

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2023-7

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5 AN ORDINANCE

6 AMENDING SFCC 1987 TO USE GENDER-NEUTRAL LANGUAGE.

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

9 Section 1. The purpose of this ordinance is to replace gender-specific terms
10 throughout Santa Fe city code with gender-neutral terms.

11 Section 2. When a specific person or title in the code is described with a gender-
12 specific term, the gender-specific term shall be replaced with the title referenced by the gender-
13 specific term. For example, in Section 2-2.4(D)(2), the text “Any copy of an ordinance certified
14 by the city clerk or his duly authorized deputy” shall be amended to read as follows “Any copy
15 of an ordinance certified by the city clerk or the city clerk’s duly authorized deputy”.

16 Section 3. Gender-specific titles shall be replaced with gender-neutral titles:

17 Changing the term “policeman” to “police officer”;

18 Changing the term “policemen” to “police officers”;

19 Changing the term “workman” to “worker”;

20 Changing the term “workmen” to “workers”;

21 Changing the term “fireman” to “firefighter”;

22 Changing the term “firemen” to “firefighters”;

23 Changing the term “man or woman” to “person”;

24 Changing the term “men or women” to “persons”;

25 Changing the term “chairman” to “chair”;

1 Changing the term "patrolman" to "patrol officer"; and

2 Changing the term "man-made" to "human-made".

3 **Section 4.** When a gender-specific pronoun is not used in relation to a specific person
4 or title, it shall be replaced as follows:

5 Changing the term "he" to "they";

6 Changing the term "she" to "they";

7 Changing the term "he or she" to "they";

8 Changing the term "his" to "their";

9 Changing the term "her" to "their" or "them" depending on of it is replacing his/her or
10 him/her, respectively;

11 Changing the term "him" to "them";

12 Changing the term "himself" to "themselves";

13 Changing the term "herself" to "themselves"; and

14 Changing the term "himself or herself" to "themselves".

15 PASSED, APPROVED, and ADOPTED this 22ND day of February, 2023.

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ALAN WEBBER, MAYOR

21 ATTEST:

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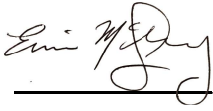
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KRISTINE MIHELIC, CITY CLERK

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1 APPROVED AS TO FORM:

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4 ERIN K. McSHERRY, CITY ATTORNEY

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Bill No. 2023-4

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Legislation/2023/Ordinances/2023-7 (O) Gender Neutral Terms

EXHIBIT A

Exhibit A to Memo	
Code Section	Text
Adopting ord.	Section 8 It shall be the duty of the City Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Santa Fe City Code, 1987," required to be filed in his office for the use of the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.
1-1.3	D. A person reaches his "age of majority" on the first instant of his eighteenth birthday;
1-1.3	O. The words "signature" or "subscription" include a mark when the person cannot write, his name being written near it, and the making of the mark witnessed by a person who writes his own name as witness;
1-3.1	C. The municipal court may, as a condition of probation, require the defendant to serve a period of time in volunteer labor to be known as community service. The type of labor and period of service shall be at the sole discretion of the court; provided that any person receiving community service shall be immune from any civil liability other than gross negligence arising out of the community service, and any person who performs community service pursuant to court order or any criminal diversion program shall not be entitled to any wages, shall not be considered an employee for any purpose and shall not be entitled to workmen's compensation, unemployment benefits or any other benefits otherwise provided by law. As used in this paragraph, "community service" means any labor that benefits the public at large or any public, charitable or educational entity or institution.
1-3.3	A. In cases involving violations of the Santa Fe City Code of 1987 or other municipal ordinances not amounting to a breach of the peace, the first process shall be a citation or summons requiring the party charged to appear before the municipal court, at a time fixed in the citation or summons. Upon the failure of the party charged to appear, a warrant for his arrest shall be issued by the municipal judge for the offense specified in the citation or summons, commanding that the party charged be arrested and proceedings had as in the case when arrest is made upon a warrant in the first instance. B. Any person upon whom any fine or penalty is imposed may, upon order of the court convicting him , be committed to the county jail or other place provided by the city for the incarceration of offenders until the fine or penalty is fully paid.
2-1.3	The mayor of the city shall be the chief executive officer of the city and it shall be his special duty to cause the ordinances and regulations of the city to be faithfully and constantly obeyed. He shall have and exercise within the city limits the power conferred on the sheriffs of counties to suppress disorders and keep the peace. He shall also perform such other duties compatible with the nature of his office as the city council may from time to time require.
2-1.11	B. The mayor shall select from the council membership one (1) councilor who shall be the parliamentarian and upon appointment shall receive training in parliamentary procedure. The city attorney, or his designee, shall also receive periodic training in parliamentary procedure. Annually, the parliamentarian and the city attorney shall provide an overview of parliamentary procedure to the governing body.

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<p>2-1.12</p>	<p>The mayor, or a majority of the members of the governing body, may call a special meeting. Notice of special meetings shall be served by written notice to each member of the governing body at least seventy-two (72) hours in advance of the meeting and shall be personally served on each member, or left at each member's usual place of residence. Such reasonable notice shall be served by the city manager or his authorized delegate and shall contain the time and place of the special meeting and the purpose of the special meeting. The certification of service of the notice shall become a part of the minutes of the special meeting.</p>
<p>2-2.3</p>	<p>A. Notice by publication of the title and subject matter of any ordinance proposed for adoption by the governing body must take place no less than two (2) weeks prior to consideration of final action upon the ordinance in open session of the governing body. This section shall not apply to ordinances dealing with an emergency declared by the chairman of the governing body or the mayor, as the case may be, to be an immediate danger to the public health, safety and welfare of the municipality, or to ordinances the subject matter of which is amending the city zoning map, provided the amendment to the zoning map has been considered by, and recommended to the governing body by the planning commission. It is sufficient defense to any suit or prosecution to show that no notice by publication was made.</p>
<p>2-2.4D.</p>	<p>(2) Any copy of an ordinance certified by the city clerk or his duly authorized deputy;</p>
<p>2-2.7</p>	<p>Within three (3) days after the adoption of an ordinance, resolution or other legislative action, the mayor shall validate the action by endorsing it with his signature.</p>
<p>2-3.6</p>	<p>The municipal judge shall annually, as a condition of discharging the duties of the office, successfully complete a judicial training program conducted under the authority, or with the approval of, the court administrator, unless exempted from this requirement by the chief justice of the New Mexico supreme court. The municipal judge shall not receive salary until he has successfully completed, or been exempted from, the required judicial training program.</p>
<p>2-4.2</p>	<p>The city manager shall be selected and appointed solely on the basis of his training, experience and other qualifications for office as hereinafter prescribed without regard for affiliation, or lack of affiliation with any political party or other organization.</p>
<p>2-4.4</p>	<p>No elective officer of the city shall be appointed city manager during the term for which he was elected, nor within one (1) year after the expiration of his term.</p>
<p>2-4.5</p>	<p>The city manager shall take the oath prescribed by subsection 2-7.1 and shall furnish a surety bond in the sum of twenty-five thousand dollars (\$25,000.00). Such bond shall be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.</p>
<p>2-5.1</p>	<p>The city attorney shall attend all regular meetings of the governing body and, upon request, special meetings of the governing body and, when required, prepare written opinions on all legal questions submitted to him by the governing body or city manager. He shall also attend, when requested, the meetings of any committee of the governing body and shall advise any such committee on all questions of law submitted to him and authorized by the governing body or city manager. He shall serve as legal counsel to all boards, committees and commissions of the city government. When so requested, he shall advise the mayor or any other city officer on all questions of law pertaining to the duties of any such officer.</p>
<p>2-5.2</p>	<p>The city attorney shall draft all ordinances, contracts, leases, conveyances and all instruments of writing which may be required of him by the governing body or city manager. He shall act as legal adviser of the city on all matters pertaining to contracts with or by the city and shall advise on all questions of law in regard to the same.</p>

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2-5.4	The city attorney shall attend the sessions of the municipal court and prosecute all persons charged with a violation of the city ordinances. He shall, when required by the governing body or the city manager, appear in behalf of the city in all suits or proceedings by or against the city in any court wherein the same may be pending or about to be instituted by the city and prosecute or defend the same as the case may require.
2-7.1	<p>A. Any elected officer, and the city manager, clerk, treasurer, finance officer and police officers, shall take an oath or affirmation to support the constitution of the United States, the constitution and laws of New Mexico, the ordinances of the city and to faithfully perform the duties of his office.</p> <p>B. For the care and disposition of municipal funds in the employee's custody and for the faithful discharge of the employee's duties, the governing body of the municipality shall require a corporate surety bond from the mayor, municipal judge, city manager, clerk, treasurer, finance officer, police officers through their police chief and any other employee it designates. In lieu of individual corporate surety bonds, the governing body may secure a blanket corporate surety bond. The municipality shall pay for the surety bond.</p> <p>C. The governing body may declare vacated the office of any person who fails, within ten (10) days after he has been notified of his election or appointment to office to take the oath of office, or to give bond when required, except as otherwise provided by law or ordinance.</p>
2-8-2B.(5)(f)	(i) Reserve members are fully covered by the workman's compensation insurance policy of the assisted agency or body, and this is evidenced by a writing presented to the chief; and
4-3.2	<p>B. It is unlawful for any minor to consume, buy, attempt to buy, receive, possess or permit himself to be served with any alcoholic liquor except when accompanied by his parent, guardian, adult spouse or an adult person into whose custody he has been committed for the time by a court, who is actually, visibly and personally present at the time the alcoholic liquor is bought or received by him or served or delivered to him.</p> <p>C. If any person not a minor deceives another person to believe that a minor is legally entitled to be sold, served or delivered alcoholic liquors, he and not the person deceived shall have committed an unlawful act.</p>
4-4.1	It is unlawful for any person, on his own behalf or as agent for another person, except a duly licensed wholesaler, rectifier, brewer or winer, directly or indirectly to sell or offer for sale or ship or transport into the city for resale any alcoholic liquors, except to a duly licensed retailer, dispenser or club.
5-2	<i>Owner of animal</i> means a person who owns, harbors or keeps, or knowingly permits an animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises.
5-3.1	The administrator is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the administrator to carry out the intent and purpose of the Animal Services Chapter. The administrator may delegate authority to his duly appointed ...
5-3.2	The city police, the administrator and animal services officers have the authority to issue citations for violations of this chapter and to perform such other duties as are prescribed by the city manager. An animal services officer shall wear a uniform, and a badge, and a name tag identifying him/her as an animal services officer. The badge shall be returned to the administrator upon the termination of his employment.

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<p>5-5.3</p>	<p>B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the animal services center and to the state health and environment department within twenty-four (24) hours of his first professional attendance. The physician shall report the name, sex and address of the person bitten, as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the administrator in ascertaining the immunization status of the animal.</p>
<p>5-5.6</p>	<p>B. A current license tag shall be affixed to the licensed dog or cat at all times in a reasonable manner, unless the licensed dog or cat is being kept in an approved kennel, veterinary hospital, grooming parlor, is appearing in an approved show, or is being trained; provided, that the person who is training the dog or cat shall have in his personal possession the valid license tag for each dog or cat and shall immediately display such upon request by an animal services officer, or other law enforcement officers.</p>
<p>5-6.3</p>	<p>I. Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be provided with proper veterinary care. Any person operating or employed at a kennel, grooming parlor, pet shop or shelter who observes an animal which he suspects of being rabid shall at once notify the administrator and the state department of health and environment and segregate such animal for a period of ten (10) days, unless examined and released by written statement of a veterinarian and then only at the discretion of the administrator.</p>
<p>5-6.4B.</p>	<p>(1) Whenever it reasonably appears to an inspection officer that there may be a condition, arising under the ordinance he is authorized to enforce, and imminently dangerous to health and safety, the detection or correction of which requires immediate access, without prior notice to the premises or property for purposes of inspectorial search and if consent to such search is refused or cannot be promptly obtained, the inspection officer may make an emergency inspectorial search of the premises without an inspection order.</p>
<p>5-6.5</p>	<p>A. <i>Permit Violation.</i> If the animal services officer makes an inspection of a kennel, grooming parlor, pet shop animal training, dog walking service, pet sitting service, circus acts or shelter and discovers a violation of this chapter, he shall notify the permit holder, or operator, of the violation by means of written notice. The notice of violation shall:</p>
<p>5-7.1</p>	<p>A. No person shall hold or retain possession of any animal of which he is not the owner, without the knowledge or consent of the owner, for more than twenty-four (24) hours without first reporting the possession to the administrator or his designee, giving his name and address, a true and complete statement of the circumstances, a description of the animal, and the precise location where such animal is confined.</p>
<p>5-6.2</p>	<p>E. A permit holder shall notify the administrator of any change in his operations which may affect the status of his permit and shall keep the administrator informed of any change in name or location of his business.</p>
<p>5-6.4A.</p>	<p>(5) The application shall be granted and the inspection order issued upon a sufficient showing that inspection of the premises or property, is in accordance with the intent of this chapter, and that the circumstances of the particular inspection for which application is made are otherwise reasonable. The issuing authority shall make and keep a record of the proceeding on the application, and enter thereon his findings in accordance with the requirements of this section.</p> <p>(6) The officer executing the order shall, if the premises or property in question are unoccupied at the time of execution, be authorized to use such force as is reasonably necessary to gain entry and make the inspection.</p>

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	(7) The inspection officer conducting the search shall, if authorized by the issuing authority on proper showing, be accompanied by one (1) or more law enforcement officers who are authorized to serve search warrants. The law enforcement officer(s) shall assist the inspection officer in executing the order at <i>his</i> direction.
5-6.7	B. If within fifteen (15) days of sale, any such dog or cat becomes ill or dies of any illness which existed in such dog or cat at the time of the sale, the pet shop shall, at the option of the purchaser, replace the dog or cat or refund in full the purchase price of such dog or cat provided that in the case of illness, upon return of the dog or cat to the pet shop and the receipt of a certificate from a licensed veterinarian, stating that the dog or cat is ill from a condition which existed at the time of sale or in the case of death, the receipt of a certificate from a licensed veterinarian stating that the dog or cat died from an illness which existed at the time of sale. The presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and the return of such deceased dog or cat to the pet shop shall not be required. No such refund or replacement shall be made if such illness or death resulted from maltreatment or neglect by a person other than the pet shop owner or <i>his</i> agent or employee.
5-7.1	A. No person shall hold or retain possession of any animal of which he is not the owner, without the knowledge or consent of the owner, for more than twenty-four (24) hours without first reporting the possession to the administrator or <i>his</i> designee, giving <i>his</i> name and address, a true and complete statement of the circumstances, a description of the animal, and the precise location where such animal is confined. B. It is unlawful for any person taking up an animal to fail to give the notice required in paragraph A of this section and for any person having such animal in <i>his</i> possession to fail or refuse to immediately surrender such animal to the administrator or <i>his</i> designee upon demand.
5-7.7	It is unlawful for any person to remove any license tag from one animal to another or to remove a license tag from a stray without lawful permission. It is unlawful for any person to manufacture or cause to be manufactured or to have in <i>his</i> possession or under <i>his</i> control, a stolen, counterfeit or forged animal license tag, rabies vaccination certificate or other form of animal or premises license.
5-7.13	An animal services or peace officer who finds an animal in a motor vehicle in violation of this chapter may enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal services center or other place of safe keeping. If a vehicle is entered, left unsecured and cannot be resecured, an animal services or peace officer shall stay with the vehicle until the owner arrives. In the event the person having custody cannot be contacted, the officer shall leave in a prominent place in the motor vehicle a written notice bearing <i>his</i> name and office and the address where the animal may be claimed by the owner. The animal will be surrendered to the owner if the owner claims the animal within five (5) days from the time the animal was impounded. The owner shall pay all charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five (5) days after its removal from the motor vehicle, the animal services center will make reasonable effort to contact the owner and give notice that the animal is in their custody. In the event the owner cannot be contacted or expresses no interest in reclaiming the animal within five (5) days after contact or efforts to contact, the animal services center may dispose of the animal in any reasonably humane manner.
5-8.7	A. Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring, striking, maiming or running down any animal, give aid

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	<p>as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the administrator, furnishing sufficient facts relative to the injury.</p> <p>B. Every such operator shall remain at or near the scene until the appropriate authorities arrive, and upon the arrival of the appropriate authorities, the operator shall immediately identify himself to them. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal services center and notifying the administrator. The animal shall be deemed an abandoned animal within the meaning of subsection 5-8.4 of this chapter. This provision does not apply to operators of emergency vehicles.</p>
<p>5-9.2</p>	<p>It is unlawful to sell, offer for sale, barter or give away any unweaned baby rabbits or fowl under four (4) weeks of age. Raising of such rabbits and fowl by an individual for his personal use and consumption is not prohibited provided that he shall maintain proper brooders and other facilities for the care and containment of the animals and fowl while they are in his possession. The sale of young fowl by commercial breeders is not prohibited.</p>
<p>5-10.1 O.</p>	<p>(2) All special permits issued by the administrator shall be for a specified period of time but not to exceed one (1) year unless revoked or suspended, or unless the holder of the permit changes the location of his place of business, or sells, assigns, transfers or otherwise disposes of his business or his interests therein; and</p> <p>(3) Upon the filing of each application, either for an original permit or renewal, the administrator shall make an investigation as he deems proper. The administrator shall then issue a permit to the applicant if it is found that:</p>
<p>5-10-2</p>	<p>B. Permits:</p> <p>(1) Unless a guard dog permit is in effect for each commercial property where guard dogs are to be used, they shall not be used. Procedures for permit application, inspection of guard dog facilities, and issuance of dog identification tags will be established by the administrator. Permits for both permanent and temporary locations may be transferred to a new location operated by the same business firm during the license year. However, such transfers shall not be effective until the administrator or his designee has inspected and approved required facilities at the new location and the information required below for permit applications has been recorded. Applicants must provide five (5) working days' advance notice to the animal services center for permit transfers.</p> <p>(2) Permit applications shall include the following information:</p> <p>(a) The business name, address and telephone number of the commercial property where guard dogs are to be used;</p> <p>(b) The name, address and telephone number of the handler who can be reached at any time during the day or night;</p> <p>(c) The number of dogs to be used and a general description of their use;</p> <p>(d) The location where dogs are to be housed; and</p>

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	<p>(e) Any other information that the administrator deems necessary by rule and regulation. Permit holders shall notify the animal services center if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.</p> <p>(3) The administrator or his designee shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for and when it is renewed.</p>
5-10.3	<p>A. If the administrator makes an inspection of a kennel, grooming parlor, pet shop, shelter, facility for exotic animals or commercial property where guard dogs are used, and discovers a violation of law or regulations, he shall notify the permit holder, or operator, of such violations by means of an inspection report form or other written notice. The notice shall:</p>
5-10.3	<p>C. Hearings provided for in this subsection shall be conducted by the administrator at a time and place designated by him. Based upon the record of such hearing, the administrator shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the administrator. This paragraph shall not be intended to preclude the institution of court action as provided elsewhere in this chapter.</p>
5-10.3	<p>E. Notwithstanding the notice requirements herein, when the administrator finds unsanitary or other conditions in the operation of a kennel, grooming parlor, pet shop, shelter, exotic animal facility, or site where guard dogs are used, which, in his judgment, constitute a substantial hazard to public health, he may, without notice or opportunity to be heard, issue a written notice to the permit holder or operator citing such condition and stating the corrective action to be taken. If deemed necessary, the permit shall be immediately suspended and all operations immediately discontinued. Any person to whom such an order is issued shall comply forthwith.</p> <p>F. For repeated violations of any of the requirements of law or regulations or for interference with the administrator in the performance of his duties, the violator's permits may be permanently revoked after an opportunity for a hearing has been provided by the administrator. The individual whose professional animal, exotic animal or guard dog permit is revoked shall not apply for another permit or license for the period of one (1) year. Prior to such action, the administrator shall notify the permit holder in writing, stating the reasons for which the permit is proposed to be revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the administrator by the permit holder or licensee, within such five (5) day period.</p> <p>G. If the exotic animal permit is revoked, the owner of the exotic animal shall surrender the animal to the animal services center within five (5) days of the effective date of revocation.</p> <p>H. Any person whose professional animal or guard dog permit has been suspended, shall cease the previously permitted activity. The person may, at any time, make application for an inspection for the purpose of reinstatement of the permit. Within five (5) days of a request for reinstatement, the administrator shall make an inspection. If the applicant is complying with the requirements of law and regulations, the permit may be reinstated.</p>

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	I. Any person aggrieved by any decision of the administrator may, within five (5) days of receipt of his decision, file written notice of appeal to the governing body. The hearing of the governing body shall be conducted within thirty (30) days of receipt of the notice of appeal.
6-1.2	C. After three (3) consecutive unexcused absences a commission member shall be automatically removed thereof by the chairman .
6-3.1	There is created the "civil defense council", to be composed of the mayor as chairman and such other persons, not exceeding fifteen (15) in number, as the mayor may appoint. The mayor shall designate one (1) of the appointees as civil defense director for the civil defense council, and the civil defense director shall act as vice- chairman of the civil defense council. Each member of the civil defense council shall serve at the pleasure of the mayor or until repeal of this section.
6-4.2	C. The mayor shall designate a chairman and vice- chairman from among the commissioners.
6-14.1	<p>C. A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and qualified. A certificate of the appointment of any commissioner shall be filed with the city clerk and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner. A commissioner may be removed from office at any time by the mayor.</p> <p>D. The powers of the metropolitan redevelopment agency shall be exercised by the commissioners. A majority of the appointed commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present at a lawful meeting, unless in any case the bylaws shall require a larger number. Any person may be appointed as commissioner if he resides within the area of operation of the agency, which shall be coterminous with the area of operation of the city, and is otherwise eligible for such appointment under the Redevelopment Law (3-60A-5 to 3-60A-18 NMSA 1978).</p> <p>E. The mayor shall designate a chairman and vice-chairman from among the commissioners. The commission may employ and determine the qualifications, duties and compensation of an executive director, technical experts and such other agents and employees, permanent and temporary, as the metropolitan redevelopment agency may require subject to the express authorization of the governing body. A metropolitan redevelopment agency shall file annually with the city a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year.</p>
7-12.5	C. For buildings on private streets or easements the owner shall further post or cause to be posted the assigned address or range of assigned addresses within ten feet (10') of the point where the vehicular entrance to the premises leaves public right-of-way. The director of the Code Enforcement Department or his designee is authorized to permit a variance from this requirement only in cases of unreasonable conflict or extreme hardship.
10-1.15	A. The city manager is authorized to notify the owner of any open or vacant private property within the city, or the agent of the owner, to properly dispose of litter located on the owner's property. Such notice shall be by certified mail, addressed to the owner or agent at his last known address or by personal delivery.

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10-2.8	(1) That additional time is necessary for the applicant to alter or modify <i>his</i> activity or operation to comply with this section; or
10-2.9	E. In order to implement and enforce this subsection, and for the general purpose of noise abatement, a uniformed police officer shall have, in addition to any other authority vested in <i>him</i> , the power to stop a motor vehicle reasonably suspected of violating any provision of this subsection, and issue a notice of violation or abatement order which may require the motor vehicle to be inspected or tested as the enforcement officer may reasonably require.
10-4.11	<p>B. If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the administrative official, <i>he</i> shall note "violation corrected" on <i>his</i> copy of the notice and shall retain it among <i>his</i> records, taking such other action as may be warranted by the circumstances of the case;</p> <p>C. If there is no reply within the time limit set, thus establishing admission of violation as provided in paragraph A of this section, and the alleged violation is not corrected to the satisfaction of the administrative official within the time limit set, <i>he</i> shall proceed to take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease;</p> <p>D. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the administrative official but that more time is required than was granted by the original notice, the administrative official may grant an extension of time, if <i>he</i> deems such extension warranted in the circumstances of the case and if such extension will not, in <i>his</i> opinion, cause imminent peril of life, health or property. In acting on such requests for extension of time, the administrative official shall in writing state <i>his</i> reasons for granting or refusing to grant extension; and</p>
10-5.4	<p>A. Upon receiving a report of the existence of a junk vehicle, the city manager or <i>his</i> designee shall serve written notice to the occupant of the premises upon which the junk vehicle is located. Written notice shall be served by certified mail, return receipt requested and shall be on a form approved by the city manager and shall, at a minimum, contain the following:</p> <p>.....</p> <p>B. If any notice is returned as undeliverable, the city manager or <i>his</i> designee shall cause notice to be published as elsewhere provided by law. Published notice shall have the same force and effect as mailed notice.</p>
11-7	Every employee, officer or official of the city who participates in any violation of any of the preceding provisions of this chapter shall, in addition to any other penalty imposed, be liable personally and on <i>his</i> official bond, if bonded, for all money expended contrary to the provisions hereof.
12-3.6	A. It is unlawful to sell, offer to sell or give any fireworks to any person under sixteen (16) years unless he is accompanied by a parent or guardian.
14-3.7(A)(1)	(b) No <i>person</i> shall <i>subdivide</i> land, nor shall construction of any kind commence on <i>subdivided</i> land, nor shall transfer of ownership be made of <i>subdivided</i> land prior to the approval of a subdivision of the land by the planning commission and prior to the recording of the subdivision in the office of the <i>county</i> clerk. Until the planning commission has approved a subdivision, the <i>owner</i> of the land within the subdivision or <i>his</i> agent shall not transfer or sell or agree to transfer or sell or negotiate to transfer or

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	sell the land or any part of it by reference to, the exhibition of or any other use of, a <i>plat</i> or subdivision of the land. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transfer shall constitute prima facie evidence of a violation of this section.
14-3.7(F)(3)	(d) The <i>plat</i> shall show the name of each <i>family</i> member to whom a <i>lot</i> is being transferred. Before the final subdivision <i>plat</i> is filed, a copy of the instrument of transfer to the transferee or his authorized representative must be provided to the <i>city</i> . A construction <i>permit</i> shall not be issued to a <i>person</i> other than the transferee or his authorized representative until the required time period is completed.
14-8.10(H)	(22) Certain Signs to Be Approved by Electrical Inspector The <i>application</i> for a <i>permit</i> for erection of a <i>sign</i> or <i>other advertising structure</i> in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if they comply with the electrical code of the <i>city</i> , and he shall approve such <i>permit</i> if the plans and specifications comply with the code or disapprove the <i>application</i> if noncompliance with the code is found.
14-12.1	QUALIFIED PROFESSIONAL As used in Section 14-8.14 (Impact Fees), means a <i>professional engineer, professional land surveyor</i> , financial analyst or planner who provides services within the scope of his license, education or experience.
16-2.1(A)	(2) Any unlawful act, threat or menacing conduct which causes another person to reasonably believe that he is in danger of receiving an immediate battery; or (3) The use of insulting language toward another impugning his honor, delicacy or reputation.
16-2.3A.	(2) <i>Proprietor</i> means the owner of the licensed premises or his manager or his designated representative; and (3) <i>Operator</i> means the owner or the manager of any establishment or premises open to the public. B. Any law enforcement officer may arrest without warrant any persons he has probably cause for believing have committed the crime of assault, battery, public affray, or criminal damage to property as defined in his code. Any proprietor or operator who causes such an arrest shall not be criminally or civilly liable if he has actual knowledge, communicated truthfully and in good faith to the law enforcement officer that the persons so arrest have committed the crime of assault, battery, public affray or criminal damage to property.
16-3.3	B. No peace officer shall be held criminally or civilly liable for making an arrest pursuant to this section, provided he acts in good faith and without malice.
16-3.4A.	(1) <i>In the lawful discharge of his duties</i> means engaged in the performance of the duties of a school employee; and B. Assault upon a school employee consists of:

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	<p>(1) An attempt to commit a battery upon the person of a school employee while he is in the lawful discharge of his duties; or</p> <p>(2) Any unlawful act, threat or menacing conduct which causes a school employee while he is in the lawful discharge of his duties to reasonably believe that he is in danger of receiving an immediate battery.</p>
<p>16-3.5</p>	<p>A. As used in this section:</p> <p>(1) <i>In the lawful discharge of his duties</i> means engaged in the performance of the duties of a sports official;</p> <p>(2) <i>Sports official</i> means a person who:</p> <p>(a) Serves as a referee, umpire linesman, timer or scorer, or who serves in a similar capacity, while working, supervising or administering a sports event; and</p> <p>(b) Is registered as a member of a local, state, regional, or national organization that is engaged in providing education and training to sports officials.</p> <p>B. Assault upon a sports official consists of:</p> <p>(1) An attempt to commit a battery upon the person of a sports official while he is in the lawful discharge of his duties; or</p> <p>(2) Any unlawful act, threat or menacing conduct that causes a sports official while he is in the lawful discharge of his duties to reasonably believe that he is in danger of receiving an immediate battery.</p> <p>C. Whoever commits assault upon a sports official is guilty of a petty misdemeanor.</p> <p>D. Battery upon a sports official is the unlawful, intentional touching or application of force to the person of a sports official while he is in the lawful discharge of his duties, when done in a rude, insolent or angry manner.</p>
<p>16-4.1</p>	<p>B. When a separate finding of fact by the court shows that an offender committed a petty misdemeanor in which a person was intentionally injured or his property was intentionally damaged because of the actual or perceived race, religion, color, national origin, ancestry, gender, sexual orientation, disability or age of that person, whether or not the offender's belief or perception was correct, the basic sentence of imprisonment prescribed for the offense of Section 1-3 SFCC 1987 may be increased by thirty (30) days. The sentence imposed pursuant to the provisions of this subsection shall be the first thirty (30) days served and may be suspended or deferred. In addition, alternative sentencing including, without limitation, education and/or counseling may be imposed.</p> <p>C. When an offender commits a second or subsequent petty misdemeanor in which a person was intentionally injured or his property was intentionally damaged because of the actual or perceived race, religion, color, national origin, ancestry, gender, sexual orientation, disability or age of that person, whether or not the offender's belief or perception was correct, the basic sentence of imprisonment prescribed for the offense in Section 1-3 SFCC 1987 may be increased by (sixty) 60 days. The sentence imposed</p>

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	<p>pursuant to the provisions of this subsection shall be the first sixty (60) days served and may be suspended or deferred. In addition, alternative sentencing including, without limitation, education and/or counseling may be imposed.</p>
<p>16-5.2A.</p>	<p>A. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere, except in the following cases:</p> <p>(1) In the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;</p> <p>(2) In a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property;</p> <p>(3) By a peace officer in accordance with the policies of his law enforcement agency who is certified pursuant to the Law Enforcement Training Act;</p> <p>(4) By a peace officer in accordance with the policies of his law enforcement agency who is employed on a temporary basis by that agency and who has successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency; or</p> <p>(5) By a person in possession of a valid concealed handgun license issued to him by the department of public safety or other authorized law enforcement agency pursuant to the provisions of the Concealed Handgun Carry Act (For state law, see Chapter 29, Article 19, or the federal Law Enforcement Officer Safety Act (public law No. 108-277).</p>
<p>16-5.3</p>	<p>B. Unlawful possession of a handgun by a person consists of a person knowingly having a handgun in his possession or knowingly transporting a handgun, except when the person is:</p>
<p>16-5.3B.</p>	<p>(6) Traveling, with an unloaded handgun in his possession, to or from an activity described in paragraph, (1), (2), (3), (4) or (5) of this subsection; or</p> <p>(7) On real property under the control of the person's parent, grandparent or legal guardian and the person is being supervised by his parent, grandparent or legal guardian.</p>
<p>16-5.5</p>	<p>A. Negligent use of a deadly weapon consists of:</p> <p>(1) Discharging a firearm into any building or vehicle or so as to knowingly endanger a person or his property;</p> <p>(2) Carrying a firearm while under the influence of an intoxicant or narcotic;</p> <p>(3) Endangering the safety of another by handling or using a firearm or other deadly weapon in a negligent manner; or</p> <p>(4) Discharging a firearm within one hundred fifty (150) yards of a dwelling or building, not including abandoned or vacated buildings on public lands during hunting seasons, without the permission of the owner or lessees thereof.</p>

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	B. The provisions of paragraphs (1), (3) and (4) of paragraph A of this subsection shall not apply to a peace officer or other public employee who is required or authorized by law to carry or use a firearm in the course of his employment and who carries, handles, uses or discharges a firearm while lawfully engaged in carrying out the duties of his office or employment.
16-5.8	A. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of nineteen (19) years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.
16-5.9A.	(3) Intentionally interfering with the lawful efforts of a fireman or police officer to preserve for investigation or investigate the scene of a fire or explosion to determine its cause.
16-7.4C.(1)	(c) Fondle the genitals of himself or another person.
16-7.5	B. Indecent dancing consists of a person knowingly and intentionally exposing his intimate parts to public view while dancing or performing in a licensed liquor establishment. C. Whoever commits indecent dancing is guilty of a petty misdemeanor. D. A liquor licensee, his transferee or their lessee or agent who allows indecent dancing on the licensed premises is guilty of a petty misdemeanor and his license may be suspended or revoked pursuant to the provisions of the Liquor Control Act [60-3A-1 NMSA 1978].
16-7.6	B. Indecent waitering consists of a person knowingly and intentionally exposing his intimate parts to public view while serving beverage or food in a licensed liquor establishment. C. Whoever commits indecent waitering is guilty of a petty misdemeanor. D. A liquor licensee or his lessee or agent who allows indecent waitering on the licensed premises is guilty of a petty misdemeanor and his license may be suspended or revoked pursuant to the provisions of the Liquor Control Act [60-3A-1 NMSA 1978].
16-9.1A.	(2) A person is in possession of a landowner license given to him by the owner or person in control of the land that grants access to that particular private land for the purpose of taking any game animals, birds or fish by hunting or fishing.
16-9.1	E. Whoever commits criminal trespass is guilty of a petty misdemeanor. Additionally, any person who violates the provisions of paragraphs A, B or C of this subsection, when in connection with hunting, fishing or trapping activity, shall be referred to the state game commission for revocation of his hunting or fishing license pursuant to the provisions of Section 17-3-34 NMSA 1978.
16-9.2	B. The notices posted shall prohibit all persons from trespassing or entering upon the property, without permission of the owner, lessee, person in lawful possession or his agent. The notices shall:
16-9.3	D. In the event any person enters upon the lands of another without prior permission and injures, damages or destroys any part of the realty or its improvements, including buildings, structures, trees, shrubs or other natural features, he shall be liable to the owner, lessee or person in lawful possession for damages in an amount equal to double the amount of the appraised value of the damage of the property injured or destroyed.

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<p>16-9.4A.</p>	<p>(1) Knowingly entering any public property without permission of the lawful custodian or his representative when the public property is not open to the public;</p> <p>(2) Remaining in or occupying any public property after having been requested to leave by the lawful custodian, or his representative, who has determined that the public property is being used or occupied contrary to its intended or customary use or that the public property may be damaged or destroyed by the use; or</p> <p>(3) Depriving the general public of the intended or customary use of public property without a permit.</p> <p>B. As used in this section, "public property" means any public building, facility, structure or enclosure used for a public purpose or as a place of public gathering, owned or under the control of the state or one of its political subdivisions or a religious, charitable, educational or recreation association.</p> <p>C. Any person who commits wrongful use of public property is guilty of a petty misdemeanor.</p> <p>D. Any person who commits wrongful use of public property after having been requested to leave by the lawful custodian or his representative or any peace officer, who has jurisdiction, is guilty of a petty misdemeanor.</p>
<p>16-10.1</p>	<p>B. Whoever commits criminal damage to property is guilty of a petty misdemeanor, except that when the damage to the property amounts to more than one thousand dollars (\$1,000.00) he is guilty of a fourth degree felony, and should be referred to the district attorney's office for prosecution.</p>
<p>16-10.2</p>	<p>B. Whoever commits graffiti to real or personal property when the damage to the property is one thousand dollars (\$1,000.00) or less is guilty of a petty misdemeanor and shall be required to perform a mandatory one hundred (100) hours of community service within a continuous six-month period immediately following his conviction and shall be required to make restitution to the property owner for the cost of damages and restoration.</p>
<p>16-10.3</p>	<p>B. Whoever commits desecration of a church is guilty of a petty misdemeanor, except that when the damage to the church amounts to more than one thousand dollars (\$1,000.00) he is guilty of a fourth degree felony and shall be referred to the district attorney's office for prosecution.</p>
<p>16-11.3</p>	<p>A. Embezzlement consists of the embezzling or converting to his own use of anything of value, with which he has been entrusted, with fraudulent intent to deprive the owner thereof. Each separate incident of embezzlement or conversion constitutes a separate and distinct offense.</p>
<p>16-11.4C.</p>	<p>(2) Acquires stolen property for a consideration which the dealer knows is far below the property's reasonable value. A dealer shall be presumed to know the fair market value of the property in which he deals; or</p>
<p>16-11.5</p>	<p>A. Falsely representing self as incapacitated consists of any person falsely representing himself to be blind, deaf, dumb, crippled or otherwise physically defective for the purpose of obtaining money or other thing of value.</p>
<p>16-11.7</p>	<p>B. <i>Presumptions.</i> Any person who willfully conceals merchandise on his person or on the person of another or among his belongings or the belongings of another or on or outside the premises of the store shall be prima facie presumed to have concealed the merchandise</p>

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	<p>with the intention of converting it without paying for it. If any merchandise is found concealed upon any person or among his belongings it shall be prima facie evidence of willful concealment.</p> <p><i>C. Reasonable Detention.</i> If any law enforcement officer, special officer or merchant has probable cause for believing that a person has willfully taken possession of any merchandise with the intention of converting it without paying for it, or has willfully concealed merchandise, and that he can recover the merchandise by detaining the person or taking him into custody, the law enforcement officer, special officer or merchant may, for the purpose of attempting to effect a recovery of the merchandise, take the person into custody and detain him in a reasonable manner for a reasonable time. Such taking into custody or detention shall not subject the officer or merchant to any criminal or civil liability.</p> <p>Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the crime of shoplifting. Any merchant who causes such an arrest shall not be criminally or civilly liable if he has probable cause for believing the person so arrested has committed the crime of shoplifting.</p>
<p>16-11.8</p>	<p>B. Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the crime of falsely obtaining services or accommodations as defined in this section. Any merchant, owner or proprietor who causes such an arrest shall not be criminally or civilly liable if he has actual knowledge that the person so arrested has committed the crime of falsely obtaining services or accommodations.</p>
<p>16-11.9</p>	<p>A person other than the issuer who receives or possesses a credit card that he knows or has reason to know to have been stolen, lost, mislaid or delivered under a mistake as to the identity or address of the cardholder, and who retains possession thereof with the intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder, is guilty of a petty misdemeanor.</p>
<p>16-11.11</p>	<p>Any person who rents or leases a vehicle or other personal property and obtains or retains possession of its by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including but not limited to a false representation as to his name, residence, employment or operator's license is guilty:</p>
<p>16-11.12</p>	<p>B. Failure of the lessee to return the vehicle or personal property to the place specified within seventy-two (72) hours after mailing to him by certified mail at his address shown on the leasing agreement a written demand to return the vehicle or personal property shall raise a rebuttable presumption that the failure to return the vehicle or personal property was with intent to defraud.</p>
<p>16-12.1</p>	<p>(3) Burning any inflammable vegetation or forest material, whether upon his own land or that of another person, without using proper and reasonable precaution at all times to prevent the escape of such fire;</p>
<p>16-14.1A.</p>	<p>(2) Intentionally fleeing, attempting to evade or evading an officer of this state when the person committing the act of fleeing, attempting to evade or evasion has knowledge that the officer is attempting to apprehend or arrest him;.....</p> <p>(4) Resisting or abusing any judge, magistrate or peace officer in the lawful discharge of his duties.</p>

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16-14.3	A. Concealing identity consists of concealing one's true name or identity, or disguising oneself with intent to obstruct the due execution of the law or with intent to intimidate, hinder or interrupt any public officer or any other person in a legal performance of his duty or the exercise of his rights under the laws of the United States or of this state.
16-14.5	A. It is unlawful for any person to intentionally make a report to a law enforcement agency or official, which report he knows to be false at the time of making it, alleging a violation by another person of the provisions of the Criminal Code [30-1-1 NMSA 1978].
16-15.2	A. It is unlawful for a person to use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. The provisions of this subsection do not apply to a person who is in possession of hypodermic syringes or needles at the time he is directly and immediately engaged in a harm reduction program, as provided in the Harm Reduction Act or to a person who is in possession of drug paraphernalia intended for marijuana use.
16-15.4	F. Any person selling goods at retail or wholesale may refuse to sell tobacco products to any person who is unable to produce an identity card as evidence that he is eighteen (18) years of age or over.
18-1.8	C. An appearance may be made by counsel and the person charged with violating this section may present evidence and call witnesses to show cause why his license should not be denied or revoked.
18-1.10	Persons operating itinerant businesses required to pay a business license fee, who are in violation of this section, may be served a written notice of violation by a uniformed police officer, specifically stating the nature of the violation and ordering that the past due fee, plus a penalty, which is double the amount due, be paid immediately, and that he discontinue operation until he is in compliance.
18-2.5	A. Prior to the expiration of the business registration, any person engaging in a business within the city and subject to the business registration fee shall apply for renewal of his business registration with the city.
18-2.6	Any person filing an application for issuance or renewal of a business registration shall include in the application his current taxpayer identification number from the state taxation and revenue department, revenue division, or evidence of his application for a current revenue division taxpayer identification number, provided that the person is required to file for same.
18-4.1	<i>Pawnbroker</i> means a person engaged in the business of lending money on the deposit or pledge of personal property or who purchases personal property with an expressed or implied agreement or understanding to sell it back at a stipulated price. If a pawnbroker also purchases used merchandise for resale, he must do so in accordance with the provisions of this section.
18-4.4	Any application for license as a pawnbroker shall be referred to the police department for investigation as to the qualifications of the applicant and as to the truth of all statements in the application. In making their investigation, the police shall use current methods of police inquiry, including, without limitation, fingerprints and photographs. The police shall, as soon as practical, make their report to the city clerk who shall grant the license only if the report is favorable. The applicant may appeal a denial of his application to the governing body, as provided in Section 18-1, Business Licenses.
18-4.8	Every junk dealer who, in addition to, or in connection with his junk business, carries on a regular secondhand business, or keeps in stock for retail any substantial quantity of new personal property for the sale of which either a license or an occupation tax is imposed

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	shall, notwithstanding the license paid by him as a junk dealer, be subject to and shall pay the license or occupation tax as is prescribed for the particular business so conducted.
18-4.9(A)	(3) The name of the person from whom the items were purchased or pledged, his date or birth, identification number and type of identification shown.
18-4.10	A. A person licensed under the provisions of Section 18-4 SFCC 1987 shall not sell or remove from his place of business any item or secondhand goods other than furniture and household goods purchased by him until the same have been in his possession for a period of five (5) working days.
18-4.13	A. No secondhand dealer shall, by virtue of his license, keep more than one (1) store, shop, house or place of buying, receiving or selling secondhand goods or articles, but he may have or keep, under and by virtue of a single secondhand dealer's license, more than one (1) place for storage purposes. B. No junk dealer shall store or hold junk at any location in the city other than that specified in his license.
18-4.16	A. A person licensed under the provisions of Section 18-4 SFCC 1987 shall not purchase any property or receive the same as a pledge, if the property is clearly marked as being the property of a person, other than the person offering to sell or pledge such property. However, if the person offering to sell or pledge the property shows satisfactory evidence in writing that he is the lawful owner of the property; or has been granted permission by the owner of the property; or has been granted permission by the owner to sell or pledge the property, then the person licensed under the provisions of Section 18-4 SFCC 1987 may purchase the property. B. Failure to require such written evidence, as prescribed in paragraph A, above shall be prima facie evidence of guilty knowledge on the part of the licensee, his agents or employees that the person offering to pledge or sell the property is not the rightful owner thereof and shall be sufficient cause for revocation of the license of the licensee by the city after notice and public hearing held before the governing body, as provided in Section 18-1 SFCC 1987, Business Licenses.
18-4.20	A. Any person, or his agents or employees, who violates any provision of Section 18-4 SFCC 1987, shall, on conviction, be punished as provided in Section 1-3, SFCC 1987.
18-5.4	It is unlawful for any person to sell, dispose of or offer for sale in the city at public auction, or cause or permit to be sold, disposed of or offered for sale at public auction within the city, any jewelry, diamonds or other precious or semiprecious stones, watches, clocks, gold, silverware, plated ware or any other precious metals, whether the same is his own property or whether the sale is made by or through him as agent or employee of the owner, or in any other capacity, without first complying with the provisions of subsections 18-5.4 through 18-5.23 SFCC 1987.
18-5.10	Subsections 18-5.4 through 18-5.23 shall not apply to judicial sales; sales made by executors or administrators; sales by trustees, mortgagees or assignees under the terms of any instrument given to secure a bona fide indebtedness under which he exercises the power of sale; sales made by or in behalf of licensed pawnbrokers of unredeemed pledges; sales of unclaimed freight or express as provided by law; sales by sheriffs, constables or other officers as provided by law; nor to any other particular kind of auction sale expressly authorized by the laws of the state or the United States.
18-5.11	It is unlawful for any person to sell, dispose of or offer for sale in the city at public auction or cause or permit to be sold, disposed of or offered for sale at public auction within the city, jewelry, diamonds, other precious or semiprecious stones, watches, clocks, gold,

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	silverware, plated ware, or any other precious metals whether they are his own property or whether the sale is made by or through him as agent or employee of the owner, or in any other capacity, without first obtaining a business license issued by the city, as provided in Section 18-1, Business Licenses.
18-5.12	<p>A. Any person desiring to hold an auction sale of any of the goods described in subsection 18-5.11 shall apply to the city for a license. The application shall be in writing, signed and sworn to before a notary public of the county, stating the name of the applicant; his residence; the street and number of the proposed place of sale; the length of time for which the license is desired; the ownership of the property to be sold; whether the applicant was previously engaged in a like or similar business, designating the place where such business was conducted and the length of time conducted. The applicant shall furnish the city with such further evidence as may be required of him.</p> <p>B. In the case of an individual, any affidavit under this section shall be made by him; in the case of a firm, it shall be made by one (1) of the partners; in the case of a corporation, it shall be made by the president, general manager, secretary or treasurer.</p>
18-5.15	Any person desiring a license under subsections 18-5.11 through 18-5.23 and Section 18-1, Business Licenses, shall furnish a bond to the city, duly executed by the applicant as principal and two (2) or more good and solvent persons who reside in the county or a good and solvent surety company authorized to do business in the state and having an agent in the county, as sureties, in the principal sum of five thousand dollars (\$5,000.00), which bond shall be payable to the city, to be approved by the city clerk and city attorney and conditioned that the principal shall pay all loss and damage which may lawfully be claimed against him on account of any material misrepresentation of fact or any material suppression of fact concerning the goods to be auctioned at any such sale or which may grow out of violation of any of the provisions of subsections 18-5.4 through 18-5.23, and any person sustaining any loss or damage may bring suit in any court of competent jurisdiction in the county to recover the same. The provisions of the bond shall be construed liberally in favor of any person sustaining such loss or damage. All remedies on or under such bond shall be in addition to and cumulative of all other remedies the parties may have at law or in equity for recovery of any such losses or damages. Cumulative recoveries may be had on the bond to the full amount thereof.
18-5.26	D. Any duly licensed bona fide merchant of the city conducting a seasonal or a special sale ordinarily conducted by merchants or to any bona fide merchant who is closing out his stock of goods and advertises such sale to that effect or to a bona fide merchant whose stock of goods has been damaged by fire, smoke, water or otherwise and who advertises as such.
18-8.9	<p>C. <i>Vehicle Vendors—General Requirements.</i></p> <p>(1) In addition to the vendors permitted by the Plaza Pushcart Ordinance and the Santa Fe Plaza Park Artist/Artisan Program Ordinance, vehicle vendor permits may be approved by the city manager or his designee pursuant to the requirements of Section 23-4 SFCC 1987 and this subsection 18-8.9 SFCC 1987.</p>
18-8.10A.	<p>(22) Special policemen or special police agencies as defined in subsection 20-24.1 SFCC 1987, under the conditions prescribed in Section 20-24 SFCC 1987, fifty dollars (\$50.00) per year. Those special police exempted under subsection 20-24.4 SFCC 1987 shall not be required to obtain a business license;....</p> <p>F. Any person filing an application for issuance or renewal of any business license shall include on the application his current revenue division taxpayer identification number or evidence of application for a current revenue division taxpayer identification number. No license shall be issued unless such number or application has been furnished.</p>

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18-11.15	B. To the taxpayer himself or to his authorized representative;
18-11.9	C. Each vendor registered under this section shall be liable to the city of Santa Fe for the tax provided herein on the rent paid for lodging at his respective place of business.
18-11.13	A. If any person believes he has made payment of any lodgers' tax in excess of that for which he was liable, he may claim a refund thereof by directing to the city treasurer, no later than ninety (90) days from the date payment was made, a written claim for refund accompanied by a restated lodgers' tax reporting form for that period. Every claim for refund shall state the nature of the person's complaint and the affirmative relief requested. The city treasurer shall allow the claim in whole or in part or may deny it.
18-11.15	B. To the taxpayer himself or to his authorized representative;
19-3.6A.	(4) Intimidate, dismiss or otherwise discriminate against any person because he has filed a complaint, testified or participated in any proceeding under this section;
19-3.7	Any employee, who by himself or with others, willfully violates any provision of this chapter or the personnel rules and regulations, in addition to any other penalty imposed for such violation, is subject to suspension or dismissal.
19-4.1	The city manager has the sole authority to employ and discharge all municipal employees and to act in accordance with the provisions of this chapter and the rules and regulations promulgated hereunder. The city manager shall establish a personnel office and shall have the authority to employ a personnel director. The personnel director shall perform duties to be delegated to him by the city manager, and in accordance with the rules and regulations established by the governing body. The personnel director shall work under the direct control and supervision of the city manager.
20-5.11B.	(6) Date and time of law enforcement officer arrival at the alarm site and verification that law enforcement officer left his business card at the site;
20-21.6	A. A wrecker company shall not respond to the scene of an accident or other emergency unless specifically called there by the police or the person involved in the accident or emergency. A wrecker company owner, his agent, or employee shall not solicit towing contracts at the scene. However, nothing in this section shall be construed as prohibiting a towing service from privately contracting with any person.
20-24.1	<p><i>Private detective agency</i> means any person engaged in the detective business, for hire, who employs one (1) or more persons, not in uniform, as his employees, assistants, clerks, bookkeepers or operatives in his business.....</p> <p><i>Special policeman</i> means any person in uniform who, for hire or reward, shall guard or protect any building, premises, person or property within the city; provided, that this shall not apply to the regular appointed police officers of the city, any sheriff or deputy sheriff of the county, or state or federal officers. A special policeman shall include all private guards, private patrols, patrol system and services.</p>
20-24.2	All special policemen and private detectives shall obey and comply with all rules and regulations of the police department of the city, so far as they may be applicable.
20-24.4	No license, as provided for in Section 18-1, Business Licenses, shall be required of any person while protecting persons, passengers or property being transferred in interstate or intrastate common carriers; provided, that special policemen or private detectives whose employment is limited to only one (1) corporation, company or person for the exclusive protection of its or their own property or product, and whose activities are strictly confined to its or their own property, shall be exempt from payment of the fee provided for

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	in Section 18-1, Business Licenses, but shall be subject to all other provisions of this section.
22-6.5	A. The city's building inspection division shall be notified when a sewer connection is completed and ready for inspection. All work shall be left uncovered for examination until inspected and approved by the building inspection division staff inspector or his duly authorized representative.
23-1.3	It is unlawful for any engineer, fireman , conductor, yardmaster, agent or any railway employee having charge, permanently or temporarily, of any engine, train or car to allow any railway engine, train or car to remain across or on any street or public crossing in the city for a period longer than five (5) minutes, except in cases where movement is liable to cause danger to life or property.
23-2.3	<i>Director</i> means the public works director of the city of Santa Fe or his designated representative.
23-2.18	The permittee must, at his own expense, support and protect all utilities which may be in any way affected by the street cut work and do everything necessary to support, sustain and protect them under, over, along or across said work. Before commencing a street cut, the permittee shall know the location of all utilities in or near the area of the street cut. The permittee is required by state law to use the services of the New Mexico One Call System, Inc. for location of existing utilities. In the event said utilities are damaged, including damage to pipe coating or other encasement devices, the utility owner must be notified immediately and the damage repaired by the utility. The permittee shall pay the utility for all costs associated with the repair. The permittee must also protect the street cut from surface water flows by appropriate diversions or ponding devices.
23-2.19	The permittee must at all times and at his own expense preserve and protect from injury any adjoining property, by taking suitable measures for that purpose. Where in the protection of such property, it is necessary to enter upon private property for the purposes of taking appropriate protection measures, the permittee must, unless otherwise provided by law, obtain permission from the owner of such private property. The permittee must at his own expense shore up and protect all building, walls, fences or other property that may be damaged during the progress of the street cut work and be responsible for all damages on private property resulting from his failure to properly protect and carry out such work. The permittee may not remove, even temporarily, any trees or shrubs which exist in any public place without first obtaining written permission from the city.
23-2.31	In the event a permittee fails to comply with the requirements of this section, the city may issue written notice of noncompliance and conduct a hearing. Based on the findings of the hearing, the director is authorized and empowered to suspend, cancel or withdraw any license or permit issued by him to the permittee. Within ten (10) business days of the director's written discussion, the permittee may appeal the director's determination to the governing body by filing written notice with the city manager.
23-3.16	It is unlawful for any owner of property to fail to comply with the terms and provisions of subsections 23-3.12 through 23-3.15 SFCC 1987 or with the rules and regulations promulgated by the governing body. Before any person is prosecuted, he shall be given ten (10) days' written notice by the city engineer, or other authorized representative, of his failure to comply, and an opportunity within the ten-day period to make arrangements satisfactory to the city for compliance.
23-4.3	It shall be the duty of the police department to enforce diligently the penal provisions of this section. The city attorney shall take such action in the name of the city, at law or otherwise, as he may be advised for the carrying into effect of the provisions of this section.

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23-5.3D.	(7) Applicants for the individual license category shall have held and operated on a continual basis an individual license, a rotating license or participated in a collective license for the five (5) consecutive years prior to applying for an individual license. An applicant who was listed as a primary maker on a deceased license holder's license application, for five (5) consecutive years, may apply for an individual license if the applicant can demonstrate that he was the primary maker of the artwork.
23-5.3D.(13)	(c) Grants the city manager, or his designee, when a complaint has been filed with the city, the authority to physically take artwork offered for sale by the artist/artisan, on the Plaza Park, into custody for examination and investigation of that particular item for compliance with this chapter, provided that such taking shall be only for a reasonable period of time not to exceed thirty (30) days.
23-5.3 H.(6)	(6) Within fifteen (15) calendar days of receiving a notice of violation, an artist/artisan may request a hearing before the city manager or his designee.
23-5E.	(5) Applications shall be ranked numerically on the above basis and licenses shall be awarded in order of rank. In the event there is a tie in the ranking of applicants, the jury panel shall determine the appropriate means by which the tie shall be broken. The city shall give notice of the jury panel's ranking. An artist/artisan may appeal to the city manager the decision of the jury panel within fifteen (15) days of the city's notice of ranking. The city manager or his designee has sole discretion to approve or deny the appeal. The ranking of applications shall be adjusted pending the outcome of the appeal process.
23-5.5G.(1)	(a) A jury panel member shall be prohibited from serving on the panel if he is related to an applicant for a Plaza pushcart license by consanguinity or affinity to the third degree. For purposes of this section consanguinity means related by blood; affinity means one's spouse or related through one's spouse; and third degree means aunts, uncles, nieces and nephews. (b) A jury panel member shall not be allowed to serve on the panel if he has a conflict of interest with any applicant in accordance with the city of Santa Fe Code of Ethics Ordinance, Section 1-7 SFCC 1987.
23-5.5G.	(3) Scores shall be calculated by city staff. The results shall be ranked numerically and licenses shall be awarded in order of rank, from highest score to lowest. In the event there is a tie in the ranking of applicants, the jury panel shall determine the appropriate means by which the tie shall be broken. The city shall provide written notice of the jury panel's ranking. An applicant may appeal to the city manager the decision of the jury panel within fifteen (15) days of the date of the city's notice of ranking. The city manager or his designee has sole discretion to grant or deny the appeal. The ranking of applications may be adjusted based on the outcome of the appeal process.
23-5.5J.	(4) Within five (5) calendar days of receiving a notice of violation, a vendor may request a hearing before the city manager or his designee.
23-8.7	B. Administrative Enforcement. (1) If a street performer is in violation of any provision of this section or any provision of the SFCC 1987; or is operating in a manner contrary to the public welfare, then the city finance director may, in his discretion and upon reasonable evidence: (a) Send the street performer a notice of violation specifically stating:

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	<p>(i)The nature of the violation;(ii)Whether there are past due license fees; and</p> <p>(iii)If there are past due license fees, order that the past due license fees, plus a penalty that is double the amount due, be paid immediately, upon receipt of the notice;</p> <p>(iv)If the fee and penalty are not paid, the provisions of this section or other provisions of the SFCC 1987 are not complied with and the operation contrary to the public welfare is not discontinued within fifteen (15) days after receipt of the notice, the street performer shall surrender his business license to the finance director and the license shall be placed in suspension until a hearing is held before the finance committee for consideration of revocation of the business license; or</p>
23-8.7(B)	(4) An appearance may be made by counsel and the street performer charged with violating this section may present evidence and call witnesses to show cause why his license should not be revoked.
24-4.6	B. The department shall be responsible for administration of this section. Reasonable rules and regulations may be promulgated by the city manager or his designee to carry out the intent and purpose of this section.
24-8.5	The owner of a golf cart that is operated upon the designated roadways for any duration or distance is required to have liability insurance as provided for in the Mandatory Financial Responsibility Act [66-5-208 NMSA 1978] of the Motor Vehicle Code. A certificate of insurance shall be carried in the golf cart at all times and shall be presented by the operator of the golf cart to any law enforcement officer requesting proof of such insurance in the course of his duties. The operator of a golf cart shall ensure that such insurance coverage exists before operating a golf cart upon any roadway.
24-8.7	Law enforcement officers of the city of Santa Fe, Santa Fe county or the New Mexico state police, displaying his badge of office, have the authority to enforce the provisions of this Golf Cart Ordinance within the city of Santa Fe, and may issue citations for any violations of the provisions of the Golf Cart Ordinance.
Ch. 24, Exh. A 12-1-3	"Administrator" means the chief executive employee of the municipality; including but not limited to the manager, clerk or administrator, or his designated representative. (*)
Ch. 24, Exh. A 12-1-25	"First Offender" means a person who for the first time under state or federal law or municipal ordinance has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug which renders him incapable of safely driving a motor vehicle regardless of whether the person's sentence was suspended or deferred. (66-1-4.6 NMSA 1978)
Ch. 24, Exh. A 12-1-29	"Implement of Husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations. (66-1-4.9 NMSA 1978)
Ch. 24, Exh.A 12-3-4B.	(3) exceed the maximum speed limits so long as he does not endanger life or property; and
Ch. 24, Exh. A 12-3-4	D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others. (66-7-6 NMSA 1978)

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<p>Ch. 24, Exh. A 12-4-1</p>	<p>A. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then immediately return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 12-4-3. Every such stop shall be made without obstructing traffic more than is necessary.</p>
<p>Ch. 24, Exh. A 12-4-2</p>	<p>The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 12-4-3. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. (66-7-202 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-4-3</p>	<p>The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request exhibit his driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (66-7-203 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-4-5</p>	<p>The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his driver's license and shall make report of such accident when and as required in Section 12-4-7. (66-7-205 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-4-10</p>	<p>(1) the identity of a person involved in an accident when his identity is not otherwise known or when the person denies his presence at the accident; or (2) the fact that the owner or operator of a motor vehicle involved in the accident is or is not insured and if he is insured, the name and address of his insurance carrier.</p>
<p>Ch. 24, Exh. A 12-5-6D.</p>	<p>(2) no pedestrian facing the signal shall enter the street unless he can do so safely and without interfering with any vehicular traffic.</p>
<p>Ch. 24, Exh. A 12-5-7A.</p>	<p>2. "don't walk" indicates that no pedestrian shall start to cross the street in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.</p>
<p>Ch. 24, Exh. A 12-5-13</p>	<p>A. designate and maintain crosswalks by appropriate devices, marks or lines on the surface of the street where, in his opinion, there is particular danger to pedestrians crossing the street; and B. establish safety zones of the kind and character and at places he deems necessary for the protection of pedestrians. (*)</p>
<p>Ch. 24, Exh. A</p>	<p>C. The governing body shall adhere to and abide by all applicable state statutes in making his determination of speed limits in the municipality. (Ord. No. 2015-16)</p>

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12-6-1.3	
Ch. 24, Exh. A 12-6-2.3	B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (66-7-310 NMSA 1978)
Ch. 24, Exh. A 12-6-2.7	A. The administrator may determine those portions of any street or highway under his jurisdiction where overtaking and passing or driving on the left of the street would be especially hazardous and may, by appropriate signs or markings on the street indicate the beginning and end of such zones. When the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the direction thereof.... F. When approaching or passing a bicyclist, every person operating a motor vehicle shall proceed with caution and shall pass such bicyclist at a reasonable speed and keep a safe distance from him . In no event shall a distance of less than five feet be considered a safe distance within the meaning of this Section. To comply with the requirements of this paragraph, a person operating a motor vehicle may be required to drive at a
Ch. 24, Exh. A 12-6-3.3	A. Whether vehicles shall stop at one or more entrances to the intersection, in which event he shall have erected a stop sign at every place where a stop is required; or B. Whether vehicles shall yield the right of way to vehicles on a different street at the intersection, in which event he shall have erected a yield sign at every place where obedience thereto is required. (*)
Ch. 24, Exh. A 12-6-4.3	C. The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and shall yield the right of way to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right of way. (66-7-330 NMSA 1978)
Ch. 24, Exh. 12-6-6.1	B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (66-7-351 NMSA 1978) C. The foregoing provisions may be modified by the administrator or his designated representative upon the basis of an engineering and traffic investigation study by the use of appropriate markings, signs or parking meters. (*)
CH. 24, Exh. A 12-6-6.7	A. The administrator may erect signs indicating no parking on either or both sides of any street adjacent to any school property when parking would, in his opinion, interfere with traffic or create a hazardous situation.
Ch. 24, Exh. A 12-6-7.2	No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (*)
Ch. 24, Exh. A 12-6-7.8	D. No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.
Ch. 24, Exh A	A. The administrator may establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in

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<p>12-6-9.1</p>	<p>such number as he shall determine to be of the greatest benefit and convenience to the public.</p>
<p>Ch. 24, Exh. A 12-6-11.1</p>	<p>C. The department shall promulgate regulations in accordance with the State Rules Act pertaining to safety practices, liability insurance and equipment for escort vehicles provided by the motor carrier himself and for escort vehicles provided by a private business in this state.</p> <p>(1) If a motor carrier provides his own escort vehicles and personnel, the department shall not charge an escort fee but shall provide the motor carrier escort personnel with a copy of applicable regulations and shall inspect the escort vehicles for the safety equipment required by the regulations. If the escort vehicles and personnel meet the requirements set forth in the regulations and if the motor carrier holds a valid certificate of public convenience and necessity or permit, as applicable, issued pursuant to Chapter 65, Article 2 NMSA 1978, the department shall issue the special permit.</p>
<p>Ch. 24, Exh. A 12-6-11.1</p>	<p>G. Except as provided in Subsection H of this section, if the movement of a manufactured home originates in this state, no permit shall be issued under Subsection F of this section until the owner of the manufactured home or his authorized agent obtains and presents to the department proof that a certificate has been issued by the county assessor or treasurer of the county in which the manufactured home movement originates showing that either:</p> <p>(1) all property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid, except for manufactured homes located on an Indian reservation; or</p> <p>(2) no liability for property taxes on the manufactured home exists for the current tax year or any past tax years, except for manufactured homes located on an Indian reservation.</p> <p>H. The movement of a manufactured home from the lot or business location of a manufactured home dealer to its destination designated by an owner-purchaser is not subject to the requirements of Subsection G of this section if the manufactured home movement originates from the lot or business location of the dealer and the manufactured home was part of his inventory prior to the sale to the owner-purchaser; however, the movement of a manufactured home by a dealer or his authorized agent as a result of a sale or trade-in from a nondealer-owner is subject to the requirements of Subsection G of this section whether the destination is the business location of a dealer or some other destination.</p>
<p>Ch. 24, Exh. A 12-6-12.1</p>	<p>C. It is unlawful for a person who is under the influence of any drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this municipality. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state is not a defense against the charge.....</p> <p>E. Any person who operates a motor vehicle within this municipality shall be deemed to have given consent, subject to the provisions of the Implied Consent Act, to chemical tests of his breath or blood or both, approved by the scientific laboratory division of the Department of Health pursuant to the provision of Section 24-1-22 NMSA 1978 as determined by a law enforcement officer, or for the purpose of determining the drug or alcoholic content of his blood, if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or any drug.....</p> <p>G. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent</p>

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	<p>provided by Section 12-6-12.1E, and the test or tests designated by the law enforcement officer may be administered. (66-8-108 NMSA 1978)....</p> <p>J. Upon the request of the person tested, full information concerning the test or tests performed at the direction of the law enforcement officer shall be made available to him as soon as it is available from the person performing the test.</p> <p>K. The law enforcement agency represented by the law enforcement officer at whose direction the chemical test is performed shall pay for the chemical test.</p> <p>L. If a person exercises his right under Subsection I to have a chemical test performed upon him by a person of his own choosing, then the cost of that test shall be paid by the law enforcement agency rep...</p> <p>N.(3) an alcohol concentration of eight one-hundredths or more, the arresting officer shall charge him with a violation of this section; or</p>
<p>Ch. 24, Exh. A 12-6-12.1</p>	<p>L. If a person exercises his right under Subsection I to have a chemical test performed upon him by a person of his own choosing, then the cost of that test shall be paid by the law enforcement agency represented by the law enforcement officer at whose direction a chemical test was administered under Subsection E. (66-8-109 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-12.1</p>	<p>R. Nothing in this section is intended to authorize any police officer, or any judicial or probation officer, to make any arrest or to direct the performance of a blood-alcohol test, except in the performance of his official duties and as otherwise authorized by law. (66-8-104 NMSA 1978)</p> <p>S. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 12-6-12.1 E and F, none shall be administered, except when a municipal judge, magistrate or district judge issues a search warrant authorizing chemical tests as provided in Section 12-6-12.1 E and F, upon his finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of intoxicating alcohol or drug thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of intoxicating alcohol or drug and that chemical tests as provided in Section 12-6-12.1 E and F will produce material evidence in a felony prosecution. (66-8-111 NMSA 1978)</p> <p>T. If a law enforcement officer has reasonable grounds to believe that a person arrested for violation of Subsections A, B, C or D of this section had been driving a motor vehicle within this municipality while under the influence of intoxicating liquor or drug and that upon his request, the person refused to submit to a chemical test, after being advised that failure to submit could result in revocation of his privilege to drive, then the law enforcement officer shall transmit to the director a statement signed under penalty of perjury stating what such reasonable grounds were and stating that the person refused to submit to a chemical test after being advised of the consequences of such refusal.</p>
<p>Ch. 24, Exh. A 12-6-12.2 B.</p>	<p>(3) the defendant has refused to submit to a chemical test or tests of his breath or blood. (66-8-102 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-12.4</p>	<p>A. Any person operating a vehicle on the street shall give his full time and entire attention to the operation of the vehicle.</p>

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<p>Ch. 24, Exh. A 12-6-12.5</p>	<p>A. Except those expressly exempted by Section 66-5-4 NMSA 1978, no person shall drive any motor vehicle or moped upon a street in this municipality unless he holds a valid license issued under the provisions of the New Mexico Motor Vehicle Code..... D. Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle or moped, and shall display the same upon demand of a magistrate or police officer. However, no person charged with violating this section shall be convicted if he produces in court a driver's license theretofore issued to him and valid at the time of his arrest. (66-5-16 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-12.6</p>	<p>A. No person shall: (1) display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit; (2) lend his driver's license or permit to any other person or knowingly permit the use thereof by another; (3) display or represent as one's own any driver's license or permit not issued to him; (4) fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked or canceled; (5) permit any unlawful use of driver's license or permit issued to him; (66-5-37 NMSA 1978) (6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended and who knows or should have known that the person's license was suspended. Upon conviction, the person may be punished by imprisonment for not more than ninety (90) days or participation for an equivalent period of time in a certified alternative sentencing program, and/or a fine of not more than three hundred dollars (\$300.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. (66-5-39 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-12.7</p>	<p>No driver of a motor vehicle shall willfully fail or refuse to bring his vehicle to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop. A. The signal given by the police officer may be by hand, voice, emergency light or siren. B. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle. (*)</p>
<p>Ch. 24, Exh. A 12-6-12.10</p>	<p>B. No passenger in a vehicle shall ride in such position as to interfere with driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (66-7-357 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-12.16</p>	<p>No driver of a vehicle shall operate or be in control of a vehicle on other than the portions of streets improved, designed and ordinarily used for vehicular traffic, private roads, driveways or alleys in this municipality, except as otherwise provided by this ordinance or as otherwise authorized or designated by the administrator or his designated representative. (*)</p>
<p>Ch. 24, Exh. A 12-6-12.18</p>	<p>A. No person shall: (1) drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle; (2) drive while having in his lap any adult person, adult or minor, or any animal;</p>
<p>Ch. 24, Exh. A</p>	<p>A. No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any street when such minor is not authorized under state law or is in violation of any of the provisions of the New Mexico Motor Vehicle</p>

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<p>12-6-12.23</p>	<p>Code. (66-5-40 NMSA 1978) B. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street by any person who is not authorized under state law or is in violation of any of the provisions of the New Mexico Motor Vehicle Code. (66-5-41 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-13.1</p>	<p>A. No owner or person in control of a motor vehicle shall permit it to be driven or operated by any person who is a habitual user of narcotic drugs or by any person who is under the influence of intoxicating liquor, narcotic drugs or any other drug to a degree which renders him incapable of safely driving the vehicle. B. No person under the influence of intoxicating liquor, narcotic drug or other drug to a degree which renders him incapable of driving safely shall start or attempt to operate a vehicle. (*)</p>
<p>Ch. 24, Exh. A 12-6-13.4</p>	<p>B. The foregoing provisions shall not apply to a police officer or member of the fire department or street maintenance department who in discharge of his duty legally moves or causes to be moved any unattended vehicle, nor to any person who moves the vehicle at the direction of or in compliance with orders from a police officer or member of the fire department or street maintenance department who in the discharge of his duties legally orders or directs the moving of the unattended vehicle. (*)</p>
<p>Ch. 24, Exh. A 12-6-13.10</p>	<p>C. Owners of livestock ranging in pastures through which unfenced roadways pass shall not be liable for damages by reason of injury or damage to persons or property occasioned by collisions of vehicles using said roadways and livestock or animals ranging in said pastures unless such owner of livestock is guilty of specific negligence other than allowing his animals to range in said pasture.</p>
<p>Ch. 24, Exh. A 12-6-13.13</p>	<p>A. Except as provided by Section 12-6-13.12 and in Subsection B of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway. B. This section shall not apply to an occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt or to a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier. (66-7-372 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-13.14</p>	<p>B. No person shall have in his possession on his person, while in a motor vehicle upon any street within this municipality, any bottle, can or other receptacle containing any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed.</p>
<p>Ch. 24, Exh. A 12-6-13.14</p>	<p>D. The provisions of this section do not apply to: (1) any person who, upon the recommendation of a doctor, carries alcoholic beverages in that person's motor vehicle for medicinal purposes; (2) any clergyman or his agent who carries alcoholic beverages for religious purposes in the clergyman's or his agent's motor vehicle; or (3) any person who is employed by a person licensed by the Alcoholic Beverage Control Act, while discharging his duties as an employee (66-8-138) E. Penalties (1) Whoever is guilty of a second or subsequent violation of any provision of this ordinance shall be sentenced pursuant to this code. (2) In addition to any other penalty or disposition ordered pursuant to law, upon conviction for a second or subsequent violation of the provisions of Section 12-6-13.14, the convicted</p>

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	<p>person shall have his driver's license revoked for a period of three months upon a second violation and for one year upon a third or subsequent violation. (66-8-139 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-6-17.2</p>	<p>B. It is unlawful for a person who is under the influence of any drug to a degree that renders him incapable of safely operating a motorboat to operate a motorboat.</p> <p>C. It is unlawful for a person who has an alcohol concentration of eight one hundredths or more in his blood or breath to operate a motorboat.</p> <p>D. Aggravated boating while under the influence of intoxicating liquor or drugs consists of a person who:</p> <p>(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while operating a motorboat;</p> <p>(2) has caused bodily injury to a human being as a result of the unlawful operation of a motorboat while under the influence of intoxicating liquor or drugs; or</p> <p>(3) refused to submit to chemical testing, as provided for in the Boating While Intoxicated Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.</p> <p>E. Every person under first conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than ninety days or by a fine of not more than five hundred dollars (\$500), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. The offender shall be ordered by the court to attend a boating safety course approved by the national association of state boating law administrators. An offender ordered by the court to attend a boating safety course shall provide the court with proof that the offender successfully completed the course within seven months of his conviction or prior to completion of his probation, whichever period of time is less. In addition to those penalties, when an offender commits aggravated boating while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail and may be fined not more than seven hundred fifty dollars (\$750). On a first conviction under this section, any time spent in jail for the offense prior to the conviction for that offense shall be credited to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.</p>
<p>Ch. 24, Exh. A 12-6-17.5</p>	<p>Nothing in this Act is intended to authorize a law enforcement officer, or a judicial or probation officer, to make an arrest or direct the performance of a blood-alcohol or drug test, except in the performance of his official duties or as otherwise authorized by law.</p>
<p>Ch. 24, Exh. A 12-6-17.6</p>	<p>A. A person who operates a motorboat within this state shall be deemed to have given consent, subject to the provisions of the Boating While Intoxicated Act, to chemical tests of his blood or breath or both, approved by the scientific laboratory division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978 as determined by a law enforcement officer, or for the purposes of determining the drug or alcohol content of his blood if arrested for any offense arising out of acts alleged to have been committed while the person was operating a motorboat while under the influence of an intoxicating liquor or drug.</p> <p>B. The arrested person shall be advised by a law enforcement officer that failure to submit to a chemical test may be introduced into evidence in court and that the court, upon conviction, may impose increased penalties for the person's failure to submit to a chemical test.</p> <p>C. A test of blood or breath or both, approved by the scientific laboratory division of the</p>

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	<p>department of health pursuant to the provisions of Section 24-1-22 NMSA 1978, shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been operating a motorboat while under the influence of an intoxicating liquor or drug.</p> <p>D. A person who operates a motorboat in this state and who is involved in a fatal boating incident shall be deemed to have given consent, subject to the provisions of the Boating While Intoxicated Act, to mandatory chemical tests of his blood or breath or both, as determined by a law enforcement officer and approved by the scientific laboratory division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978.</p>
<p>Ch. 24, Exh. A 12-6-17.7</p>	<p>A person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn the consent provided by the Boating While Intoxicated Act, and the test designated by the law enforcement officer may be administered.</p>
<p>Ch. 24, Exh. A 12-6-17.8</p>	<p>B. The person tested shall be advised by the law enforcement officer of the person's right to be given an opportunity to arrange for a physician, licensed professional or practical nurse or laboratory technician or technologist who is employed by a hospital or physician of his own choosing to perform a chemical test in addition to a test performed at the direction of a law enforcement officer.</p> <p>C. Upon the request of the person tested, full information concerning the test performed at the direction of the law enforcement officer shall be made available to him as soon as it is available from the person performing the test.</p> <p>D. The agency represented by the law enforcement officer at whose direction the chemical test is performed shall pay for the chemical test.</p> <p>E. If a person exercises his right under Subsection B of this section to have a chemical test performed upon him by a person of his own choosing, the cost of that test shall be paid by the agency represented by the law enforcement officer at whose direction a chemical test was administered pursuant to 12-6-17.6.</p>
<p>Ch. 24, Exh. A 12-6-17.9</p>	<p>C. When the blood or breath of the person tested contains an alcohol concentration of eight one hundredths or more, the arresting officer shall charge him with a violation of 12-7-17.2.,.,.,.</p> <p>E. The alcohol concentration in a person's blood or breath shall be determined by a chemical test administered to the person within three hours of the alleged boating while under the influence of intoxicating liquor. In a prosecution pursuant to the provisions of the Boating While Intoxicated Act, it is a rebuttable presumption that a person is in violation of the provisions of that act if he has an alcohol concentration of eight one hundredths or more in his blood or breath as determined by a chemical test administered to the person within three hours of the alleged boating while under the influence of intoxicating liquor. If the chemical test is administered more than three hours after the alleged boating while under the influence of intoxicating liquor, the test result is admissible as evidence of the alcohol concentration in the person's blood or breath at the time of the alleged boating and the trier of fact shall determine what weight to give the test result.</p>
<p>Ch. 24, Exh. A 12-7-3</p>	<p>No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a street. (*)</p>
<p>Ch. 24, Exh. A</p>	<p>A. A person operating a motorcycle, motor scooter or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and shall have his feet upon the footrests provided on the machine.</p>

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<p>12-7-4</p>	<p>B. The operator shall not carry any other person nor shall any other person ride on a motorcycle, motor scooter or motor-driven cycle unless it is designed to carry more than one person. If a motorcycle, motor scooter or motor-driven cycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the motorcycle, motor scooter or motor-driven cycle. The passenger shall have his feet upon the footrests attached for passenger use. (66-7-355 NMSA 1978)</p> <p>C. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.</p>
<p>Ch. 24, Exh. A 12-7-6</p>	<p>A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid operator's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the secretary.</p>
<p>Ch. 24, Exh. A 12-7-9.6</p>	<p>Every city police officer displaying his badge of office, has the authority to enforce the provisions of Sections 12-7-9 through 12-7-9.5 of this ordinance and may require the operator of any off-highway motor vehicle to produce the certificate of registration and the personal identification of the operator, and may issue citations for violations of the provisions of Sections 12-7-9 through 12-7-9.5 of this ordinance. (66-3-1015 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-8-4</p>	<p>No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a street. (66-3-704 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-8-16</p>	<p>A. While riding a bicycle in traffic, the bicyclist shall make sure that his movement can be made safely and shall give a signal by hand in the same manner as hand signals are given by motorists to indicate the direction in which he intends to proceed, except that when signaling to make a right turn, a bicyclist may do so by extending the right arm.</p>
<p>Ch. 24, Exh. A 12-10-1.14</p>	<p>No person shall operate a vehicle other than an official vehicle, equipped with any red lights mounted so as to project a beam in a forward direction, or a siren, unless written permission of the chief of police or his designated representative is first obtained.(*)</p>
<p>Ch. 24, Exh. A 12-10-1.15</p>	<p>D. The administrator may, in his discretion, issue special permits authorizing the operation upon a street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a street would otherwise be prohibited under the provisions of this ordinance.</p>
<p>Ch. 24, Exh. A 12-10-1.17</p>	<p>A. Every motor vehicle when operated upon a street shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall be used which does not produce a harmonious sound. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a street.</p>
<p>Ch. 24, Exh. A</p>	<p>No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any street outside of a business or residence district, when it is practicable to stop, park, or leave such vehicle off the traveled portions</p>

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<p>12-10-1.47</p>	<p>of the street. In the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the street, the driver shall make every effort to leave all possible width of the street opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear. (66-3-852 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-10-2</p>	<p>B. No motor vehicle transporting any explosive or any other dangerous article shall be left unattended upon any street in any residence or business district except when the driver is engaged in the performance of normal operations incident to his duties as an operator of the vehicle to which he is assigned; provided, however, the chief of police may except any street in any business district from the operation of this subsection.</p>
<p>Ch. 24, Exh. A 12-10-3.7</p>	<p>(5) farm trailers, implements of husbandry and fertilizer trailers operated by or under contract to a farmer or rancher in his farming or ranching operations; and</p>
<p>Ch. 24, Exh. A 12-10-5</p>	<p>Every owner, upon receipt of registration evidence, shall write his signature thereon in a space provided. Every such registration evidence or duplicates thereof validated by the division shall be exhibited upon demand of any police officer. (66-3-13 NMSA 1978)</p>
<p>Ch. 24, Exh. A 12-10-6</p>	<p>B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless he is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.</p>
<p>Ch. 24, Exh. A 12-12-2</p>	<p>B. The municipality shall issue uniform traffic citation books to the chief of police or his authorized agent and shall maintain a record of every book issued and shall require a written receipt for every book.</p>
<p>Ch. 24, Exh. A 12-12-3</p>	<p>A. Except as provided in Section 12-12-5, unless a penalty assessment or warning notice is given, whenever a person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, the arresting officer, using the uniform traffic citation, in paper or electronic form, shall complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the arrested person sign the agreement to appear as specified, give a copy of the citation to the arrested person and release him from custody.</p> <p>B. Whenever a person is arrested for violation of a penalty assessment misdemeanor and elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation, in paper or electronic form, shall complete the information section and prepare the penalty assessment notice indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay the amount prescribed, give a copy of the citation along with a business reply envelope addressed to the municipal court with jurisdiction and release him from custody. No officer shall accept custody or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment notice, the officer shall issue a notice to appear. (66-8-123 B NMSA 1978)</p> <p>C. The arresting officer may issue a warning notice, but shall fill in the information section of the uniform traffic citation in paper or electronic form, and give a copy to the arrested person after requiring his signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license under Section 66-5-30 NMSA 1978.</p> <p>D. In order to secure his release, the arrested person must give his written promise to</p>

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	appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning notice.
Ch. 24, Exh. A 12-12-5A.	(8) who refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; (1961-62 Op. Atty. Gen. No. 61-117) or (9) who is charged with driving when his privilege to do so was suspended or revoked pursuant to Section 66-8-111 NMSA 1978 or pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs. (66-8-122 NMSA 1978)
Ch. 24, Exh. A 12-12-6	(6) person refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; or (7) person is charged with driving when his privilege to do so was suspended or revoked pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs. (66-8-122 NMSA 1978)
Ch. 24, Exh. A 12-12-7	A. It is a misdemeanor for any person to violate his written promise to appear in court, given to an officer upon issuance of a uniform traffic citation, regardless of the disposition of the charge for which the citation was issued.
Ch. 24, Exh. A 12-12-11	B. Within ten days of the later of entry of a final disposition on a conviction for violation of this ordinance or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every municipal judge, including children's court judges, or the clerk of the court in which the entry of the final disposition occurred shall prepare and forward to the department an abstract of the record containing the name and address of the defendant; the specific section number and common name of the provision of the local law, ordinance or regulation under which the defendant was tried; the plea, finding of the court and disposition of the charge, including fine or jail sentence or both; total costs assessed to the defendant; the date of the hearing; the court's name and address; whether defendant was a first or subsequent offender; and whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.
Ch. 24, Exh. A 12-12-13	If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to the motor vehicle within a period of 15 days, the traffic violations bureau or clerk of the municipal court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of 30 days a summons to appear in court will be issued.
Ch. 24, Exh. A 12-12-15	In the event any person fails to comply with a traffic citation given to the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court or the traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the municipal judge shall issue either a summons or a warrant for his arrest. (*)
Ch. 24, Exh. A 12-12-18	A. Definitions, for purposes of this section: (1) "Chief" shall mean the Chief of Police of the municipal police department or his designated representative. (2) "Impound" shall mean the towing and storage of a motor vehicle as authorized in this section. (3) "Owner" of a vehicle shall mean the registered owner or owners of a vehicle as recorded with the New Mexico department of motor vehicles or similar agency of a state outside New Mexico. Where written notice to the owner is required by this section, such notice shall be given to each registered owner. Where appearance of the owner is required by this section, appearance may be by a person authorized by the owner to appear

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	on his behalf.
Ch. 24, Exh. A 12-12-18 C.	(2) If any vehicle is about to be removed, relocated or is in the process of being removed or relocated and the owner thereof or his agent appears and claims the vehicle and agrees forthwith to remove it or relocate it, such vehicle shall be delivered to such owner or agent upon demand therefore and upon furnishing satisfactory evidence of identity and ownership or agency. If any such owner or agent shall fail, refuse or neglect to forthwith remove such vehicle, such vehicle shall nevertheless be impounded or relocated. Removal by such owner or agent shall not relieve the offender of liability for any towing costs already incurred or for any fine or penalty for the violation of any law or ordinance for which the vehicle was to be removed or relocated. (*)
Ch. 24, Exh. A 12-12-18E.(3) paragraph	Upon receipt of the request for a hearing on the legality of an impoundment, the municipal judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by state law until the judge has ruled on the legality of the impoundment. If the municipal judge finds that the vehicle in question was not lawfully impounded or that the vehicle should otherwise be released at the municipality's expense, he shall issue and date a Certificate of Release, indicating the unlawful impoundment, or the release at municipal expense, or both, and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the municipality in accordance with arrangements to be made between the municipality and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within 24 hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement.
Ch. 24, Exh. A 12-12-18F.	(7) If the municipal judge determines that the vehicle is abandoned, he shall so notify the Chief, who shall cause the impoundment of the vehicle, unless the vehicle is removed within 24 hours of the judge's decision.
Ch. 24, Exh. A 12-12-18	H. Release of Vehicles. (1) The municipal judge or his designated representatives may order the release of an impounded vehicle if a hearing has been requested on the legality of impoundment and upon the posting of bond as set by the municipal judge or his designee. When bond is posted the vehicle shall be released into the possession of the owner or his designee. (2) In all other cases, upon proof of ownership, an impounded vehicle shall be released only after payment of the accumulated penalties by the owner or his designee, as provided in subsection I.
Ch. 24, Exh. A 12-12-19	A. A person upon whose property or in whose possession is found an abandoned vehicle or motor vehicle, shall have authority to sell, retain, give away or dispose of the abandoned vehicle or motor vehicle to any person licensed under Sections 66-4-1 through 66-4-9 NMSA 1978 provided that he notifies a law enforcement agency prior to such disposal and obtains from that agency a written clearance stating that neither the agency's records nor the computerized records of the National Crime Information Center indicates that the vehicle or motor vehicle has been reported as stolen, and either: (1) the vehicle or motor vehicle in question regardless of its age, is either totally wrecked or in such a state of disrepair that it is suitable only for dismantling purposes; (2) the vehicle or motor vehicle in question is at least eight (8) years of age or older; or (3) the vehicle in question has been placed in any storage or wrecker yard at the request of a law enforcement agency or a property owner upon whose property the vehicle or motor

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	<p>vehicle was abandoned and has remained unclaimed in said yard for a period of thirty (30) days, in which case the owner of the storage yard may proceed to make a claim against the motor vehicle or vehicle, as specified in Subsection C of Section 66-3-119 NMSA 1978 as though it were abandoned. Any person wishing to obtain such vehicle may not charge more than fifty cents (\$.50) per day for storage unless he is licensed as a vehicle storage yard, and he must notify owners and lien-holders within thirty (30) days or lose all rights to claim such vehicle.</p> <p>B. Any vehicle which is less than eight (8) years of age or in such a state of repair that it will be placed back into service or which is not to be used for dismantling purposes, or which a property owner wishes to retain for his own use or to sell to any one other than a licensed dismantler, said person shall proceed to make claim for such vehicle or motor vehicle through a lien process and obtain a new certificate of title prior to disposal. (66-3-121 NMSA 1978)</p>
<p>25-1.1</p>	<p><i>City manager</i> means the city manager of the city of Santa Fe or his designee.</p>
<p>27-2.8E.</p>	<p>(3) Whenever work is performed in any public rights-of-way, the provider shall take all reasonable precautions to minimize interruption to traffic flow, damage to property, or creation of a hazardous condition. A plan for traffic control shall be provided to the director for his approval prior to issuance of a permit.</p>
<p>App. F</p>	<p>SECTION 7. Any person or corporation desiring to move a building or to make any unusual use of the streets necessitating a change in the Company's system of wires, poles, fixtures or plant, prior to the issuance of any permit by the City for any alteration of the streets creating a change in the Company's system, shall present a written certificate of the proposed work from the Company and signed by its authorized representative. The Company, upon presentation of a City permit by the applicant shall thereafter provide for and do such cutting, altering and moving of any wires, poles and other fixtures as may be necessary.</p> <p>Where existing telephone installations such as, but not limited to, poles and other overhead and underground telephone facilities are installed in City streets, and street right of ways, alleys, highways, public ways, sidewalks, bridges, and other public structures and public places and public grounds of said City and it is determined that such installations are in conflict with authorized street widening, street improvements and utilities systems, the project to relocate the facilities to a mutually acceptable location shall be subject to the approval of the City or its designee. All of such relocation work of same or similar facilities and installation shall be performed by the Company at no expense to the City; provided, that this provision shall not apply to any relocations made pursuant to the Urban Renewal Law (Sections 14-47-1 to 14-47-20 NMSA 1953 Comp.). When existing overhead facilities are replaced with underground facilities approval for such construction must be approved by the City prior to any work being performed. All work done in said streets, alleys, highways, public ways, sidewalks, bridges, and other public structures and public places, and public grounds of said City by said Company shall be performed with reasonable diligence; and said Company shall, within ninety (90) days, restore such streets, alleys, and public grounds excavated by it, to their original condition as nearly as possible; and said work shall be done subject to the approval and acceptance of the City manager or his designee.</p>