



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Bill No. 2016-10

UTO Update

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**SPONSOR(S):** Councilor Lindell

**SUMMARY:** The proposed bill amends the Uniform Traffic Ordinance to remove a provision requiring a court appearance for ADA accessible parking violations, and making all penalties civil violations.

**PREPARED BY:** Jesse Guillen, Legislative Liaison

**FISCAL IMPACT:** No

**DATE:** February 15, 2016

**ATTACHMENTS:** Bill  
FIR

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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[<sup>5</sup>] 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

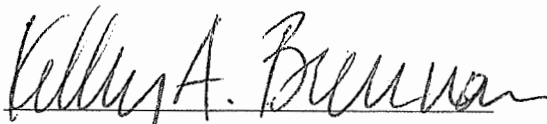
1 and Section 3-51-46 NMSA 1978, and designated by a conspicuously posted sign bearing the  
2 international symbol of accessibility and if paved, by a clearly visible depiction of this symbol  
3 painted white on blue on the pavement of the space, except where the total number of parking  
4 spaces 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

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25 *M/Legislation/Bills 2016/UTO Update*

### City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill:   X   Resolution: \_\_\_\_\_

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE AMENDING SUBSECTION 12-9-3.9 OF THE UNIFORM TRAFFIC ORDINANCE RELATING TO ADA ACCESSIBLE PARKING VIOLATIONS REQUIRING A MANDATORY COURT APPEARANCE.

Sponsor(s): Councilor Lindell

Reviewing Department(s): Transportation

Persons Completing FIR: Noel Correia Date: 2/12/16 Phone: x6611

Reviewed by City Attorney: Kelly A. Brennan Date: 2/19/16  
(Signature)

Reviewed by Finance Director: [Signature] Date: 2-15-2016  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution:

The purpose of this bill is to remove language from Subsection 12-9-3.9 of the Uniform Traffic Ordinance to clarify that persons who violate this section are NOT subject to a mandatory court appearance. The Governing Body passed Ordinance 2016-3 on January 13, 2016, decriminalizing all on-street and off-street parking violations and established them as civil parking violations subject to administrative adjudication and external collection services.

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: [Signature]

X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 15/16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 16/17	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ 0				\$ 0			
Fringe**	\$ 0				\$ 0			
Capital Outlay	\$ 0				\$ 0			
Land/ Building	\$ 0				\$ 0			
Professional Services	\$ 0				\$ 0			
All Other Operating Costs	\$ 0				\$ 0			
Total:	\$ 0				\$ 0			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 15/16	"R" Costs Recurring or "NR" Non-recurring	FY 16/17	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

	\$ 0			\$ 0		
	\$ 0			\$ 0		
	\$ 0			\$ 0		
Total:	\$ 0			\$ 0		

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

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**Section D.      General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

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**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

ADA Violators will still be subject to a mandatory court appearance.

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**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

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**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

This would eliminate the requirement of a mandatory court appearance, freeing up time and money at Municipal court, and remove a burdensome requirement for drivers.

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