

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2018-14

3 INTRODUCED BY:

4
5 Councilor Signe I. Lindell

6 Councilor Carol Romero-Wirth

7 Councilor Renee D. Villarreal

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9
10 AN ORDINANCE

11 RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING
12 SECTION 12-9-3.9 REGARDING THE FAILURE TO PROPERLY DISPLAY A PARKING
13 PLACARD AS A DEFENSE AGAINST A CHARGE OF VIOLATION OF THE SUBSECTION;
14 AND AMENDING SUBSECTION 12-9-4.5(B) TO ALLOW FOR A REDUCED DEPOSIT FOR
15 FIRST TIME OFFENDERS OF A DESIGNATED ADA ACCESSIBLE PARKING
16 VIOLATION WHO REQUEST AN ADMINISTRATIVE HEARING.

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

19 Section 1. Section 12-9-3.9 of the City of Santa Fe Uniform Traffic Ordinance (being
20 Ord. #2011-4, as amended) is amended to read:

21 **12-9-3.9** **PARKING IN DESIGNATED ADA ACCESSIBLE PARKING SPACES.**

22 A. It is unlawful for any person to park a motor vehicle not carrying registration plates or
23 a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section 3-51-46
24 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation
25 or in such a manner as to block access to any part of a curb cut designed for access by persons with

1 significant mobility limitations. Any person who violates this section shall be subject to a fine of not
2 less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly
3 display a parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978
4 [~~is not~~] may be a defense against a charge of violation of Subsection A of this section (66-7-352.5
5 NMSA 1978)

6 B. It is unlawful for any person to stand or stop a motor vehicle not carrying registration
7 plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and Section
8 3-51-46 NMSA 1978 in a designated accessible parking space for persons with significant mobility
9 limitation. Any person who violates this section shall be subject to a fine of not less than two hundred
10 fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking
11 placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 [~~is not~~] may be a
12 defense against a 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 persons
14 with significant mobility limitation for the purpose of receiving or discharging passengers or for loading
15 or unloading if the vehicle receiving or discharging the passengers or loading or unloading does not
16 carry registration plates or a placard indicating disability in accordance with Section 66-3-16 NMSA
17 1978 and Section 3-51-46 NMSA 1978. Any person who violates this section shall be subject to a fine
18 of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to
19 properly display a parking placard or special registration plate issued pursuant to Section 66-3-16
20 NMSA 1978 [~~is not~~] may be a defense against a charge of violation of Subsection A of this section (66-
21 7-352.5 NMSA 1978).

22 D. As used in this section, "designated accessible parking space" means any space
23 including an access aisle, marked and reserved for the parking of a vehicle that carries registration
24 plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978 and
25 Section 3-51-46 NMSA 1978, and designated by a conspicuously posted sign bearing the international

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

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

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

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

16 **Section 2. Section 12-9-4.5(B) of the City of Santa Fe Uniform Traffic Ordinance**
17 **(being Ord. #2011-4, as amended) is amended to read:**

18 B. *Response to a Parking Citation Notification.* Within fifteen (15) days from the date of
19 issuance of the citation or from the date of first notice, the registered owner shall pay the fine or submit
20 a request for a hearing.

21 (1) *Payment of the parking fine.* Upon receipt of the parking citation notification,
22 the recipient may elect to acknowledge the violation and pay the fine. To proceed under this
23 paragraph, the recipient shall acknowledge the violation by signing and dating the parking
24 citation notification on a space provided and returning the parking citation notification with
25 payment to the parking violations bureau within fifteen (15) days from the date of issuance of

1 the citation. The city may, but is not required to, adopt procedures for alternative methods of
2 payment of citations using the internet or other on-line services. There shall be a fifty dollar
3 (\$50.00) penalty for any payment tendered that is not honored or is returned for any reason.

4 (2) *Request for administrative review.* The recipient of a parking citation may
5 submit in writing within fifteen (15) days from the date of issuance of the parking citation or
6 date of notice, a request for an administrative review of their citation. Parking violations bureau
7 staff will conduct an administrative review of the evidence provided and make a decision of
8 the citizen's review request. Parking violations bureau staff will then notify the appellant within
9 ten (10) business days of the decision. Parking violations bureau staff shall then verify citation
10 status, including the disposition following administrative review, whether the fine has been
11 paid, and shall confirm whether an administrative hearing request has been made within fifteen
12 (15) days following the mailing of the notice of the results of the administrative review.

13 (3) *Request for administrative hearing.* If all parking violations bureau defined
14 requirements are met, and a request for an administrative hearing has been received within
15 fifteen (15) days following the mailing of the notice of the results of the administrative review,
16 parking violations bureau staff shall schedule a hearing with the hearing officer within five (5)
17 business days from date of receipt of the request for an administrative hearing from the
18 registered owner. The administrative hearing date will be selected based on the hearing
19 officer's schedule and availability. Citizen's availability will be accommodated based upon the
20 hearing officer's availability. Except in the case of a first time designated ADA accessible
21 parking space violation, an amount equal to the original citation fine amount shall accompany
22 a request for an administrative hearing, and this payment will be held as a deposit until a
23 decision has been made by the hearing officer. In the case of a first time designated ADA
24 accessible parking space violation, an amount equal to thirty-five dollars (\$35.00) shall
25 accompany the violator's request for an administrative hearing and this payment will be held

1 as a deposit until a decision is made by the hearing officer. If the decision of the hearing officer
2 is in favor of the hearing requestor, then the deposited amount will be returned to the registered
3 owner of the vehicle; or if the deposit was made in the form of a check, then the deposit will
4 be returned to the account holder of the checking account the check was drawn from. In the
5 event the hearing officer decides to uphold the citation, then the registered owner of the vehicle
6 is liable to pay the citation fine amount owed less the thirty-five dollar (\$35.00) deposit within
7 fifteen (15) days from the date of the administrative hearing decision letter. A penalty of two
8 hundred and fifty dollars (\$250.00) will be assessed to the balance owed on the designated
9 ADA accessible parking space violation for non-payment within fifteen (15) days from the date
10 of the administrative hearing decision letter.

11 All other administrative hearing deposited amounts will be handled in accordance with
12 the hearing officer's decision. If the decision of the hearing officer is in favor of the hearing
13 requestor, then the deposited amount will be returned to the registered owner of the vehicle, or
14 if the deposit was made in the form of a check, then the deposit will be returned the account
15 holder of the checking account. If the hearing officer decides to uphold the citation, then the
16 deposited amount shall be applied to other unpaid parking citations directly linked to the
17 registered owner in the order of the oldest citation being paid first until the deposited amount
18 is fully consumed. Should a balance of the deposited amount remain after all outstanding
19 citations have been paid, then the remaining balance will be returned to the registered owner,
20 or if the deposit was made in the form of a check, then the balance of the deposit will be returned
21 to the account holder of the checking account.

22 (4) If an appeal is denied by the hearing officer, the appellant may file an appeal
23 in the first judicial district court, county of Santa Fe, under Rule 1-074 NMRA. If the court
24 rules in favor of the appellant, the citation account will be closed, no further action by the
25 appellant will be necessary, and the amount of the citation which was previously deposited

1 with the city will be reimbursed to the appellant by the parking violations bureau.

2 APPROVED AS TO FORM:

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4 MDM 6/28/18

5 GENO I. ZAMORA, INTERIM CITY ATTORNEY

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25 *M/Legislation/Bills 2018/UTO ADA Accessible Parking*