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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-10

INTRODUCED BY:

Councilor Signe I. Lindell

AN ORDINANCE

**AMENDING SUBSECTION 12-9-3.9 OF THE UNIFORM TRAFFIC
ORDINANCE RELATING TO ADA ACCESSIBLE PARKING VIOLATIONS
REQUIRING A MANDATORY COURT APPEARANCE.**

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

**Section 1. Subsection 12-9-3.9 of the Uniform Traffic Ordinance (being Ord.
#2011-4 (as amended)) is amended to read:**

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

A. It is unlawful for any person to park a motor vehicle not carrying registration plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section 3-51-46 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation or in such a manner as to block access to any part of a curb cut designed for access by persons with significant mobility limitations. Any person who violates this section shall be subject to [~~a mandatory court appearance and~~] a fine[5] of not less than two

1 hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display
2 a parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is
3 not a defense against a charge of violation of Subsection A of this section (66-7-352.5 NMSA
4 1978)

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

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

23 D. As used in this section, "designated accessible parking space" means any space
24 including an access aisle, marked and reserved for the parking of a vehicle that carries registration
25 plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978


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

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

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

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

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19 APPROVED AS TO FORM:

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22 KELLEY A. BRENNAN, CITY ATTORNEY