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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2010-1

INTRODUCED BY:

Councilor Trujillo

AN ORDINANCE

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

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

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

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

A. Pursuant to Section 3-17-6 NMSA 1978, the New Mexico Uniform Traffic Ordinance 2004 Compilation containing [aH] revisions through [~~April 2008~~] July 2009, compiled by the New Mexico municipal league is adopted by reference and incorporated as if fully set out herein, except as amended by the governing body. The New Mexico Uniform Traffic Ordinance

1 2004 Compilation containing all revisions through [~~April 2008~~] July 2009 and as amended by the
2 governing body shall be known as the “city of Santa Fe uniform traffic code”.

3 B. The city of Santa Fe uniform traffic code shall be maintained as a separate
4 compilation and be kept on file at the police department and the city clerk’s office and shall be, at
5 all reasonable times, available and subject to inspection. A copy of the uniform traffic code is
6 available to any individual upon request and payment of a reasonable charge as set by the city.

7 Editor’s Note: Exhibit A of Chapter 24 SFCC 1987 shall be removed.

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

10 **24-1.2 Traffic Violation Penalty Assessment Schedule.**

11 [~~Exhibit B, attached to the end of this chapter, describing the penalties for violations of~~
12 ~~the city of Santa Fe uniform traffic code, other than those related to parking, is adopted]~~ The
13 traffic violation penalty assessment schedule is included in the city of Santa Fe uniform traffic
14 code.

15 Editor’s Note: Exhibit B of Chapter 24 SFCC 1987 shall be removed.

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

18 **24-1.3 Parking Violation Fines Schedule.**

19 [~~Exhibit C, attached to the end of this chapter, describing the penalties for violations of~~
20 ~~the city of Santa Fe uniform traffic code related to parking is adopted.] The parking violation
21 finer schedule is included in the city of Santa Fe uniform traffic code.~~

22 Editor’s Note: Exhibit C of Chapter 24 SFCC 1987 shall be removed.

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

25 **12-1-42.1 OFF-HIGHWAY MOTOR VEHICLE.** “Off-Highway Motor Vehicle” means

1 a motor vehicle designed by the manufacturer for operation exclusively off the highway or road
2 and includes:

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

7 (2) "off-highway motorcycle", which means a motor vehicle traveling on not more
8 than two tires and having a seat designed to be straddled by the operator and that has handlebar-
9 type steering control. (66-3-1001.1 NMSA 1978) (Ord. No. 2007-32)

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

12 (a) a steering wheel for steering control;

13 (b) non-straddle seating;

14 (c) maximum speed capability greater than 35 miles per hour;

15 (d) gross vehicle weight rating no greater than 1,750 pounds;

16 (e) less than 80 inches in overall width, exclusive of accessories;

17 (f) engine displacement of less than 1,000 cubic centimeters; and

18 (g) identification by means of a 17-character vehicle identification number;

19 or

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

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

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

1 **12-7-9.2** **OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS**
2 **OR HIGHWAYS.**

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

5 B. Off-highway motor vehicles may cross streets or highways if the crossings are
6 made after coming to a complete stop prior to entering the street. These motor vehicles shall
7 yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed
8 safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

9 C. Unless authorized, a person shall not:

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

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

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

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

17 **12-7-9.5** **ACCIDENTS AND ACCIDENT REPORTS.** [~~Any operator~~] The driver of an
18 off-highway motor vehicle involved in an accident resulting in injuries to, or the death of, any
19 person, or resulting in damage to public or private property to the extent of [~~fifty dollars (\$50.00)]~~
20 five hundred dollars (\$500) or more, shall immediately notify a police officer or the police
21 department of the accident and the facts relating to the accident. If the driver is under the age of
22 eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency
23 of the accident and the facts relating to the accident. (66-3-1014 NMSA)

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

1	<u>Red Light</u>	<u>12-5-6</u>	<u>\$25.00</u>
2	Flashing Signals	12-5-8	\$25.00
3	Basic (Speeding) Rule	12-6-1.1	\$25.00
4	Speed Limits	12-6-1.2	
5	A. <i>The following apply outside a school zone:</i>		
6	Up to and including 10 miles an hour over speed limit		\$15.00
7	From 11 up to and including 15 miles an hour over speed limit		\$30.00
8	From 16 up to and including 20 miles an hour over speed limit		\$65.00
9	From 21 up to and including 25 miles an hour over speed limit		\$100.00
10	From 26 up to and including 30 miles an hour over the speed limit		\$125.00
11	From 31 up to and including 35 miles an hour over the speed limit		\$150.00
12	More than 35 miles an hour over the speed limit		\$200.00
13	B. <i>In a school zone</i>	12-6-1.2A(1)	\$171.00
14	C. <i>In a construction zone:</i> The penalty assessment for speeding in violation of		
15	Section 12-6-1.2 (4) of the city of Santa Fe traffic ordinance is twice the penalty		
16	assessment established in subsection A above for the equivalent miles per hour		
17	over the speed limit.		
18	D. <i>In a pedestrian zone.</i> The penalty assessment for speeding in violation of the		
19	posted speed limit in a designated pedestrian zone is twice the penalty assessment		
20	established in subsection A. above for the equivalent miles per hour over the		
21	speed limit.		
22	Minimum Speed Regulations	12-6-1.5	\$25.00
23	<u>Driving On Right Side Of Street</u>	<u>12-6-2.1</u>	<u>\$25.00</u>
24	Overtaking A Vehicle On The Left	12-6-2.3	\$25.00
25	Limitations On Overtaking On The Left	12-6-2.4	\$25.00

1	<u>Overtaking A Vehicle On The Right</u>	<u>12-6-2.6</u>	<u>\$25.00</u>
2	No Passing Zones/Restrictions On Passing	12-6-2.7	\$25.00
3	<u>Streets Laned For Traffic</u>	<u>12-6-2.12</u>	<u>\$25.00</u>
4	Following Too Closely	12-6-2.13	\$25.00
5	Driving On Divided Streets	12-6-2.14	\$25.00
6	Approaching/Entering Intersection/		
7	<u>Failure To Yield; Right Of Way</u>	12-6-4.1	\$25.00
8	Turning Left At Intersection	12-6-4.2	\$25.00
9	Entering Stop/Yield Intersection/		
10	<u>Failure To Yield</u>	12-6-4.3	\$25.00
11	<u>Required Position/Method of Turning/</u>		
12	<u>Improper Turn</u>	<u>12-6-5.1</u>	<u>\$25.00</u>
13	<u>Obedience To No-Turn Signs</u>	<u>12-6-5.4</u>	<u>\$25.00</u>
14	<u>Limitations On Turning Around/Illegal U-Turn</u>	<u>12-6-5.5</u>	<u>\$25.00</u>
15	<u>Starting A Parked Vehicle</u>	<u>12-6-5.7</u>	<u>\$25.00</u>
16	[Turning and Starting and Signals On Stopping		
17	& Turning] <u>Turn/Stop Movements</u>	12-6-5.8	\$25.00
18	<u>Failure To Signal</u>	<u>12-6-5.9</u>	<u>\$25.00</u>
19	Stopping, Standing & Parking	12-6-6	See Exhibit B
20	Special Stops Required	12-6-7	\$25.00
21	(Excluding 12-6-7.3, and 12-6-7.4, 12-6-7.5 and 12-6-7.7)		
22	Stopping For School Bus	12-6-7.3	\$100.00
23	<u>Failure To Stop At Railroad Crossing</u>	<u>12-6-7.5 and 12-6-7.7</u>	<u>\$150.00</u>
24	Unattended Motor Vehicle	12-6-12.8	\$25.00
25	Limitations On Backing	12-6-12.9	\$25.00

1	Prohibited Activities While Driving		
2	(including hand held mobile telephone)	12-6-12.18	\$100.00
3	[Unauthorized Persons Driving]		
4	<u>Permitting Unauthorized Persons To Drive</u>	12-6-12.23	\$25.00
5	Destructive Material On Roadway/		
6	<u>Failure To Secure Load</u>	12-6-13.5	\$100.00
7	Improper Opening Of Doors	12-6-13.8	\$25.00
8	Child Restraint Device Or Safety Belt	12-6-13.12	\$100.00
9	Mandatory Use Of Seat Belts	12-6-13.13	\$100.00
10	[Possession/Consumption of Alcoholic		
11	Beverages in Open Containers]		
12	<u>Open Container, 1st Offense</u>	12-6-13.14	
13	[first offense]		\$100.00
14	for subsequent violations		mandatory court appearance
15	Littering	12-6-13.15	\$300.00
16	<u>Jaywalking</u>	<u>12-6-14.1</u>	<u>\$25.00</u>
17	[Exercise Due Care For Pedestrians]	[12-6-14.8]	[\$25.00]
18	<u>Windshield</u>	<u>12-10-1.2</u>	<u>\$25.00</u>
19	When Lighted Lamps Are Required	12-10-1.3	\$25.00
20	Headlamps On Vehicles	12-10-1.5	\$25.00
21	Dimming Of Lights	12-10-1.6	\$25.00
22	Tail Lamps	12-10-1.7, <u>except 12-10-1.7C.</u>	\$25.00
23	<u>Plate Light Required</u>	<u>12-10-1.7C.</u>	<u>\$10.00</u>
24	<u>Stop Lamps/Brake Lamps</u>		
25	[, Signal Lamps, Signal Devices]	12-10-1.9	\$25.00

1	Mufflers, Prevention Of Noise	12-10-1.10	\$25.00
2	Lamp Or Flag On Projecting Load	12-10-1.11	\$25.00
3	<u>Tinted Windows</u>	<u>12-10-1.12A</u>	<u>\$25.00</u>
4	Brakes	12-10-1.16	\$25.00

5 **SECTION 3. MANDATORY COURT APPEARANCES**

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

8	Leaving the Scene of an Accident	12-4-2	
9	[Duty to Give Information and Render Aid]		
10	<u>Failure to Render Aid/Duty to Give Info</u>	12-4-3	
11	Immediate Notice of Accident	12-4-6	
12	<u>Failure to Yield to Emergency Vehicle</u>	12-6-7.4	
13	Reckless Driving	12-6-12.3	
14	Careless Driving/ <u>Driver Inattention</u>	12-6-12.4	
15	Operator/Chauffeur Licenses Required	12-6-12.5	
16	Unlawful Use of License (Revoked)	12-6-12.6	
17	Unlawful Use of License (Suspended)	12-6-12.6	
18	Fleeing or Attempting to Elude An Officer	12-6-12.7	
19	Racing on Streets/ <u>Drag Racing</u>	12-6-12.19	
20	[Consumption/Possession of Alcohol in]		
21	Open Container <u>2nd, 3rd, etc.</u>	12-6-13.14	[(second and
22			subsequent offenses)]
23	Pedestrian Related Violations	12-6-14	(except [12-6-14.8]
24		<u>12-6-14.1)</u>	
25	<u>Off-Highway Motor Vehicles (ATV)</u>	<u>12-7-9 through 12-7-9.6</u>	

1 Display of Current Registration 12-10-4

2 Evidence of Registration 12-10-5

3 Mandatory Financial Responsibility (Insurance) 12-10-6

4 **SECTION 4. TRAFFIC CALMING FEES**

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

9 B. The city hereby imposes a traffic calming fee equal to the maximum fine
10 (excluding court fees) to be paid by any person convicted of a speeding violation as set forth in
11 the Uniform Traffic Ordinance as adopted by the city, the total of which shall not exceed the
12 jurisdictional limits of the court. The traffic calming fee applies to all violations of Section 12-6-
13 1.2, but the traffic calming fee is not doubled.

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

18 D. The governing body shall review the results of this subsection including the
19 amount of fees which have been collected and the amount of police overtime because of this
20 subsection. The municipal court shall provide the governing body with the appropriate statistics
21 to review this subsection.

22 **SECTION 5. MUNICIPAL COURT FEES**

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

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

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

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

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

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

16 A. If a penalty assessment is not paid within 30 days from the date of arrest, the
17 violator shall be prosecuted for the violation charged on the penalty assessment notice in a
18 manner as if the penalty assessment notice had not been issued. Upon conviction in such
19 prosecution, the court shall impose penalties as provided for by the New Mexico Uniform Traffic
20 Ordinance (Section 12-12-1.1), or other law relating to motor vehicles for the particular offense
21 charge, and the scheduled penalty assessment shall not apply.

22 B. In addition to the prosecution provided for in Section A above, it is a
23 misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within
24 30 days from the date of arrest.


25 C. The municipal court shall notify the motor vehicle division of the state of New

1 Mexico when a person fails to pay a penalty assessment within the required period of time. The
2 motor vehicle division shall report the notice upon the driver's record and shall not renew the
3 person's license to drive until the municipal court notifies the motor vehicle division that the
4 penalty assessment, or its equivalent, as well as any additional penalties imposed are properly
5 disposed of.

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

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

10 APPROVED AS TO FORM:

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13 CITY ATTORNEY

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25 *Jp/ca/jpmb/2009 bills/Uniform traffic code 2009 amendments 3*