



# Agenda

6/11/14

TIME 12:19-

Shannon Cantu

A handwritten signature in black ink, appearing to read "Shannon Cantu".

**PUBLIC SAFETY COMMITTEE**  
**Tuesday, June 17, 2014**  
**4:00 PM**  
**City Council Chambers**  
**200 Lincoln Avenue, Santa Fe, NM 87501**

1. Roll Call
2. Approval of agenda
3. Approval of Tuesday, May 20, 2014 minutes
4. Old business:
  - A. NONE
5. New business:
  - A. Land Use Department presentation regarding the public safety role of Building Officials and Code Enforcement staff (Matthew O'Reilly, Land Use Director)
  - B. Proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending the provisions regarding engaging in a call while driving and texting while driving; and amending the traffic violation penalty schedule to double the penalty assessment for using a mobile communication device while driving and to triple the penalty assessment for using a mobile device while driving in a school zone (Mayor Gonzales, Councilor Ives, Councilor Dimas, Noah Burke)
  - C. Proposed ordinance repealing and readopting article IX of the Uniform Traffic Ordinance to establish that parking violations related to parking meters, city parking lots and city parking garages are nuisances and subject to administrative adjudication; and making such other changes as are necessary to meet the purposes of this ordinance (Councilor Dimas, Sevastian Gurule)
  - D. Proposed resolution declaring the Governing Body's intention to bring people to the Santa Fe Plaza by providing a safer environment and increased economic development opportunities (Mayor Gonzales, Issac Pino, Kate Noble)
6. Matters from Municipal Court
7. Matters from Police Chief Eric Garcia
8. Matters from Fire Chief Erik Litzenberg
9. Matters from the Santa Fe Police Officers Association
10. Matters from the Santa Fe Firefighters Association
11. Matters from the Regional Emergency Communications Center
12. Matters from Committee Members
13. Communications from the Floor
14. Adjournment

**For information regarding the agenda, you can call Shannon Cantu at 955-5074. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.**

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Meeting called to Order	Councilor Bill Dimas, Chair, called the meeting to order at 4:05 pm, a quorum was declared by roll call, 2 excused absences.	Page 2
Approval of Agenda	No changes from staff or the committee.  <b><i>Mr. Mizrahi moved to approve the agenda as presented, second by Mr. Arellano, motion carried by unanimous voice vote.</i></b>	Page 2
Approval of Minutes, May 20, 2014	Fire Marshall is spelled with one l – Marshal  <b><i>Mr. Arellano moved to approve the minutes as amended, second by Dr. Lewis, motion carried by unanimous voice vote</i></b>	Page 2
Old Business	None	Page 3
New Business. a. Land Use Department presentation regarding the public safety role of Building Officials and Code Enforcement staff. b. Proposed Ordinance relating to the City of Santa Fe Uniform Traffic Ordinance, amending the provisions engaging in a call while driving and texting while driving; and amending the traffic violation penalty schedule to double the penalty assessment for using a mobile communication device while driving	<b><i>Mr. Bowen moved to approve the proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending the provisions regarding engaging in a call while driving and texting while driving; and amending the traffic violation penalty schedule to double the penalty assessment for using a mobile communication device while driving and to triple the penalty assessment</i></b>	Page 3-7

<p>and to triple the penalty assessment for using a mobile device while driving and to triple the penalty assessment for using a mobile device while driving in a school zone.</p> <p>c. Proposed ordinance repealing and readopting article IX of the Uniform Traffic Ordinance to establish that parking violations related to parking meters, city parking lots and city parking garages are nuisances and subject to administrative adjudication; and making such other changes as are necessary to meet the purposes of this ordinance</p> <p>d. Proposed resolution declaring the Governing Body's intention to bring people to the Santa Fe Plaza by providing a safer environment and increased economic development opportunities</p>	<p><b>for using a mobile device while driving in a school zone and moving it forward, second by Mr. Trujillo, motion carried by unanimous voice vote.</b></p> <p><b>Mr. Trujillo moved to approve the proposed ordinance repealing and readopting article IX of the Uniform Traffic Ordinance to establish that parking violations related to parking meters, city parking lots and city parking garages are nuisances and subject to administrative adjudication; and making such other changes as are necessary to meet the purposes of this ordinance, second by Mr. Harris, motion carried, 4 in favor, 1 against.</b></p> <p><b>Informational, no formal action</b></p>	
Matters from Municipal Court	None	Page 7
Matters from Police Chief Eric Garcia	Informational	Page 7
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Matters from the Regional Emergency	Informational	Page 8

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Communications Center		
Matters from Committee	Informational	Page 9
Communications from the Floor	None	Page 9
Adjournment	There being no further business to come before the Public Safety Committee, the meeting was adjourned at 5:45 pm.	Page 9

**PUBLIC SAFETY COMMITTEE**  
**Tuesday, June 17, 2014**  
**4:00 PM – 5:45 PM**  
**City Council Chambers**  
**200 Lincoln Avenue, Santa Fe, NM 87501**

**MINUTES**

**Councilor Bill Dimas, Chair for the Public Safety Committee called the meeting to order at 4:05 pm. Roll call constitutes a quorum.**

**1. Roll Call**

Councilor Bill Dimas, Chair  
Herbert Harris, Vice Chair  
Dr. Nancy Owen-Lewis  
Mike Bowen  
Peter Mizrahi  
David Trujillo  
Joe Arellano

**Excused:**

Dr. Mike Mier  
Eric Johnson

**Others Present:**

Fire Chief Erik Litzenberg  
Matthew O'Reilly, Land Use Director and Code Enforcement Officers  
Noah Berke  
Sevastian Gurule  
Isaac Pino  
Sgt. Adam Gallegos  
Judy Amer, City Attorney  
Deputy Chief John Schaerfel  
Santa Fe Police Chief Erik Garcia  
Randy Vallejos  
Vanessa Marquez  
Fran Lucero, Stenographer

**2. Approval of Agenda**

No changes from staff or the committee.

***Mr. Mizrahi moved to approve the agenda as presented, second by Mr. Arellano, motion carried by unanimous voice vote.***

**3. Approval of Tuesday, May 20, 2014 minutes**

Fire Marshall is spelled with one l – Marshal

***Mr. Arellano moved to approve the minutes as amended, second by Dr. Lewis, motion carried by unanimous voice vote***

**4. Old Business**

NONE

**5. New Business:**

- A. Land Use Department presentation regarding the public safety role of Building Officials and Code Enforcement staff (Matthew O'Reilly, Land Use Director)

Mr. O'Reilly opened with introductions and presentation of the public safety individuals who work for land use enforcement; they are building inspections and land enforcement staff. Mr. O'Reilly stated that there is often a public understanding when talking about public safety that it is only fire and police. There are three groups of land use enforcement officers; construction officers, building, electrical and plumbing inspectors. Our inspectors perform approximately 14,000 inspections a year and approximately 56 building inspections a year. It comes out to an average of 6 inspections per inspector a day. The State Construction Industry Department regulates all permits and our construction inspectors have to train and learn the new codes as they change. These individuals are highly trained. They are all related to public safety as we have over 40,000 residences and approximately the same number in buildings. We need to assure that any facility our city residents or community go in to are all up to code. *(Introduction)* The staff and their current jobs; in November 2009 the city took on the first annexation of county property. When that happened they also took land use annexation for additional land. Land use oversight, inspections; issuance of business licenses came with that inheritance of land. Mr. O'Reilly provided a description of job responsibilities for each of the divisions in Land Use. The staff of these departments work with people to get them in to compliance, they work firmly but above all they are respectful in their tasks of enforcement. Mr. O'Reilly noted that with the addition of more annexed land he operates with the staff introduced today; no added budget or staff have come on board.

Thank You. A sound expression of gratitude was extended to the Land Use Director and to the staff who protect our city.

The Chair asked if there has been an increase in calls from the public since the annexation.

Mr. O'Reilly said that it would take a while before the county residents know they don't call Santa Fe County any longer and they should contact the City. The city staff is prepared to provide this service and will work with Santa Fe County Code Enforcement during this transition. The City of Santa Fe is more robust in enforcement. We don't have the personnel to patrol areas but they are quick responders to complaints and issues.

- B. Proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending the provisions regarding engaging in a call while driving and texting while driving; and amending the traffic violation penalty schedule to double the penalty assessment for using a mobile communication device while driving and to triple the penalty assessment for using a mobile device

while driving in a school zone (Mayor Gonzales, Councilor Ives, Councilor Dimas, Noah Berke)

Mr. Berke referred to the memorandum included in packet and opened up discussion for questions. Mr. Mizrahi stated that he did not feel that raising the penalty was going to stop this. SFPD reported they had only given approximately 472 citations and they prosecuted 436. Mr. Berke said the ordinance amendment's intent is to double the fine from \$100 to \$200 and texting in a school zone would be \$300 with the intent to deter the act.

Dr. Lewis asked how this would be communicated to the public.

Mr. Berke said he has met with Deputy Chief Schaerfel with SFPD and they will start a blitz to pull people over as they identify this misuse. There would also be a blitz period once the ordinance is approved.

Mr. Bowen feels that this is a step in the right direction; once you increase the fine it might strengthen the message.

The Chair asked SFPD Chief if we are using the dash cams. Chief Garcia said the best way is to get the message out through innovative measures. The Chief said SFPD will back up with statistics. If the officer is facing the correct direction, the proof of usage will depend on the Police Officer.

Deputy Chief Schaerfel – The dash cam is being used, if the suspect vehicle is not in the front of the unit it may not be on the cam.

#### **Public Comments**

**Dara J. Nagel, Santa Fe Resident**

I support the higher fines for these events. Everyday I see this; individuals do not take this serious. Thank you for these efforts in this regard.

**James Hamilton, Santa Fe Resident**

I am here to support the increase in fines for cell phone and texting. This equates to driving at a .08 alcohol level. Someone using a cell phone texting and driving behind the wheel is just as dangerous. Mr. Hamilton stated that a car hit a friend of his, the driver was talking on his cell phone, he was fined only \$81 and that was the end of it. This individual could have lost his leg or life. There was another individual who rides his bike in Santa Fe for many years and he could also attest to the misuse of individual's texting and driving. I believe the fine is too low. I feel that the fine could be \$500 and maybe a fall back of \$300-\$350.

Thank you

**Mr. Bowen moved to approve the proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending the provisions regarding engaging in a call while driving and texting while driving; and amending the traffic violation penalty schedule to double the penalty assessment for using a mobile communication device while driving and to triple the penalty assessment for using a mobile device while driving**

**in a school zone and moving it forward, second by Mr. Trujillo, motion carried by unanimous voice vote.**

- C. Proposed ordinance repealing and readopting article IX of the Uniform Traffic Ordinance to establish that parking violations related to parking meters, city parking lots and city parking garages are nuisances and subject to administrative adjudication; and making such other changes as are necessary to meet the purposes of this ordinance (Councilor Dimas, Sevastian Gurule)

Mr. Gurule outlined the objective from the proposed ordinance and provided the Public Safety Committee with a summary of citations and payment status for 2013. (Exhibit A)

Dr. Lewis asked how the Municipal Judge feels about this change.

Mr. Gurule said the Judge is very supportive. The effective date would be the beginning of 2015 to allow us educational time with the public and additional training in the administrative offices.

Dr. Lewis asked what is the advantage vs. what we have now?

Mr. Gurule said that the benefit is to go through a collection agency. There are many municipalities that have done this in other states.

Councilor Dimas, Chair for PSC said that there is approximately \$6 million dollars that have not been collected in parking fines. It was discussed instead of criminal fines, through discussion with the City Attorney and other members of city staff, it was recommended to make this a civil violation. It isn't known how many bench warrants are out but it is an exorbitant amount. Parking meters are one of the minor reasons. Judge Yalman is in favor of this but she is also concerned on how you get this message out to inform the public how it is going to work. The citations will be color coded with instructions on where to go to get them taken care of.

City Attorney – Judy Amer: The proposed measure – hypothetically say for an expired meter you would have 15 days to pay your fine or request a hearing before a hearing officer. If you do nothing within 15 days you will have an additional \$25 added on to the fine. The way it works now if you don't pay within 30 days it doubles. Additional information was provided on the process if you request a hearing. If you don't request a hearing, in addition to the fine and then added \$25, it would then go to collections. It would be just like any other bad debt, it would be reported to a collection agency. There are approximately 4,000 unpaid per year. If the math is done on what is recovered from the collection agency back to the city could be a substantial amount of revenue.

The Chair also said that the collection agency could also send notices to the out of state holders of a NM citation.

Mr. Arellano asked how much is outstanding to date.



Mr. Gurule said that the amount not collected to date is approximately \$7.8 million dollars. The oldest citation on record is 2003. We have had discussion on statute of limitation.

Judy Amer, City Attorney: We can only collect in cases that have been filed 1 year from the date the citation has been issued. It is safe to say we can collect on the citations that have been issued this year, which is \$324,000. Over that you would have to go case by case.

Mr. Harris asked if this is retroactive?

Ms. Amer: That is correct, we would start collecting moving forward.

Dr. Lewis asked if Municipal Court has sent out any bench warrants.

Mr. Gurule said that to his knowledge bench warrants have not been issued.

The Chair said there is a difference between criminal summons and bench warrants.

Mr. Gurule said there were about 11 cities that did administrative adjudication. More information would be available from the City Attorney.

**Mr. Trujillo moved to approve the proposed ordinance repealing and readopting article IX of the Uniform Traffic Ordinance to establish that parking violations related to parking meters, city parking lots and city parking garages are nuisances and subject to administrative adjudication; and making such other changes as are necessary to meet the purposes of this ordinance, second by Mr. Harris, motion carried, 4 in favor, 1 against.**

- D. Proposed resolution declaring the Governing Body's intention to bring people to the Santa Fe Plaza by providing a safer environment and increased economic development opportunities (Mayor Gonzales, Isaac Pino, Kate Noble)

Modifications: Mr. Pino stated that staff has been working to develop a logistics and programming plan to accompany the "People to the Plaza" resolution. ***(Exhibit B – Memo to Finance Committee, June 5, 2014)***

Revisions:

- There will be tables and chairs on Lincoln Street.
- San Francisco St. would be left open for the same period.
- It would only affect Lincoln, Old Santa Fe Trail.
- ADA parking is increased.
- Unloading will remain untouched.

Significant change: The three things people wanted were music, food and cruising. There will be an introduction of cruise night; the plaza will be open

for that particular evening. The period is still Memorial Day to the weekend after Fiesta. Economic Development will continue to maintain the data. Historic Design Board comments have been integrated.

Mr. Trujillo said that he feels that one of the highest risks is at San Francisco. Santa Fe Trail is closed, and Palace Avenue is closed.

Mr. Pino said that was one of the compromised agreements that were reached. Councilor Maestas asked for a traffic report on how cars are going to travel with the closures. John Romero, Traffic Engineer is working on that study right now.

Mr. Arellano asked if the Public Safety Aides could be used to assist with Pedestrian traffic.

Mr. Pino said they do that now.

**6. Matters from Municipal Court**

None

**7. Matters from Police Chief Eric Garcia**

The Chair offered congratulations and welcome to Police Chief Eric Garcia.

The Police Chief looks forward to working cohesively with the Public Safety Committee and Administration. Chief Garcia has an open door policy.

Crime statistics are included in the PSC packet.

Mr. Bowen congratulated Chief Garcia. He noted his background and education are attributes for this department. Mr. Bowen said that he hopes the Chief listens to the officers.

Chair Dimas commented that we have a drug epidemic here in Santa Fe. Property crimes are probably 98% related to drug addicts. Chair Dimas would like to see the Narcotics Unit comes back to realization within the Santa Fe Police Department.

Chair Dimas said that a drug hotline has been established and was implemented on April 14<sup>th</sup>. The Chair would like to see more publicity and marketing, he would like to see a bumper sticker on all police units. That information needs to be made available to the public. We need to get the drug dealers off the street.

Chief Garcia said that he does have ideas to get this bumper sticker designed.

**8. Matters from Fire Chief Erik Litzenberg**

Healthy kids event this Saturday at the Convention Center, 10:00 am – 2:00 pm – this is the Christus St. Vincent's – SFFD.

**9. Matters from the Santa Fe Police Officers Association**

Sgt. Adam Gallegos, turned the reigns over to new leadership. On behalf of the POA extend a welcome to Chief Garcia, the morale is high. Look forward to working with the Chief and the new administration.

**10. Matters from the Santa Fe Firefighters Association**

None

**11. Matters from the Regional Emergency Communications Center  
Randy Vallejos, Training Coordinator on behalf of Ken Martinez.  
Vanessa Marquez, Manager**

Drug hotline was implemented on April 14<sup>th</sup>. It is important to get our kids involved, they are great assets.

In the brief time from April 14 to present, the hotline has received 35 calls with a line that hasn't had a lot of publicity.

Mr. Vallejos gave examples of the calls that are being received. Mr. Vallejos said that they do dispatch an officer to check the call content. It is important to explain that a lot of what is being reported is very little. We would like to educate the public to assure we get as much information and that all calls are anonymous.

Mr. Bowen said he spent half his career working Narcotics and this phone line would have been so useful. The people on the committee and the public need to understand, it is not an easy to pick up the phone and that someone is doing drugs and you go over and arrest them. It starts the process and investigation. I think 35 is a great number. Mr. Bowen welcomed Vanessa Marquez, her history goes way back with the agency. Her grandfather was Prexy Sanchez.

Dr. Lewis asked if all these calls were investigated. Ms. Marquez said that if it is in progress call an officer is dispatched. If it is after the fact it is sent to the agency it pertains to or Region 3 for follow up.

Dr. Lewis wanted to know if arrests have been made.

Mr. Vallejos said that he does not have an answer.

Celina Espinoza, PIO for the Santa Fe Police Department

We set up a web page and we sent a link to all of the media, and all media sources did a story. We may now need to do voice recordings; we placed tips on what to report, etc. so that people can stay anonymous. Last week there was a press release that there were 2 drug busts in 3 days. The struggle is getting the press to pick up the positive.

Vanessa Marquez provided statistics: 3900 municipal court warrants and approximately 1,000 combined for the district and magistrate, just for the city.

#### **12. Matters from Committee Members**

Mr. Trujillo would like to see a report regarding the two fatalities with the Railrunner. He requested a report in order to see what dynamic has changed or is there something more substantial s happening. He would like to start a dialogue to remedy this situation.

The Fire Chief said that they were asked by DOT to meet on June 27<sup>th</sup>. A report will be brought back to the public safety committee.

Mr. Arellano commended the SFPD officers who were at Smith Grocery Store conducting the child identity program. Thank you.

Chief Garcia added this information regarding the NMDOT-Railrunner crash. He has meet with Mr. Montoya and they informed the Chief that they have had 26 fatalities to date in comparison to 23 fatalities in 2013. There was a subcontractor that was hired by the New Mexico Broadcasters Association and NMDOT to do a study for those specific areas. The Chief had an opportunity to see the surveillance video. Both incidents on Zia and St. Michael's are very disturbing. NMDOT and the City Santa Fe Police Department will join in a media blitz to educate people to exercise caution at those areas.

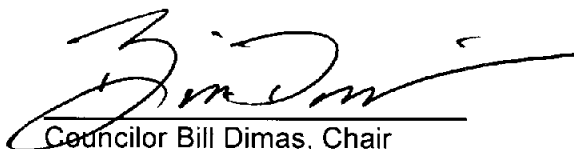
#### **13. Communications from the Floor**

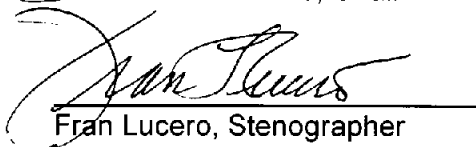
None

#### **14. Adjournment**

There being no further business, the meeting was adjourned at 5:45 pm.

Signature Page:

  
\_\_\_\_\_  
Councilor Bill Dimas, Chair

  
\_\_\_\_\_  
Fran Lucero, Stenographer

# Total Parking Citation Summary 2013

	# Issued	%	Base Value	Amount Due
Total Citations Issued In 2013	30,005	100%	\$ 850,512	\$ 324,044
Total Citations Issued as Warnings	2,950	10%	\$ 86,268	\$ -
Total Citations Issued to NM Plates	24,236	81%	\$ 724,431	\$ 246,898
Total Citations Issued to Out of State Plates	5,769	19%	\$ 126,081	\$ 77,146
Total Citations W/O Escalations	4,480	15%	\$ 17,490	\$ 9,538
Total Citations With Escalations	25,525	85%	\$ 833,022	\$ 314,505
Total Citations W/O RO Info	18,238	61%	\$ 481,354	\$ 185,313
Total Citations With RO Info	11,767	39%	\$ 369,158	\$ 138,731

## Violation Type - Effected By UTC Amendment 2013

Violation Type	# Issued	%	Base Value	Amount Due
Time Limit	0	0%	\$ -	\$ -
One Hour Time Limit - 12-6-6.12	4	0%	\$ 108	\$ 54
Two Hour Time Limit 12-6-6.12 B	314	1%	\$ 8,478	\$ 4,607
3 Hour Time Limit 12-6-8.4	0	0%	\$ -	\$ -
Overtime Parking Meter 12-9-5	15,988	53%	\$ 255,808	\$ 120,795
Improper Use of Meter 12-9-3	152	1%	\$ 4,104	\$ 1,674
Penalty Assessment	1,749	6%	\$ 17,490	\$ 4,509
Fee Notice - Archdiocese	20	0%	\$ -	\$ 55
Fee Notice - Cathedral	5	0%	\$ -	\$ -
Fee Notice - Railyard	88	0%	\$ -	\$ 94
Fee Notice - Sandoval	336	1%	\$ -	\$ 707
Fee Notice - SFCCC	148	0%	\$ -	\$ 212
Fee Notice - Water St	2,134	7%	\$ -	\$ 3,952
<b>Sub-Totals</b>	<b>20,938</b>		<b>\$ 285,988</b>	<b>\$ 136,669</b>

## Total Number of Citation by Pymt Status 2013

	Unpaid	%	Paid	%	Voided
Time Limit	0	0.00%	0	0.00%	0
One Hour Time Limit - 12-6-6.12	1	0.00%	3	0.01%	0
Two Hour Time Limit 12-6-6.12 B	89	0.43%	206	0.98%	2
3 Hour Time Limit 12-6-8.4	0	0.00%	0	0.00%	0
Overtime Parking Meter 12-9-5	4,206	20.09%	11,343	54.17%	38
Improper Use of Meter 12-9-3	32	0.15%	111	0.53%	0
Penalty Assessment	453	2.16%	1,247	5.96%	10
Fee Notice - Archdiocese	6	0.03%	14	0.07%	0
Fee Notice - Cathedral	0	0.00%	5	0.02%	0
Fee Notice - Railyard	20	0.10%	67	0.32%	0
Fee Notice - Sandoval	87	0.42%	245	1.17%	0
Fee Notice - SFCCC	31	0.15%	116	0.55%	0
Fee Notice - Water St	415	1.98%	1,691	8.08%	2
<b>Sub-Totals</b>	<b>5,340</b>		<b>15,048</b>		

*Exhibit A*

### Admin Adjudication Payment Summary 2013

	<=15 Days	15 - 30 Days	Over 31 Days	Total Citations Paid
Time Limit	0	0	0	0
One Hour Time Limit - 12-6-6.12	2	0	0	2
Two Hour Time Limit 12-6-6.12 B	121	20	46	187
3 Hour Time Limit 12-6-8.4	0	0	0	0
Overtime Parking Meter 12-9-5	7,025	1,040	1,894	9,959
Improper Use of Meter 12-9-3	43	9	13	65
Penalty Assessment	743	147	282	1,172
Fee Notice - Archdiocese	11	2	1	14
Fee Notice - Cathedral	2	1	1	4
Fee Notice - Railyard	42	3	17	62
Fee Notice - Sandoval	163	21	39	223
Fee Notice - SFCCC	72	13	24	109
Fee Notice - Water St	475	83	269	827
<b>Sub-Totals</b>	<b>8,699</b>	<b>1,339</b>	<b>2,586</b>	<b>12,624</b>

### Admin Adjudication Appeal Status Summary 2013

	Appeared In Court	%	Appeal O Bal	%	Appeal Bal Due	%
Time Limit	0	0.00%	0	0.00%	0	0.00%
One Hour Time Limit - 12-6-6.12	0	0.00%	0	0.00%	0	0.00%
Two Hour Time Limit 12-6-6.12 B	16	0.05%	0	0.00%	1	0.00%
3 Hour Time Limit 12-6-8.4	0	0.00%	0	0.00%	0	0.00%
Overtime Parking Meter 12-9-5	377	1.26%	6	0.02%	18	0.06%
Improper Use of Meter 12-9-3	8	0.03%	0	0.00%	1	0.00%
Penalty Assessment	32	0.11%	4	0.01%	3	0.01%
Fee Notice - Archdiocese	0	0.00%	0	0.00%	0	0.00%
Fee Notice - Cathedral	0	0.00%	0	0.00%	0	0.00%
Fee Notice - Railyard	1	0.00%	0	0.00%	0	0.00%
Fee Notice - Sandoval	4	0.01%	0	0.00%	0	0.00%
Fee Notice - SFCCC	1	0.00%	0	0.00%	0	0.00%
Fee Notice - Water St	24	0.08%	1	0.00%	1	0.00%
<b>Sub-Totals</b>	<b>463</b>		<b>11</b>		<b>24</b>	

### Citations Issued to In State Vs Out of State 2013

	In State	%	Out of State	%
Time Limit	0	0%	0	0.00%
One Hour Time Limit - 12-6-6.12	4	0%	0	0.00%
Two Hour Time Limit 12-6-6.12 B	265	1%	49	0.20%
3 Hour Time Limit 12-6-8.4	0	0%	0	0.00%
Overtime Parking Meter 12-9-5	13,045	54%	2,943	12.14%
Improper Use of Meter 12-9-3	113	0%	39	0.16%
Penalty Assessment	1,455	6%	294	1.21%
Fee Notice - Archdiocese	12	0%	8	0.03%
Fee Notice - Cathedral	4	0%	1	0.00%
Fee Notice - Railyard	75	0%	13	0.05%
Fee Notice - Sandoval	270	1%	66	0.27%
Fee Notice - SFCCC	131	1%	17	0.07%
Fee Notice - Water St	1,334	6%	800	3.30%
<b>Sub-Totals</b>	<b>16,708</b>		<b>4,230</b>	

Citation Pymt Status to In State Vs Out of State					Out of State Paid		
	In State Unpaid	In State Paid	Out of State Unpaid	Out of State Paid			
Time Limit	0	0	0	0	0	0	0
One Hour Time Limit - 12-6-6.12	1	3	0	0	0	0	0
Two Hour Time Limit 12-6-6.12 B	71	175	18	18	31	31	31
3 Hour Time Limit 12-6-8.4	0	0	0	0	0	0	0
Overtime Parking Meter 12-9-5	3,097	9,539	1,109	1,109	1,804	1,804	1,804
Improper Use of Meter 12-9-3	21	83	11	11	28	28	28
Penalty Assessment	348	1,063	105	105	184	184	184
Fee Notice - Archdiocese	5	7	1	1	7	7	7
Fee Notice - Cathedral	0	4	0	0	1	1	1
Fee Notice - Railyard	16	58	4	4	9	9	9
Fee Notice - Sandoval	64	202	23	23	43	43	43
Fee Notice - SFCCC	24	106	7	7	10	10	10
Fee Notice - Water St	233	1,073	182	182	618	618	618
<b>Sub-Totals</b>	<b>3,880</b>	<b>12,313</b>	<b>1,460</b>	<b>1,460</b>	<b>2,735</b>	<b>2,735</b>	<b>2,735</b>

# City of Santa Fe, New Mexico

## memo

DATE: June 5, 2014

TO: Finance Committee

FROM: *Isaac J. Pino*  
Isaac J. Pino, Public Works Department Director  
Kate Noble, Acting Director *MRJ for KN*  
Housing & Community Development Department

Staff has been working to develop a logistics and programming plan to accompany the "People to the Plaza" resolution.

### LOGISTICS:

**Street closures and deliveries** - The resolution now provides for closure of the east and west sides of the Plaza, Lincoln Avenue and Old Santa Fe Trail. The southern side of the Plaza, West San Francisco, will remain open. The northwest corner (Palace Avenue and Lincoln Avenue) and southeast corner (West San Francisco and Old Santa Fe Trail) will be open for turns. See traffic routes map for updated flows. The outside lanes (farthest from the Plaza) on Lincoln and Old SF Trail will be accessible for deliveries at any time of day. Planters will be placed in the center of these two streets (they are currently placed on Old SF Trail) to separate any vehicle deliveries and City of Santa Fe parking (three spots for Police, one for Fire) from the pedestrianized area. A portion of Lincoln Avenue will be used for tables and chairs for the comfort of visitors to the Plaza.

**Parking, ADA Designated Spaces and Drop Offs** - The Parking Division has increased by two the number of ADA parking spaces on the Plaza and in the immediate vicinity. A drop-off spot has been designated on Palace Avenue at the northwest corner.

### PROGRAMMING:

**Public Input** - A public forum was held on May 12, 2014 to invite ideas for programming to bring people to the Plaza. More than 50 people attended and roughly two dozen spoke to audience. Attendees were then given colored dots and asked to vote for their favorite ideas. The ideas collected there and those submitted via email have been collated and are detailed in the attached "Plaza Programming Ideas" document. Music was the favorite programming idea and food was second.

**Plaza Schedule** - Staff has collated the schedule events for the Summer of 2014 according to the desired programming categories (please see attached Plaza Schedule of Events). This includes 40 music events and nine food events (not including Spanish and Indian Markets). Only eight dates in July and August do not have events scheduled.

*Exhibit B*



CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-\_\_

INTRODUCED BY:

Mayor Javier M. Gonzales

A RESOLUTION

DECLARING THE GOVERNING BODY'S INTENTION TO BRING PEOPLE TO THE  
SANTA FE PLAZA BY PROVIDING A SAFER ENVIRONMENT AND INCREASED  
ECONOMIC DEVELOPMENT OPPORTUNITIES.

**WHEREAS**, the Santa Fe Plaza has been the commercial, social and political center of Santa Fe since 1610; and

**WHEREAS**, in 1960 the Secretary of the Interior designated the Santa Fe Plaza a National Historic Landmark, and subsequently listed the Plaza in the National Register of Historic Places; and

**WHEREAS**, in 2002 the Governing Body adopted Resolution 2002-50 creating a Plaza Task Force for the purpose of developing specific options for a policy on traffic control in the Santa Fe Plaza area; and

**WHEREAS**, the Plaza Task Force completed its effort in March 2003 and unanimously approved certain concepts and recommendations related to traffic control in the Santa Fe Plaza area; and

**WHEREAS**, a safer environment for pedestrians and traffic passing in front of vendors at the



# SANTA FE POLICE DEPARTMENT PROPERTY CRIMES COMPARISONS 2011 - 2012 - 2013 - 2014



	Jan - May											
Year	2011	2012	%chng		2012	2012	%chng		2013	2014	%chng	
Burglary (Residential)	782	801	2%		801	630	-21%		260	210	-19%	
Burglary (Commercial)	234	186	-21%		186	223	20%		80	116	45%	
Burglary (Auto)	838	806	-4%		806	662	-18%		286	177	-38%	
Attempted Burglary	77	125	62%		125	72	-42%		31	23	-26%	
Unlawful Entry	36	12	-67%		12	16	33%		8	6	-25%	
Total	1967	1930	-2%		1930	1603	-17%		665	532	-20%	

2011	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Total
Burglary (Residential)	61	37	45	44	52	75	79	78	73	96	78	64	782
Burglary (Commercial)	20	9	21	25	29	20	17	24	18	23	16	12	234
Burglary (Auto)	71	69	98	85	61	66	59	68	61	80	57	63	838
Attempted Burglary	4	3	5	1	11	9	5	9	12	7	3	8	77
Unlawful Entry	2	2	6	2	1	4	8	3	2	1	2	3	36
<b>Total</b>	<b>158</b>	<b>120</b>	<b>175</b>	<b>157</b>	<b>154</b>	<b>174</b>	<b>168</b>	<b>182</b>	<b>166</b>	<b>207</b>	<b>156</b>	<b>150</b>	<b>1967</b>

2012	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Total
Burglary (Residential)	86	52	77	71	124	83	68	74	34	40	44	48	801
Burglary (Commercial)	10	6	16	20	16	18	14	13	16	24	14	19	186
Burglary (Auto)	57	67	69	69	68	59	37	47	57	72	121	83	806
Attempted Burglary	12	5	15	5	19	15	6	13	3	9	11	12	125
Unlawful Entry	1	1	2	2	1	0	1	1	0	0	3	0	12
<b>Total</b>	<b>166</b>	<b>131</b>	<b>179</b>	<b>167</b>	<b>228</b>	<b>175</b>	<b>126</b>	<b>148</b>	<b>110</b>	<b>145</b>	<b>193</b>	<b>162</b>	<b>1930</b>

2013	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Total
Burglary (Residential)	66	52	32	41	69	43	58	39	45	93	55	37	630
Burglary (Commercial)	13	21	16	8	22	18	24	17	19	23	17	25	223
Burglary (Auto)	67	63	67	36	53	59	44	57	72	59	44	41	662
Attempted Burglary	9	10	4	1	7	6	8	7	4	5	4	7	72
Unlawful Entry	1	1	0	2	4	1	0	0	2	2	3	0	16
<b>Total</b>	<b>156</b>	<b>147</b>	<b>119</b>	<b>88</b>	<b>155</b>	<b>127</b>	<b>134</b>	<b>120</b>	<b>142</b>	<b>182</b>	<b>123</b>	<b>110</b>	<b>1603</b>

2014	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Total
Burglary (Residential)	42	38	32	52	46								210
Burglary (Commercial)	21	10	42	30	13								116
Burglary (Auto)	25	40	38	29	45								177
Attempted Burglary	3	7	6	5	2								23
Unlawful Entry	1	2	2	1	0								6
<b>Total</b>	<b>92</b>	<b>97</b>	<b>120</b>	<b>117</b>	<b>106</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>532</b>

Same time period:

May	2012	2013	%chng	2013	2014	%chng
Burglary (Residential)	124	69	-44%	69	46	-33%
Burglary (Commercial)	16	22	38%	22	13	-41%
Burglary (Auto)	68	53	-22%	53	45	-15%
Attempted Burglary	19	7	-63%	7	2	-71%
Unlawful Entry	1	4	300%	4	0	-100%
<b>Total</b>	<b>228</b>	<b>155</b>	<b>-32%</b>	<b>155</b>	<b>106</b>	<b>-32%</b>

June	2013	2014	%chng
			####
			####
			####
			####
			####
	0	0	####

06/05/14

prepared by M. Gonzales, Crime Analyst

7 Trespassed from Wal-Mart

*Exhibit C*

# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

BILL NO. 2014-\_\_

Parking UTO Changes

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SPONSOR(S): Councilor Dimas

**SUMMARY:** This bill repeals and readopts Article IX of the Uniform Traffic Ordinance to establish that parking violations related to parking meters, city parking lots and city parking garages are nuisances and subject to administrative adjudication; and it makes such other changes as are necessary to meet the purposes of the ordinance. Currently such violations are processed through Municipal Court.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**DATE:** June 11, 2014

**ATTACHMENTS:** Bill

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-\_\_

INTRODUCED BY:

Councilor Bill Dimas

AN ORDINANCE

REPEALING AND READOPTING ARTICLE IX OF THE UNIFORM TRAFFIC  
ORDINANCE TO ESTABLISH THAT PARKING VIOLATIONS RELATED TO PARKING  
METERS, CITY PARKING LOTS AND CITY PARKING GARAGES ARE NUISANCES  
AND SUBJECT TO ADMINISTRATIVE ADJUDICATION; AND MAKING SUCH OTHER  
CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE.

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

Section 1. ~~[REPEAL]~~ Article 12-9, of the City of Santa Fe Uniform Traffic  
Ordinance, (being Ord. #2006-34, as amended) is repealed.

Section 2. A new Article 12-9 of the City of Santa Fe Uniform Traffic Ordinance is  
ordained to read:

ARTICLE IX [NEW MATERIAL] PARKING

12-9-1 ADMINISTRATION. The parking division director has the authority to administer  
the provisions of Article 12-9.\*

12-9-2 DEFINITIONS. As used in this Article:

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.

1       *Default* means the failure to pay a fine or to timely pay a fine pursuant to a decision of a  
2 hearing officer under Section 12-9-4 of the Uniform Traffic Ordinance.

3       *Hearing officer* means a person appointed by the city manager to resolve disputes under  
4 Section 12-9-4 in an administrative hearing.\*

5       *Law enforcement officer* means a person who has successfully completed the New Mexico  
6 department of public safety training and recruiting division accredited satellite program and passes  
7 the law enforcement officer certification examination. (10-29.5.11 NMAC)

8       *Nuisance* means the act of parking a vehicle in violation of Section 12-9-3 of the Uniform  
9 Traffic Ordinance.

10       *Parking enforcement officer* means a city of Santa Fe employee who is commissioned to  
11 issues parking fine notifications and citations.\*

12       *Parking fine notification*, as used in Section 12-9-4, includes the following:

13           (1)     *City parking lot or garage insufficient payment notice* means a written notice  
14 affixed to the windshield of the vehicle or handed to the patron upon exiting a city parking lot  
15 or garage by a city of Santa Fe parking attendant or other person authorized by the city of  
16 Santa Fe, for failure to provide sufficient payment for the mandatory parking fees at a city  
17 parking lot or garage.

18           (2)     *City parking meter violation notice* means a written notice affixed to the  
19 windshield of the vehicle by a city of Santa Fe parking enforcement officer, parking  
20 attendant, police officer or other person authorized by the city of Santa Fe, for failure to pay  
21 the mandatory parking fees at a city parking meter.

22       *Parking division director* means the director of the city of Santa Fe parking division and  
23 parking violations bureau or his or her designee.

24       *Parking meter* means:

25           (1)     Multi-space parking meter, including a pay and display machine that is a type

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.

1 of ticket machine used for regulating parking in city parking lots or garages for one or more  
2 spaces; and

3 (2) Single-space parking meter that regulates on street parking for one space.

4 *Parking violations bureau* means the entity of the city of Santa Fe that is charged with the  
5 administration of parking violations.\*

6 **12-9-3 PARKING REGULATIONS**

7 **12-9-3.1 AUTHORITY TO ESTABLISH PARKING METER ZONES** *(formerly 12-9-1).*

8 A. The parking division director may establish parking meter zones in which the parking  
9 of vehicles upon streets or parts of streets shall be regulated by parking meters between the hours of  
10 8:00 a.m. and 6:00 p.m. of any day except Sunday and public holidays.

11 B. The parking division director may limit the period of time for which parking is  
12 lawfully permitted in any parking meter zone in which meters are located regardless of the number of  
13 coins deposited in a meter.

14 C. The parking meter zone may be diminished or extended and enlarged, or other  
15 parking meter zones may be created.\*

16 **12-9-3.2 INSTALLATION OF PARKING METERS** *(formerly 12-9-2).*

17 A. The parking division director shall install parking meters in established parking meter  
18 zones.

19 B. Parking meters shall be placed on the curb immediately adjacent to each designated  
20 parking space.

21 C. Parking meters shall be capable of being operated, either automatically or  
22 mechanically. Payment shall be made upon the deposit of a twenty-five cent coin, ten-cent coin or  
23 five-cent coin. The parking division director may implement other methods of payment, such as cash,  
24 smart cards, keys, credit cards and debit cards.

25 D. Each parking meter shall be designed, constructed, installed and set so that an

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A reference includes any unreferenced paragraphs that precede it.

1 appropriate signal will indicate expiration of the lawful parking meter period which was registered by  
2 the deposit of payment as provided herein.

3 E. During the lawful parking meter period registered by the deposit of payment and  
4 prior to the expiration of the lawful parking meter period, the meter shall indicate the interval of time  
5 which remains of such period.

6 F. Each parking meter shall bear a legend indicating the days and hours when the  
7 requirement to deposit payment shall apply, the value of the coins or payment to be deposited and the  
8 limited period of time for which parking is lawfully permitted in the parking meter zone in which  
9 such meter is located.\*

10 **12-9-3.3 PARKING METER SPACES** *(formerly 12-9-3).*

11 A. The parking division director shall designate the parking space adjacent to each  
12 parking meter for which the meter is to be used by appropriate markings, including signage, upon the  
13 curb or the pavement of the street or both.

14 B. Designated parking meter spaces shall be of appropriate length and width so as to be  
15 accessible from the traffic lanes of the street.

16 C. No person shall park a vehicle in any designated parking meter space during the  
17 restricted or regulated time applicable to the parking meter zone in which the meter is located so that  
18 any part of the vehicle occupies more than one space or protrudes beyond the markings designating  
19 the space. However, a vehicle which is of a size too large to be parked within a single designated  
20 parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins of  
21 the appropriate denominations have been deposited in the parking meter for each space so  
22 occupied.(\*)

23 **12-9-3.4 PARKING TIME LIMITS** *(formerly 12-9-4).* Parking or standing a vehicle in a  
24 designated space in parking meter zones shall be lawful upon the deposit of legal coins as indicated  
25 on each parking meter.(\*)

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.

1 12-9-3.5 DEPOSIT OF COINS OR OTHER METHOD OF PAYMENT (formerly 12-9-  
2 5).

3 A. No person shall park a vehicle in any parking space regulated by a parking meter  
4 between the hours 8:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays unless a  
5 coin or coins of the appropriate denomination or other method of payment as provided in this  
6 ordinance have been deposited therein and the meter has been placed in operation.

7 B. No person shall permit a vehicle within his control to be parked in any space  
8 regulated by a parking meter between the hours of 8 a.m. and 6 p.m. on any day except Sundays and  
9 public holidays while the parking meter for the space indicates by signal that the lawful parking time  
10 in the space has expired. This provision does not apply to the act of parking or the necessary time  
11 which is required to deposit immediately thereafter a coin or coins in the meter.

12 C. No person shall park a vehicle in any parking meter space for a consecutive period of  
13 time longer than the limited period of time for which parking is lawfully permitted in the parking  
14 meter zone in which the meter is located, irrespective of the number or amounts of  
15 coins or other payment method as provided in this ordinance deposited in the meter.

16 D. Failure to deposit proper coin or coins or other payment method as provided in this  
17 ordinance constitutes a violation of this ordinance.

18 E. Upon expiration of the legal parking time, it is the duty of the owner or driver of the  
19 vehicle to remove the vehicle from the parking space.

20 F. It is unlawful for any person to cause, allow, permit or suffer a vehicle registered in  
21 his name to be parked or to stand overtime or remain in the parking space beyond the specified  
22 parking time limit.

23 G. The provisions of this section shall not apply in a period of emergency determined by  
24 an officer of the fire department or the police department or in compliance with the directions of a  
25 police officer or traffic-control device.

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.



1           H.       The provisions of this section shall not relieve any person from the duty to observe  
2 other and more restrictive provisions of this ordinance prohibiting or limiting the stopping, standing  
3 or parking of vehicles in specified places or at specified times.(\*)

4   **12-9-3.6       USE OF SLUGS PROHIBITED** *(formerly 12-9-6)*. No person shall deposit or  
5 attempt to deposit in any parking meter any slug, button or any other device or substance as  
6 substitutes for coins of United States currency or other method of payment as provided in this  
7 ordinance.(\*)

8   **12-9-3.7       TAMPERING WITH METER** *(formerly 12-9-7)*. No person shall deface, injure,  
9 tamper with, open or willfully break, destroy or impair the usefulness of any parking meter. A  
10 violation of this section shall be considered a nuisance and shall be abated by the payment to the city  
11 of the fine set forth in 12-9-4.5 and, at the election of the city, the city's actual damages.(\*)

12   **12-9-3.8       PRESUMPTION OF UNLAWFUL PARKING** *(formerly 12-9-8)*.

13           A.       When the "violation" indicator is showing on a parking meter to indicate the  
14 expiration of the lawful parking meter period for which coins or other method of payment as provided  
15 in this ordinance have been deposited, it shall be presumptive evidence that any vehicle found in a  
16 regulated parking space is parked in violation.

17           B.       It is unlawful and an offense for any person to deposit or cause to be deposited in a  
18 parking meter covering a metered parking stall which he has already occupied for the meter specified  
19 time limit any coins or other method of payment as provided in this ordinance for the purpose of  
20 extending parking time beyond the total lawful parking period designated for the parking meter zone  
21 in which the meter is located.(\*)

22   **12-9-3.9       PARKING IN DESIGNATED ACCESSIBLE PARKING SPACES** *(formerly 12-*  
23 *9-9)*.

24           A.       It is unlawful for any person to park a motor vehicle not carrying registration plates  
25 or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section 3-51-

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.

1 46 NMSA 1978 in a designated accessible parking space for persons with significant mobility  
2 limitation or in such a manner as to block access to any part of a curb cut designed for access by  
3 persons with significant mobility limitations. Any person who violates this section shall be subject to  
4 a mandatory court appearance and a fine, of not less than two hundred fifty dollars (\$250) or more  
5 than five hundred dollars (500). Failure to properly display a parking placard or special registration  
6 plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of  
7 Subsection A of this section (66-7-352.5 NMSA 1978)

8 B. It is unlawful for any person to stand or stop a motor vehicle not carrying registration  
9 plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section  
10 3-51-46 NMSA 1978 in a designated accessible parking space for persons with significant mobility  
11 limitation. Any person who violates this section shall be subject to a mandatory court appearance and  
12 a fine, of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (500).  
13 Failure to properly display a parking placard or special registration plate issued pursuant to Section  
14 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A of this section  
15 (66-7-352.5 NMSA 1978).

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

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

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1 including an access aisle, marked and reserved for the parking of a vehicle that carries registration  
2 plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and  
3 Section 3-51-46 NMSA 1978, and designated by a conspicuously posted sign bearing the  
4 international symbol of accessibility and if paved, by a clearly visible depiction of this symbol  
5 ~~painted white on blue on the pavement of the space, except where the total number of parking spaces~~  
6 is four or less. Temporary accessible parking spaces may be designated by a blue hood labeled as  
7 accessible parking or in such other manner as to clearly indicate the space is for accessible parking  
8 only. "Curb cut" means a short ramp through a curb or built up to the curb designed for access by  
9 persons with disabilities. (66-7-352.5 NMSA 1978).

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

13 F. State, county and municipal law enforcement personnel, including city of Santa Fe  
14 parking enforcement officers, have the authority to issue citations for violations of §12-9-3.9 in their  
15 respective jurisdictions, whether the violation occurs on public property or private property (Section  
16 3-51-46 NMSA 1978).

17 G. A law enforcement officer may issue a citation or authorize towing of a vehicle for a  
18 violation of Section A of this section regardless of the presence of the driver (66-7-352.5 NMSA  
19 1978). (Ord. No. 2006-34, Ord. No. 2007-49, Ord. No. 2009-11)

20 **12-9-3.10 SPECIAL REGISTRATION PLATE OR PARKING PLACARD INDICATING**  
21 **DISABILITY** *(formerly 12-9-10).*

22 A. Vehicles displaying a valid special registration plate or parking placard pursuant to  
23 Section 66-3-16 (1999) NMSA 1978 and Section 3-51-46 NMSA 1978 are exempt from the payment  
24 of any parking fee imposed by the city of Santa Fe but shall not be exempt from any penalty or other  
25 provisions of the Santa Fe City Code or of this Ordinance.

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.

1 B. Vehicles displaying a valid special registration plate or parking placard pursuant to  
2 Section 66-3-16 (1999) NMSA 1978 and Section 3-51-46 NMSA 1978 shall be permitted to park for  
3 unlimited periods of time in parking zones where the length of time for parking is normally restricted  
4 and no penalty shall be imposed for such parking subject, however, to the following limitations. The  
5 ~~provisions of this section do not pertain to zones where stopping, standing or parking is prohibited,~~  
6 zones reserved for special types of vehicles, zones where parking is prohibited during certain hours of  
7 the day in order to facilitate traffic, during those hours when parking is prohibited, and zones subject  
8 to similar regulation because parking presents a traffic hazard.

9 C. All special registration plate or parking placard issued pursuant to Section 66-3-16  
10 (1999) NMSA 1978 shall expire on the same date as the person's driver's license or identification  
11 card issued pursuant to Section 66-5-401 NMSA 1978.

12 D. A special registration plate or parking placard displayed on a vehicle parked in a  
13 designated accessible parking space in the absence of the holder of that plate or placard, is subject to  
14 immediate seizure by a law enforcement official and if seized shall be delivered to the division within  
15 72 hours. Failure to surrender the parking placard on demand of a law enforcement officer is a petty  
16 misdemeanor and punishable by a fine not to exceed \$100.00.\*

17 **12-9.3.11 CITY PARKING LOTS AND GARAGES.**

18 A. It is unlawful for any person to park a vehicle in a city parking lot or garage without  
19 providing sufficient payment for the period of time the vehicle was parked.

20 B. It is unlawful for any person to deposit or attempt to deposit in any parking meter  
21 located in a city parking lot or garage, any slug, button or any other device or substance as substitutes  
22 for coins of United States currency or other method of payment as provided in this ordinance.

23 C. It is unlawful for any person to deface, injure, tamper with, open or willfully break,  
24 destroy or impair the usefulness of any parking meter. This nuisance shall be abated by payment of  
25 the city's actual damages plus the fine set forth in 12-9-4.5. A violation of this section shall be

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A reference includes any unreferenced paragraphs that precede it.

1 considered a nuisance and shall be abated by the payment to the city of the fine set forth in 12-9-4.5  
2 and, at the election of the city, the city's actual damages.

3 D. The provisions of this section shall not apply in a period of emergency determined by  
4 an officer of the fire department or the police department or in compliance with the directions of a  
5 police officer or traffic control device.

6 E. The provisions of this section shall not relieve any person from the duty to observe  
7 other and more restrictive provisions of this ordinance prohibiting or limiting the stopping, standing  
8 or parking of vehicles in specified places or at specified times.\*

9 **12-9-4 PARKING NUISANCE**

10 **12-9-4.1 AUTHORITY; TITLE.**

11 Section 12-9-4 is adopted pursuant to the statutory grant of authority contained in Sections 3-17-1 and  
12 3-18-17A NMSA 1978 and shall be referred to as the "Parking Nuisance Ordinance". This Section  
13 shall be effective and enforced within the geographical boundaries of the city of Santa Fe.\*

14 **12-9-4.2 PURPOSE AND INTENT.**

15 A. It is the intent of the governing body by adopting this Section to abate the following  
16 nuisances:

17 (1) Nuisances caused by persons who park in city-owned metered spaces or city  
18 parking lots and garages and fail to make the required payments or remain parked after the  
19 paid period of time has expired; and

20 (2) Nuisances caused by persons who aggregate numerous parking fine  
21 notifications and fail to pay fines assessed by the parking violations bureau.

22 B. The governing body declares that this section is a nuisance abatement measure  
23 enacted pursuant to the city's inherent authority under state law and that the remedies are purely civil  
24 and not criminal in nature.\*

25 **12-9-4.3 PARKING NUISANCES.**

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code.  
A reference includes any unreferenced paragraphs that precede it.

1 It is a nuisance for any person to park a vehicle in violation of the following sections of the Uniform

2 Traffic Ordinance:

- 3 A. 12-9-3.3 -- Parking Meter Spaces;
- 4 B. 12-9-3.4 -- Parking Time Limits;
- 5 C. 12-9-3.5 -- Deposit of Coins or Other Method of Payment;
- 6 D. 12-9-3.6 -- Use of Slugs Prohibited;
- 7 E. 12-9-3.7 -- Tampering with Meter;
- 8 F. 12-9-3.8 -- Presumption of Unlawful Parking; and
- 9 G. 12-9-3.11 -- City Parking Lots and Garages.\*

10 12-9-4.5 Fines.

- 11 A. The fines for parking nuisances shall be:

<u>Nuisance</u>	<u>UTO Section</u>	<u>Fine</u>
Occupying more than one parking meter space	12-9-3.3(C)	\$27.00
Parking time limits	12-9-3.4	\$16.00
Deposit of coins or other method of payment	12-9-3.5	\$16.00
Use of slugs	12-9-3.6	\$16.00
Tampering with meter	12-9-3.7	\$16.00
Unlawful parking -- violation indicator is showing --	12-9-3.8(A)	\$16.00
Unlawful parking -- covered parking meter	12-9-3.8(B)	\$27.00
City parking lot and garage nuisances	12-9-3.11	\$16.00

- 21 B. Fines are subject to a \$25.00 additional penalty if the fine is not paid within fifteen
- 22 (15) days from receipt of the fine.

- 23 C. Fines shall be paid to the city:

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

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

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code. A reference includes any un referenced paragraphs that precede it.

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

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

4 Upon receipt, the parking violations bureau shall issue a receipt for payment of the fine.

5 **12-9-4.6 Enforcement.**

6 A. *Parking Fine Notification.*

7 (1) **Form and contents.** The parking fine notification shall state and contain the  
8 license plate number, the date and time of the parking fine notification; the type of violation,  
9 the location of the violation, the amount of the fine, the due date and address of the parking  
10 violations bureau. The parking fine notification shall conspicuously and in bold face type  
11 state; "Failure to pay this fine on time may lead to serious legal consequences including the  
12 assessment of additional fines and monies due." The parking fine notification shall inform the  
13 registered owner that within fifteen (15) days of the date of the parking fine notification, the  
14 owner may either pay the fine or submit a request for hearing to the parking violations bureau  
15 on a form provided by the parking violations bureau, in accordance with Subsection 12-9-  
16 4.6(B)(2) SFCC 1987.

17 (2) **Delivery.** Correspondence from the city regarding parking fine notifications  
18 shall be delivered to the address of the registered owner according to the address registered  
19 with the department of motor vehicles (DMV). The registered owner has a duty to timely  
20 notify DMV of a change of address or if vehicle was stolen. The failure to do so does not  
21 entitle the registered owner to assert the defense of inadequate notice. The mailing of a  
22 parking fine notification to the address of the registered owner of a vehicle according to the  
23 records of DMV is constructive notice of a parking fine notification.

24 B. *Response to a Parking Fine Notification.* Within fifteen (15) days from the date of  
25 issuance of the parking fine notification, the registered owner shall pay the fine or submit a request

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1 for a hearing.

2 (1) *Payment of the parking fine.* Upon receipt of the parking fine notification, the  
3 recipient may elect to admit the violation and pay the fine. To proceed under this paragraph,  
4 the recipient shall admit the violation by signing and dating the parking fine notification on a  
5 ~~space provided and returning the parking fine notification with payment to the parking~~  
6 violations bureau within fifteen (15) days. The city may, but is not required to, adopt  
7 procedures for alternative methods of payment of fines using the internet or other on-line  
8 services. There shall be a fifty dollar (\$50.00) penalty for any payment tendered that is not  
9 honored or is returned for any reason.

10 (2) *Request for hearing.* The recipient of a parking fine notification may submit  
11 a request for hearing on a form provided by the parking violations bureau by so indicating  
12 and returning the parking fine notification to the parking violations bureau within fifteen(15)  
13 days of the date of the parking fine notification. There is no fee for a hearing. The hearing  
14 officer shall schedule a hearing.

15 C. *Default with forfeit of hearing on the merits.* If the city does not receive payment of  
16 the fine or a request for a hearing within fifteen (15) days from the date of the parking fine  
17 notification, the registered owner is in default. Default automatically results in liability to the  
18 registered owner of the vehicle for the violation and the registered owner is barred from requesting or  
19 obtaining any hearing on the merits of the parking fine after the date of the default. A default results  
20 in an additional penalty of twenty-five dollars (\$25.00). The parking violations bureau shall mail the  
21 notice of default to the defaulting party. The notice of default shall inform the recipient that they have  
22 fifteen (15) days from the date of mailing of the notice of default to pay the fine and default penalty..  
23 If the default is not cured within 15 days, the city may pursue all remedies for collection of a debt and  
24 is entitled to an award of reasonable attorney's fees incurred. An uncured notice of default shall be  
25 entered into the records of the parking violations bureau and, at the City's discretion, the default may

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1 be cured even after 15 days from the mailing of the notice of default by payment in full plus penalties  
2 but only if the payment is made before being sent to a contracted collection agency, or the default  
3 may be promptly sent to a contracted collection agency, and once sent to a collection agency the  
4 default may only be cured by payment to the collection agency.

5 ~~D. Hearing on the Merits. The recipient of a parking fine notification may request that a~~  
6 hearing be scheduled before a hearing officer.

7 (1) The hearing on the merits shall be held within fifteen (15) city business days  
8 of receipt of the request unless the hearing is continued with agreement of the parties.

9 (2) The hearing on the merits shall be informal and not bound by the technical  
10 rules of evidence.

11 (3) The hearing officer shall only determine whether there was a violation of  
12 Section 12-9-3 of the Uniform Traffic Ordinance.

13 (4) The hearing officer shall mail or deliver written notice of his or her decision  
14 to the owner within fifteen (15) city business days of the hearing.

15 (5) The registered owner is strictly and vicariously liable for the violation unless  
16 one (1) of the exceptions herein applies. If there is more than one (1) registered owner, all  
17 registered owners shall be jointly and severally liable.

18 ~~E. Defenses. The respondent may present the following defenses in addition to any other~~  
19 defenses available under law and has the burden of proof concerning the defenses:

20 (1) The vehicle was stolen or otherwise being driven without the registered  
21 owner's knowledge or permission at the time of the alleged violation. The registered owner  
22 shall have a police report pertaining to the theft to avail the owner of this defense.

23 (2) The ownership of the vehicle had lawfully been transferred and conveyed  
24 from the registered owner to another person before the time of the alleged violation. To assert  
25 this defense, the registered owner shall identify the transferee and provide proof of

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1 conveyance.

2 (3) The evidence does not show that a parking violation was committed  
3 involving the subject vehicle.

4 F. *Revenue.* The revenue generated through parking violations fines, hearings and  
5 ~~collections shall be retained and distributed by the parking violations bureau. Each month, the~~  
6 parking violations bureau shall retain the gross total amount of penalties, fines, fees and costs  
7 assessed and collected that month and the parking violations bureau shall be responsible for paying all  
8 costs associated with the hearing officer, or a collection contract or other contractors that assist the  
9 city in imposing and collecting penalties or fines and costs or fees.

10 Section 3. Section 12-11-3 of City of Santa Fe Uniform Traffic Ordinance (being  
11 Ordinance No. 2006-34) is amended to read:

12 12-11-3 WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU OR  
13 BEFORE MUNICIPAL JUDGE.

14 A. This section applies to all violations of the Uniform Traffic Ordinance except for  
15 parking nuisance violations (parking meter violations and city parking lot and garage violations) as  
16 set forth in Section 12-9-3 and 12-9-4 of the Uniform Traffic Ordinance.

17 B. Any person charged with an offense for which payment of a fine may be made to the  
18 traffic violations bureau under the foregoing provisions shall have the option of:

19 (1) paying the fine within the time specified in the citation/notice of arrest at the  
20 traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court;  
21 or

22 (2) upon a plea of not guilty shall be entitled to a trial as authorized by law and  
23 depositing any bail required as provided in the Rules of Procedure for the Municipal Courts,  
24 adopted by the New Mexico Supreme Court, as amended.

25 [B]C. For the purpose of this ordinance, the payment of a fine to the traffic violations

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bureau shall be deemed an acknowledgment of conviction of the alleged offense. The traffic violations bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment of the fine.(\*)

**Section 4. Section 12-12-1 of City of Santa Fe Uniform Traffic Ordinance (being Ordinance No. 2006-34) is amended to read:**

**12-12-1 PENALTIES.**

The following provisions in Article 12-12 of the Uniform Traffic Ordinance shall not apply to parking meter violations or city parking lot and garage violations as fines for these violations are covered in 12-9-3 and 12-9-4 of the Uniform Traffic Ordinance.

**Section 5. Schedule B, Parking Violation Fines Schedule of City of Santa Fe Uniform Traffic Ordinance (being Ordinance No. 2006-34, as amended) is amended to read:**

**SCHEDULE B**

**PARKING VIOLATION FINES SCHEDULE**

ADOPTED: July 12, 2006

AMENDED: March 25, 2009 – Ord. #2009-11

\_\_\_\_\_, 2014 – Ord. #2014-\_\_\_\_\_

**SECTION 1.**

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

**SECTION 2.**

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

COMMON NAME OF OFFENSE	SECTION VIOLATED	FINE
Stopping, Standing or Parking Prohibited	12-6-6.1	\$27

\*An asterisk (\*) at the end of a paragraph indicates that there are no comparable provisions in the State Code. A reference includes any unreferenced paragraphs that precede it.

1	Additional Parking Regulations	12-6-6.2	\$21
2	Stopped/Parked Vehicles		
3	Interferes with other Traffic	12-6-6.3	\$35
4	Parking <u>in</u> Alleys Prohibited	12-6-6.4	\$27
5	<del>All-Night Parking Prohibited</del>	<del>12-6-6.5</del>	<del>\$27</del>
6	Parking for Certain Purposes Prohibited	12-6-6.6	\$27
7	Parking Adjacent to Schools Prohibited	12-6-6.7	\$27
8	Parking Prohibited on Narrow Streets	12-6-6.8	\$27
9	Standing or Parking on One-Way Streets	12-6-6.9	\$27
10	Standing or Parking on Divided Streets	12-6-6.10	\$27
11	Stopping Standing or Parking/Hazardous Places	12-6-6.11	\$27
12	Stopping, Standing or Parking/Certain streets	12-6-6.12	\$27
13	Stopping, Standing or		
14	Parking/Business/Residence distr.	12-6-6.14	\$27
15	Parking in a Special Parking Area Without a Permit	12-6-6.15	\$32
16	Stopping, Standing or Parking/Freight		
17	Loading Zones	12-6-8.4	\$37
18	Parking of Buses and Taxicabs	12-6-9.3	\$37
19	Restricted Use of Bus and Taxicab Stands	12-6-9.4	\$27
20	<del>[Parking Meter Space</del>	<del>12-9-3</del>	<del>\$27</del>
21	<del>Parking Time Limits</del>	<del>12-9-4</del>	<del>\$16</del>
22	<del>Presumption of Unlawful Parking</del>	<del>12-9-8</del>	<del>\$27]</del>
23	Abandoned vehicles on private property	12-12-18	\$15
24	<b><u>SECTION 3. MUNICIPAL COURT FEES</u></b>		
25	The municipal court fees set forth in Section 1-3.2 Section SFCC 1987 shall not apply to parking		

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violations set forth in Section 2 above.

**SECTION 4. PAYMENT OF FINES**

Fines shall be paid to the city:

(a) by mailing a check or money order to city of Santa Fe parking violations bureau P.O.  
Box-909 Santa-Fe-New Mexico 87504-0909;

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

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

Payment shall be received within 15 days of the date of citation otherwise, the fine shall double.

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

**SECTION 5. MANDATORY COURT APPEARANCE.**


This parking violations fines schedule and the fines set forth in 12-9-4.5 do not apply to the following  
parking violations which requires a mandatory court appearance and a fine no less than two hundred  
fifty dollars (\$250) and no more than five hundred dollars (\$500):

Parking in Designated Accessible Parking Space [12-9-9] 12-9-3.9

Special Registration Plate or Parking Placard Indicating Disability 12-9-3.10

**Section 6. Effective Date.** This Ordinance shall become effective on January 1, 2015.

APPROVED AS TO FORM:

  
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

M/Melissa/Bills 2013/Parking UTO Changes(5\_30\_14

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