated off-highway for recreational purposes.

15 Editor's Note: This amendment shall be incorporated into the *City of Santa Fe Uniform Traffic*
16 *Code*, a separate compilation.

17 **Section 5. Section 12-7-9.2 of the City of Santa Fe Uniform Traffic Code (being**
18 **Ord. #2006-34) is amended to read:**

19 **12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS**
20 **OR HIGHWAYS.**

21 A. No person shall operate an off-highway motor vehicle on any limited access
22 street at any time.

23 B. Off-highway motor vehicles may cross streets or highways if the crossings are
24 made after coming to a complete stop prior to entering the street. These motor vehicles shall
25 yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed

1 safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

2 C. Unless authorized, a person shall not:

3 (1) remove, deface or destroy any official sign installed by a state, federal,
4 local or private land management agency; or

5 (2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA)

6 Editor's Note: This amendment shall be incorporated into the *City of Santa Fe Uniform Traffic*
7 *Code*, a separate compilation.

8 **Section 6. Section 12-7-9.5 of the City of Santa Fe Uniform Traffic Code (being**
9 **Ord. #2006-34) is amended to read:**

10 **12-7-9.5 ACCIDENTS AND ACCIDENT REPORTS.** The driver of an off-highway
11 motor vehicle involved in an accident resulting in injuries to, or the death of, any person, or
12 resulting in damage to public or private property to the extent of five hundred dollars (\$500) or
13 more, shall immediately notify a police officer or the police department of the accident and the
14 facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal
15 guardian shall immediately notify a law enforcement agency of the accident and the facts relating
16 to the accident. (66-3-1014 NMSA)

17 Editor's Note: This amendment shall be incorporated into the *City of Santa Fe Uniform Traffic*
18 *Code*, a separate compilation.

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

21 **EXHIBIT A**

22 **TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE**

23 ADOPTED: July 12, 2006

24 AMENDED: March 25, 2009 (Ord. No. 2009-11)

25 February 10, 2010 (Ord. No. 2010-2)

1 **SECTION 1.**

2 This Exhibit may be cited as the city of Santa Fe traffic violation penalty assessment schedule for
3 violations of the city of Santa Fe Uniform Traffic Code except those violations relating to parking
4 which are set forth as Exhibit B of the city of Santa Fe Uniform Traffic Code.

5 **SECTION 2.**

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

		PENALTY
COMMON NAME OF OFFENSE	SECTION VIOLATED	ASSESSMENT
Obedience To Traffic-Control Devices/ Failure To Stop	12-5-3	\$25.00
Red Light	12-5-6	\$25.00
Flashing Signals	12-5-8	\$25.00
Basic (Speeding) Rule	12-6-1.1	\$25.00
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

1	From 21 up to and including 25 miles an hour over speed limit		\$100.00
2	From 26 up to and including 30 miles an hour over the speed limit		\$125.00
3	From 31 up to and including 35 miles an hour over the speed limit		\$150.00
4	More than 35 miles an hour over the speed limit		\$200.00
5	B. <i>In a school zone</i>	12-6-1.2A(1)	\$171.00
6	C. <i>In a construction zone:</i> The penalty assessment for speeding in violation of		
7	Section 12-6-1.2 (4) of the city of Santa Fe traffic ordinance is twice the penalty		
8	assessment established in subsection A above for the equivalent miles per hour		
9	over the speed limit.		
10	D. <i>In a pedestrian zone.</i> The penalty assessment for speeding in violation of the		
11	posted speed limit in a designated pedestrian zone is twice the penalty assessment		
12	established in subsection A. above for the equivalent miles per hour over the		
13	speed limit.		
14	Minimum Speed Regulations	12-6-1.5	\$25.00
15	Driving On Right Side Of Street	12-6-2.1	\$25.00
16	Overtaking A Vehicle On The Left	12-6-2.3	\$25.00
17	Limitations On Overtaking On The Left	12-6-2.4	\$25.00
18	Overtaking A Vehicle On The Right	12-6-2.6	\$25.00
19	No Passing Zones/Restrictions On Passing	12-6-2.7	\$25.00
20	Streets Laned For Traffic	12-6-2.12	\$25.00
21	Following Too Closely	12-6-2.13	\$25.00
22	Driving On Divided Streets	12-6-2.14	\$25.00
23	Approaching/Entering Intersection/		
24	Failure To Yield; Right Of Way	12-6-4.1	\$25.00
25	Turning Left At Intersection	12-6-4.2	\$25.00

1	Entering Stop/Yield Intersection/		
2	Failure To Yield	12-6-4.3	\$25.00
3	Required Position/Method of Turning/		
4	Improper Turn	12-6-5.1	\$25.00
5	Obedience To No-Turn Signs	12-6-5.4	\$25.00
6	Limitations On Turning Around/Illegal U-Turn	12-6-5.5	\$25.00
7	Starting A Parked Vehicle	12-6-5.7	\$25.00
8	Turn/Stop Movements	12-6-5.8	\$25.00
9	Failure To Signal	12-6-5.9	\$25.00
10	Stopping, Standing & Parking	12-6-6	See Exhibit B
11	Special Stops Required	12-6-7	\$25.00
12	(Excluding 12-6-7.3, 12-6-7.4, 12-6-7.5 and 12-6-7.7)		
13	Stopping For School Bus	12-6-7.3	\$100.00
14	Failure To Stop At Railroad Crossing	12-6-7.5 and 12-6-7.7	\$150.00
15	Unattended Motor Vehicle	12-6-12.8	\$25.00
16	Limitations On Backing	12-6-12.9	\$25.00
17	Prohibited Activities While Driving		
18	(including hand held mobile telephone)	12-6-12.18	\$100.00
19	Permitting Unauthorized Persons To Drive	12-6-12.23	\$25.00
20	Destructive Material On Roadway/		
21	Failure To Secure Load	12-6-13.5	\$100.00
22	Improper Opening Of Doors	12-6-13.8	\$25.00
23	Child Restraint Device Or Safety Belt	12-6-13.12	\$100.00
24	Mandatory Use Of Seat Belts	12-6-13.13	\$100.00
25	Open Container, 1 st Offense	12-6-13.14	\$100.00

	for subsequent violations		mandatory court appearance
1			
2	Littering	12-6-13.15	\$300.00
3	Jaywalking	12-6-14.1	\$25.00
4	Windshield	12-10-1.2	<u>\$25.00</u>
5	When Lighted Lamps Are Required	12-10-1.3	\$25.00
6	Headlamps On Vehicles	12-10-1.5	\$25.00
7	Dimming Of Lights	12-10-1.6	\$25.00
8	Tail Lamps	12-10-1.7, except 12-10-1.7C.	\$25.00
9	Plate Light Required	12-10-1.7C.	\$10.00
10	Stop Lamps/Brake Lamps	12-10-1.9	\$25.00
11	Mufflers, Prevention Of Noise	12-10-1.10	\$25.00
12	Lamp Or Flag On Projecting Load	12-10-1.11	\$25.00
13	Tinted Windows	12-10-1.12A	\$25.00
14	Brakes	12-10-1.16	\$25.00

15 **SECTION 3. MANDATORY COURT APPEARANCES**

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

18	Leaving the Scene of an Accident	12-4-2
19	Failure to Render Aid/Duty to Give Info	12-4-3
20	Immediate Notice of Accident	12-4-6
21	Failure to Yield to Emergency Vehicle	12-6-7.4
22	Reckless Driving	12-6-12.3
23	Careless Driving/Driver Inattention	12-6-12.4
24	Operator/Chauffeur Licenses Required	12-6-12.5
25	Unlawful Use of License (Revoked)	12-6-12.6

1	Unlawful Use of License (Suspended)	12-6-12.6
2	Fleeing or Attempting to Elude An Officer	12-6-12.7
3	Racing on Streets/Drag Racing	12-6-12.19
4	Open Container 2 nd , 3 rd , etc.	12-6-13.14
5	Pedestrian Related Violations	12-6-14 (except 12-6-14.1)
6	Off-Highway Motor Vehicles (ATV)	12-7-9 through 12-7-9.6
7	Display of Current Registration	12-10-4
8	Evidence of Registration	12-10-5
9	Mandatory Financial Responsibility (Insurance)	12-10-6

10 **SECTION 4. TRAFFIC CALMING FEES**

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

15 B. The city hereby imposes a traffic calming fee equal to the maximum fine
16 (excluding court fees) to be paid by any person convicted of a speeding violation as set forth in
17 the Uniform Traffic Ordinance as adopted by the city, the total of which shall not exceed the
18 jurisdictional limits of the court. The traffic calming fee applies to all violations of Section 12-6-
19 1.2, but the traffic calming fee is not doubled.

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

24 D. The governing body shall review the results of this subsection including the
25 amount of fees which have been collected and the amount of police overtime because of this

1 subsection. The municipal court shall provide the governing body with the appropriate statistics
2 to review this subsection.

3 **SECTION 5. MUNICIPAL COURT FEES**

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

7 **SECTION 6. PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT**

8 A. Unless a warning notice is given, at the time of making an arrest for any penalty
9 assessment misdemeanor, the arresting officer shall offer the alleged violator the option of
10 accepting a penalty assessment. The violator's signature on the penalty assessment notice
11 constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the
12 prescribed penalty assessment is a complete satisfaction of the violation.

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

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

21 **SECTION 7. FAILURE TO PAY PENALTY ASSESSMENT**

22 A. If a penalty assessment is not paid within 30 days from the date of arrest, the
23 violator shall be prosecuted for the violation charged on the penalty assessment notice in a
24 manner as if the penalty assessment notice had not been issued. Upon conviction in such
25 prosecution, the court shall impose penalties as provided for by the New Mexico Uniform Traffic

1 Ordinance (Section 12-12-1.1), or other law relating to motor vehicles for the particular offense
2 charge, and the scheduled penalty assessment shall not apply.

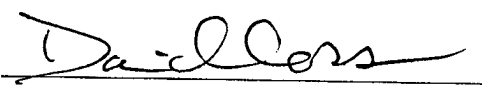
3 B. In addition to the prosecution provided for in Section A above, it is a
4 misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within
5 30 days from the date of arrest.

6 C. The municipal court shall notify the motor vehicle division of the state of New
7 Mexico when a person fails to pay a penalty assessment within the required period of time. The
8 motor vehicle division shall report the notice upon the driver's record and shall not renew the
9 person's license to drive until the municipal court notifies the motor vehicle division that the
10 penalty assessment, or its equivalent, as well as any additional penalties imposed are properly
11 disposed of.

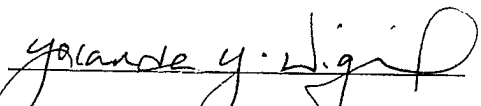
12 **SECTION 8 VIOLATIONS NOT LISTED ON PENALTY ASSESSMENT SCHEDULE.**

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

16 PASSED, APPROVED and ADOPTED this 10th day of February 2010.

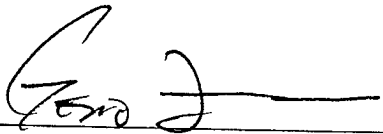
17
18 
19 DAVID COSS, MAYOR

22 ATTEST:

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25 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Geno Zamora", is written over a horizontal line.

GENO ZAMORA, CITY ATTORNEY