

# City of Albuquerque

## Office of the City Clerk

Richard J. Berry, Mayor

Natalie Y. Howard, City Clerk

### Interoffice Memorandum

June 1, 2016

To: CITY COUNCIL

From: NATALIE Y. HOWARD, CITY CLERK

Subject: BILL NO. C/S O-16-15; ENACTMENT NO. O-2016-011

I hereby certify that on June 1, 2016, the Office of the City Clerk received Bill No. C/S O-16-15 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2016-011 was passed at the May 16, 2016 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. C/S O-16-15.

Sincerely,

  
Natalie Y. Howard  
City Clerk

0-2016-011

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Richard J. Berry, Mayor

**FROM:** Jon K. Zaman, Director of Council Services

*Jon 5/24/16*

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. C/S O-16-15 Revising Section 8-1-1-1 Et Seq Of The Traffic Code Relating To Parking, Enforcement Of Parking, And Removing Archaic Language And Increasing Fines (Benton, by request), which was passed at the Council meeting of May 16, 2016, by a vote of 8 FOR AND 1 AGAINST.

**Against: Lewis**

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh  
Attachment

**CITY of ALBUQUERQUE  
TWENTY SECOND COUNCIL**

**COUNCIL BILL NO.** C/S O-16-15 **ENACTMENT NO.** 0-2016-011

**SPONSORED BY:** Isaac Benton, by request

**1** **ORDINANCE**  
**2** **REVISING SECTION 8-1-1-1 ET SEQ OF THE TRAFFIC CODE RELATING TO**  
**3** **PARKING, ENFORCEMENT OF PARKING, AND REMOVING ARCHAIC**  
**4** **LANGUAGE AND INCREASING FINES SECTION.**

**5** **1: FINDINGS**

**6** **WHEREAS, the City Traffic Code retains archaic language from before the**  
**7** **metropolitan court was established; and**

**8** **WHEREAS, the parking function of the City is an enterprise function; and**

**9** **WHEREAS, parking is an integral component of economic activity in the**  
**10** **city.**

**11** **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
**12** **ALBUQUERQUE:**

**13** **SECTION 2: DEFINITIONS. THE FOLLOWING DEFINITIONS IN § 8-1-1-2**  
**14** **ARE HEREBY AMENDED AS FOLLOWS (ALL OTHER DEFINITIONS REMAIN**  
**15** **THE SAME):**

**16** ***"BICYCLE:* Every pedal-powered device propelled by human power upon**  
**17** **which no more than two persons may ride.**

**18** **BROADWAY/CENTRAL BUSINESS DISTRICT. All streets and portions of**  
**19** **streets within the area described as follows: Beginning at a point on the north**  
**20** **side of Mountain Blvd. and the east edge of Broadway Blvd.; south along the**  
**21** **east side of Broadway, to south side of Coal Ave.; west along south side of**  
**22** **Coal Avenue to west side of Eighth Street; north along west side of Eighth**  
**23** **Street to north side of Mountain Blvd. east along north side of Mountain Blvd.**  
**24** **to the east edge of Broadway, the place of beginning.**

**25** **CONSTRUCTION ZONE: Any highway, street or roadway designated by**  
**26** **appropriate signs, barricades, markings, flagmen or traffic control device**

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1 stating "Construction Zone": for the general purpose of repair or  
2 reconstruction of the highway, street or roadway.

3 CURB LOADING ZONE: A space adjacent to a curb for the exclusive use  
4 of vehicles during the loading or unloading of freight or passengers.

5 DISABLED PERSON: Any person who has a valid handicap parking  
6 placard issued by the State of New Mexico.

7 DOUBLE FINE ZONE: Any construction zone or curtilage zone marked  
8 by appropriate signs, barricade, markings, flagman or traffic control device  
9 which mark the beginning and end of the Double Fine Zone for the general  
10 purpose of repair or reconstruction of the highway, street or roadway

11 DRIVER, MOTORIST OR OPERATOR: Every person who drives or is in  
12 actual control of a vehicle.

13 MOTORIST: See Driver.

14 NIGHTTIME: Any time other than that designated as daytime.

15 POLICE OFFICER: Every officer of the municipal police department or any  
16 person authorized by the Chief of Police to direct or regulate traffic or to make  
17 arrests for violations of traffic regulations or issue citations for parking  
18 violations.

19 PUBLIC WAY: The entire width between the property lines of every way  
20 publicly maintained (including easements maintained for public use) when any  
21 part thereof is open to the use of the public for purposes of vehicular or  
22 pedestrian travel, notwithstanding that same may be temporarily closed for  
23 the purpose of construction, reconstruction, maintenance, alteration or repair.  
24 The public way shall include the unused right of way, publicly owned parking  
25 lots normally open to the public and public grounds.

26 STOP, STOPPING or STANDING: When prohibited, means any stopping or  
27 standing of a vehicle, whether occupied or not, except when necessary to  
28 avoid conflict with other traffic or in compliance with the directions of a police  
29 officer or traffic-control sign or signal, or other authority.

30 TOY: Any nonmotorized device intended to be used primarily as a toy,  
31 rather than as a means of transportation.

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1       **VEHICLE:** Every device in, upon, or by which any person or property is or  
2 may be transported or drawn upon a roadway, except devices used  
3 exclusively upon stationary rails or tracks.”

4       **SECTION 3: § 8-1-2-5 MANUAL AND SPECIFICATIONS FOR TRAFFIC**  
5 **CONTROL DEVICES IS HEREBY AMENDED AS FOLLOWS:**

6       **“All traffic control signs, signals, barricades and devices shall conform to**  
7 **the specifications, design, use and visibility requirements of the manual of**  
8 ***Uniform System of Traffic Control Devices* approved by the State Department**  
9 **of Transportation. All signs and signals required hereunder for a particular**  
10 **purpose shall be uniform as to type and location. All traffic control devices so**  
11 **erected and not inconsistent with the provisions of state law or this Traffic**  
12 **Code shall be official traffic control devices. This section also applies to**  
13 **traffic control devices used to indicate road work sites.”**

14       **SECTION 4: § 8-1-2-6 AUTHORITY TO DETERMINE SPEED LIMITS IS**  
15 **HEREBY AMENDED AS FOLLOWS:**

16       **“(A) The Mayor, or his designated representative, shall determine upon**  
17 **the basis of an engineering and traffic investigation, the speed upon any street**  
18 **or highway which is reasonable or safe under the conditions found to exist,**  
19 **and he shall declare a speed limit there [at] which shall be effective at all times**  
20 **or during hours of daytime or nighttime or at such other times as may be**  
21 **determined when appropriate signs giving notice of the authorized speed are**  
22 **erected.**

23       **(B) Alteration of speed limits on state highways or extensions thereof in**  
24 **the city by the Mayor or his designated representative shall not be effective**  
25 **until such alteration has been approved by the State Department of**  
26 **Transportation”**

27       **SECTION 5: § 8-1-2-20 DANGEROUS RAILROAD CROSSINGS IS HEREBY**  
28 **AMENDED AS FOLLOWS:**

29       **“The Mayor, or his designated representative, with the approval of the State**  
30 **Department of Transportation, is hereby authorized, upon the basis of**  
31 **engineering and traffic study and investigation, to designate particularly**  
32 **dangerous highway grade crossings of railroads and to erect stop signs**  
33 **there.”**

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1 SECTION 6: § 8-1-2-24 PARKING OR STANDING OF GOVERNMENT  
2 VEHICLES IN THE CENTRAL BUSINESS DISTRICT IS HEREBY AMENDED AS  
3 FOLLOWS:

4 “§ 8-1-2-24 PARKING OR STANDING OF GOVERNMENT VEHICLES IN THE  
5 BROADWAY/CENTRAL BUSINESS DISTRICT.

6 The Mayor, or his designated representative, upon the basis of engineering  
7 and traffic investigation, may, in addition to authority otherwise granted in this  
8 Traffic Code, restrict or prohibit parking or standing in the Broadway/Central  
9 Business District of official vehicles of the United States Government, the  
10 State of New Mexico, and any political subdivisions thereof, in areas where  
11 parking or standing is normally allowed, by placing appropriate markings,  
12 signs, or parking meters giving notice thereof. No such restriction or  
13 prohibition shall be effective unless said markings, signs or meters are  
14 erected and/or are in place at the time of any alleged offense.”

15 SECTION 7: § 8-1-2-26 ANGLE PARKING IS HEREBY AMENDED AS  
16 FOLLOWS:

17 “The Mayor, or his designated representative, shall determine, upon the basis  
18 of engineering and traffic study and investigation, on what streets angle  
19 parking, or back in angle parking, shall be permitted and shall mark or sign  
20 such streets.”

21 SECTION 8: § 8-1-2-28 PARKING OR STANDING ON NARROW STREETS IS  
22 HEREBY AMENDED AS FOLLOWS:

23 “The Mayor, or his designated representative, is hereby authorized, but not  
24 required, to erect signs indicating no parking or no standing upon any street  
25 when the width of the roadway does not exceed 24 feet, or upon one side of a  
26 street when the width of the roadway does not exceed 32 feet.”

27 SECTION 9: § 8-1-2-32 (B) PARKING METER ZONES IS HEREBY AMENDED  
28 AS FOLLOWS:

29 § 8-1-2-32 (B) On Street Parking Management

30 “(B) *Installation of Parking Meters.* In paid parking zones, parking meters may  
31 be installed within or near the curb line, or on the block of such spaces as may  
32 be designated by the Mayor or his designated representative, as is deemed  
33 advisable or necessary for the proper regulation or parking of vehicles, said

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1 installation to be placed appropriately.  
2 Meters shall accept payment in forms deemed appropriate and maximum  
3 parking times shall be noted on the meters. Paid parking may be regulated by  
4 any other approved means, e.g., paper or electronic permits or license  
5 recognition. On street and other parking may also be managed through a  
6 Parking District in conjunction with private parking owners.”

7 SECTION 10: § 8-1-2-33 BICYCLE STALLS AND BICYCLE RACKS WITHIN  
8 STALLS IS HEREBY AMENDED AS FOLLOWS:

9 “The Mayor, or his designated representative, is hereby authorized to  
10 designate by sign any nonmetered parking stall for the use of bicycles only  
11 and to permanently place bicycle racks within such stall.”

12 SECTION 11: § 8-1-2-34 (B) CURB LOADING ZONE IS HEREBY AMENDED  
13 AS FOLLOWS:

14 “(B) Fees. The Mayor shall set a fee schedule by rule to cover reasonable  
15 administrative expenses based on approximate City costs in order to cover  
16 the cost of application processing, loss of parking revenue, curb loading zone  
17 installation, and periodic maintenance.

18 (C) *Designation.* Upon the basis of a traffic engineering study, the Mayor,  
19 or his designated representative, is hereby authorized to determine the  
20 location of curb loading zones and shall place and maintain appropriate signs  
21 indicating the same and stating the hours during which the provisions of this  
22 subsection are applicable.”

23 SECTION 12: § 8-1-2-35 PUBLIC CARRIER STOPS AND STANDS IS  
24 HEREBY AMENDED AS FOLLOWS:

25 “The Mayor, or his designated representative, is hereby authorized to  
26 establish bus stops, bus and taxicab stands and stands for other passenger  
27 common-carrier motor vehicles on such public streets in such places and in  
28 such number as he shall determine to be of the greatest benefit and  
29 convenience to the public. Such stops and stands shall be designated by  
30 appropriate signs, and shall require a fee of \$100 per year. Such permit shall  
31 expire at the end of each calendar year or upon the expiration of one year  
32 since the permit was issued.”

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1 SECTION 13: § 8-1-2-37 COMMERCIAL VEHICLES PARKING IN ALLEYS IS  
2 HEREBY AMENDED AS FOLLOWS:

3 “The Mayor, or his designated representative, shall have authority to give  
4 written consent to the operators of commercial vehicles to park the  
5 commercial vehicles in alleys or other designated areas, for the purpose of  
6 making deliveries or repairs.”

7 SECTION 14: § 8-1-2-40 ROADWORK SITES IS HEREBY AMENDED AS  
8 FOLLOWS:

9 “The Traffic Engineer is hereby authorized to adopt regulations necessary for  
10 the safety of motorists, workers and others at roadwork sites, including, but  
11 not limited to, procedures for securing permits, standards for materials to be  
12 worn by workers, and regulations governing installations, conditions and  
13 visibility of traffic control devices. The Traffic Engineer is authorized to  
14 inspect any road work site and to order it closed if traffic control devices do  
15 not comply with the *New Mexico Manual and Specification for a Uniform*  
16 *System of Traffic Control Devices for Streets and Highways Part VI* if workers  
17 do not wear materials complying with the adopted standards or if the site  
18 presents a hazard to workers or traffic or does not comply with the issued  
19 barricade permit.”

20 SECTION 15: § 8-1-2-41 (A) AND 8-1-2-41 (B) LOAD OF EXCESSIVE SIZE;  
21 MOVEMENT; PERMIT IS HEREBY AMENDED AS FOLLOWS:

22 “(A) The Traffic Engineer may, at his discretion, upon the application in  
23 writing and good cause being shown, issue a special permit in writing  
24 authorizing the applicant to operate or move a vehicle or load, on any street  
25 other than Interstate highways, of a size or weight exceeding the maximum  
26 specified in state statute. If such vehicle is solely on Interstate highways  
27 within the city, such vehicle shall only need an appropriate permit from the  
28 State. A permit may be granted for the transportation of loads on a certain  
29 unit or combination of equipment during a period of time specified therein not  
30 to exceed one year, and the permit shall contain the route or routes to be  
31 traversed, the type of load or loads to be transported, and any other  
32 restrictions or conditions deemed necessary.

33 (B) In every other case, such permit may be issued for a single trip and



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1 shall designate the route to be traversed and the time such movement can be  
2 made so that it will not interfere with normal traffic movement and such other  
3 restrictions or conditions deemed necessary. Every such permit shall be  
4 carried in the vehicle to which it refers and shall be open to inspection by any  
5 police officer. Every such vehicle or load shall be escorted if required by the  
6 Chief of Police.”

7 SECTION 16: § 8-1-2-42 HAZARDOUS VEHICLES; MOVEMENT; PERMIT IS  
8 HEREBY AMENDED AS FOLLOWS:

9 “LOADS OF EXCESSIVE SIZE

10 The Traffic Engineer may issue a permit to any person to operate a vehicle or  
11 move a load on any street of a size or weight exceeding the maximum  
12 specified in the state statute for a route and under conditions he specifies;  
13 such conditions including but not limited to the requirement of a security  
14 bond to cover possible minor damage to the roadway, to cover water sewer  
15 equipment, connections, etc., or to private property; provided, however, the  
16 Traffic Engineer in his discretion may refuse a permit if, due to the size or  
17 weight of the vehicle or load, it seems relatively certain to him that damage  
18 will occur and such damage cannot be adequately estimated for bond  
19 purposes, or that such damage shall be so extensive that no security bond  
20 would be adequate to compensate for the cost, time, inconvenience or  
21 hazards involved, or that the movement of such a vehicle or load of such size  
22 or weight would be unduly hazardous to motorists or other persons in the area  
23 of such movement.”

24 SECTION 17: § 8-1-2-46 TRAFFIC VIOLATIONS BUREAU IS HEREBY  
25 AMENDED AS FOLLOWS:

26 “8-1-2-46 ENFORCEMENT BY PARKING ENFORCEMENT OFFICERS AND  
27 SECURITY OFFICERS

28 Parking Enforcement Officers and Security Officers authorized by the Chief of  
29 Police to issue citations shall only have the authority to issue citations for  
30 violations of §8-5-1-1 et. Seq.”

31 SECTION 18: § 8-1-3-4 FORMS AND RECORDS OF TRAFFIC CITATIONS  
32 AND ARRESTS IS HEREBY AMENDED AS FOLLOWS:

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1 (A) The City shall provide a paper or electronic traffic citation form for  
2 notifying alleged violators to appear and answer to charges in the  
3 Metropolitan Court in Bernalillo County.

4 SECTION 19: § 8-1-3-5 PARAGRAPHS (B), (C) AND (D) PROCEDURES ON  
5 ARREST; REPORTS ARE HEREBY AMENDED AS FOLLOWS:

6 “(B) Arresting Officer Reports. Within 24 hours after the arrest, the arresting  
7 officer shall make a written report of the arrest and such report shall include  
8 the name of the arrested person, and the location, time and circumstances of  
9 the arrest.”

10 SECTION 20: § 8-1-3-6 CITATION IN LIEU OF ARREST IS HEREBY  
11 AMENDED AS FOLLOWS:

12 “(B) A police officer who halts a person for any violation of this code, other  
13 than the purpose of giving him a warning, and does not take such person into  
14 custody, shall take the name, address, and operator’s license number of the  
15 cited person, the license plate number of the motor vehicle involved, and such  
16 other pertinent information as may be necessary, and shall issue to him in  
17 writing a traffic citation containing notice to answer to the charge alleged in  
18 Metropolitan Court within five days after the occurrence of the alleged  
19 violation, or on a specific date and time which date shall not be sooner than  
20 five days after the occurrence of the alleged violation. The alleged violator  
21 must give his written promise to appear as provided in the citation and should  
22 he refuse to do so, the officer shall take such person into custody.

23 (F) No officer shall accept custody or payment of any fine. Payment of any  
24 fine shall be made by mail or in person to the City Treasurer or electronically,  
25 if allowed within five days from the date of the issuance of the citation.  
26 Payments of fines are timely if postmarked within five days from the date of  
27 the issuance of the citation. The City Treasurer shall issue a receipt when a  
28 fine is paid by currency but checks tendered by the violator upon which  
29 payment is received are sufficient receipt.

30 (G) Notwithstanding the provisions of division (E), a person may elect to  
31 appear at the time and place stated in the citation, and in such case the matter  
32 shall proceed as if no notice had been signed. All fines then shall be paid to  
33 the Metropolitan Court.

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1 (H) The provisions for payment of a fine in lieu of appearing in court shall  
2 apply to any violation of this code except any case where court appearance is  
3 mandatory, any case in which the violation caused or contributed to the cause  
4 of an accident resulting in injury or death to any person, and any case where  
5 the violation consists of speeding in excess of 25 miles an hour in excess of  
6 the speed limit."

7 SECTION 21: § 8-1-3-9 FAILURE TO APPEAR ON CITATION OTHER THAN  
8 PARKING CITATION IS HEREBY AMENDED AS FOLLOWS:

9 "It shall be unlawful for any person to violate his written promise to appear  
10 at the time and place stated on the citation, regardless of the disposition of the  
11 charge for which such citation was originally issued. However, by 5 pm of the  
12 day prior to a defendant's court date, a defendant can contact the court and  
13 plead guilty or no contest and pay a citation instead of going to traffic  
14 arraignments. A written promise to appear in court may be complied with by  
15 an appearance by counsel."

16 SECTION 22: § 8-1-3-10 CITATION ON A PARKED VEHICLE IS HEREBY  
17 AMENDED AS FOLLOWS:

18 "Whenever a motor vehicle without a driver is found in violation of this code  
19 or state law or parked or stopped in violation of any provision of Article 5 of  
20 this Chapter 8 of the code or ordinances or state law, the officer, parking  
21 enforcement officer, or security officer finding such vehicle shall take its  
22 license plate number and any other information which may identify its owner  
23 of use, and shall conspicuously affix to such vehicle a parking citation for the  
24 driver to answer to the charge alleged within ten days during the hours at the  
25 place, or by the method specified in the citation."

26 SECTION 23: § 8-1-3-11 FAILURE TO APPEAR FOR PARKING CITATION IS  
27 HEREBY AMENDED AS FOLLOWS:

28 "SECTION §8-1-3-11 FAILURE TO PAY FOR PARKING CITATION  
29 If the alleged violator does not pay a citation affixed to such motor vehicle  
30 within a period of ten days, a letter shall be sent to the registered owner of  
31 such vehicle setting forth the time of the alleged violation, listing the  
32 presumptions provided for in 8-5-1-39, and informing him of the violations and  
33 warning him that a complaint shall be delivered to the Metropolitan Court

1 against the registered owner of such vehicle, if there is no payment of the  
2 parking fine within 30 days of the date on which the violation occurred.

3 SECTION 24: § 8-1-3-12 IMMOBILIZATION OF VEHICLE IS HEREBY  
4 AMENDED AS FOLLOWS:

5 "If the alleged violator does not appear in response to a traffic or parking  
6 citation and there are at least three or more outstanding violations and further  
7 fails to respond to the notice informing the alleged violator of the violations,  
8 an employee of the Police Department or Parking Enforcement Officer may,  
9 and they are hereby authorized to temporarily and for a period of 72 hours,  
10 immobilize such vehicle by installing on, or attaching to such vehicle,  
11 equipment such as a vehicle immobilization device designed to restrict the  
12 normal movement of such vehicle, and if such vehicle is so immobilized the  
13 officer so installing or attaching such device shall conspicuously affix to such  
14 vehicle a notice, in writing, on a form provided by the Chief of Police, advising  
15 the owner, driver, or person in charge of such vehicle that such vehicle has  
16 been immobilized by the City for violation of one or more of the provisions of  
17 the Traffic code, and that release from such immobilization may be obtained at  
18 a designated place; that unless arrangements are made for the release of such  
19 vehicle within 72 hours, the vehicle will be removed from the streets at the  
20 direction of the Police Department, and that removing or attempting to remove  
21 the device before a release is obtained is unlawful, and containing such  
22 information as the Chief of Police shall deem necessary. It shall be unlawful  
23 for any person to remove or attempt to remove any such device before a  
24 release is obtained as herein provided or to move any such vehicle before the  
25 same is released by the Police Department. Where such vehicle has been  
26 properly immobilized in such manner, in addition to payment of all traffic or  
27 parking citations, a fee of \$100 shall be charged before releasing such vehicle,  
28 and the parking restrictions, if any, otherwise applicable shall not apply when  
29 such vehicle is immobilized. If the vehicle has remained immobilized for a  
30 period of 72 hours and release has not been obtained, the police officer or  
31 employee of the City causing such immobilization shall have the vehicle  
32 impounded until such time as the release has been obtained."

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1 SECTION 25: § 8-1-3-13 WHEN PERSON CHARGED MAY ELECT TO  
2 APPEAR AT BUREAU OR BEFORE JUDGE, IS HEREBY DELETED IN ITS  
3 ENTIRETY AND REPLACED AS FOLLOWS:

4 “§8-1-3-13 SUBSTITUTION OF DRIVER.

5 In the event that the driver of the vehicle, who is not the registered owner,  
6 agrees to submit to the jurisdiction of the Metropolitan Court and agrees to  
7 plead guilty to the parking offense then existing against the registered owner  
8 of the vehicle and pay any fines and court costs associated with those  
9 offenses, then the City may cause a new complaint to be issued against the  
10 driver for those same charges and upon complete disposition of the charges,  
11 the complaint against the registered owner shall be dismissed with prejudice  
12 by the City.”

13 SECTION 26: § 8-1-3-18 DISPOSITION AND RECORDS OF TRAFFIC  
14 CITATIONS, WARRANTS AND COMPLAINTS IS HEREBY AMENDED AS  
15 FOLLOWS:

16 “(A) The disposition of traffic citations issued by the City to an alleged  
17 violator of any provision of this Traffic Code or the motor vehicle laws of this  
18 state shall be as follows:

- 19 (1) Original or electronic original to Metropolitan Court.
- 20 (2) Copy to the Driver’s License Branch of the Motor Vehicle Department of  
21 the State of New Mexico.
- 22 (3) Copy to the Central Records Section of the Police Department.
- 23 (4) Copy to the violator.

24 (B) It shall be unlawful and official misconduct for any member of the  
25 Police Department, or other officer or public employee, to dispose of, alter, or  
26 deface a traffic citation or any copy thereof or the record of the issuance or  
27 disposition of any traffic citation, complaint, or warrant, in a manner other  
28 than as required in this section, or as otherwise authorized by law.”

29 SECTION 27: § 8-1-3-19 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS  
30 IS HEREBY AMENDED AS FOLLOWS:

31 “It shall be unlawful for any person to cancel or solicit the cancellation of any  
32 traffic citation in any manner other than as provided by this Traffic Code. The

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1 officer issuing the citation or the Parking enforcement supervisor may dismiss  
2 citations that are found to be unwarranted.”

3 SECTION 28: § 8-1-3-99 (B) PENALTY IS HEREBY AMENDED AS FOLLOWS:

4 “(B) *Parking violations*. The schedule of fines for parking violations shall be  
5 as follows:

6 (1) The fines for violations of the following sections of this Traffic Code shall  
7 be:

8 Section 8-5-1-1, \$30

9 Section 8-5-1-2, \$30

10 Section 8-5-1-3, \$20

11 Section 8-5-1-4, \$30

12 Section 8-5-1-5, \$20

13 Section 8-5-1-6, \$20

14 Section 8-5-1-7, \$100

15 Section 8-5-1-8, \$30

16 Section 8-5-1-9, \$20

17 Section 8-5-1-10 - 8-5-1-29 \$30

18 Section 8-5-1-30, \$350

19 Section 8-5-1-31 – 8-5-1-41, \$30

20 (2) Airport parking violation. Any person who violates the provisions of  
21 §7-1-1-4(G) shall pay a fine of \$30.

22 (4) Fines for any parking violation, including §7-5-3 and Sale of Motor  
23 Vehicles, if not paid within 10 days of the occurrence of the violation, shall be  
24 two times the amount of the fine, and if not paid within 20 days of the  
25 occurrence of the violation, shall be three times the amount of the fine, unless  
26 the person cited as initiated court proceedings to answer the charges within  
27 five days of the issuance of the citation.”

28 SECTION 29: § 8-2-1-2 PARAGRAPHS (B) AND (C) PUBLIC EMPLOYEES TO  
29 OBEY TRAFFIC REGULATIONS ARE HEREBY AMENDED AS FOLLOWS:

30 “(B) *When not applicable*. Unless specifically made applicable, the  
31 provisions of this title shall not apply to persons, teams, motor vehicles or  
32 other equipment actually engaged in work in the Right-of-Way, but shall apply  
33 to such persons and vehicles when traveling to and from such work.”

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1       **SECTION 30: § 8-2-1-33 VEHICLES, PEDESTRIANS NOT TO OBSTRUCT**  
2       **STREETS IS HEREBY AMENDED AS FOLLOWS:**

3       **“It shall be unlawful to any person either to operate or to stand a vehicle on**  
4       **any public way in such a manner as to obstruct the free use of such public**  
5       **way, or to place himself, to place or direct another or to place or direct the**  
6       **placement of any material, object, or vehicle on any public way in such a**  
7       **manner as to obstruct the free use of such public way. The term “public way”**  
8       **shall include an intersection. This section shall not be interpreted to prohibit**  
9       **the lawful parking of vehicles, trailers, or actions pursuant to a Barricade**  
10       **Permit and the like.”**

11       **SECTION 31: § 8-2-1-45 VEHICLES ENTERING OR LEAVING AN ALLEY IS**  
12       **HEREBY AMENDED AS FOLLOWS:**

13       **“Vehicles entering or leaving an alley within the Broadway/Central Business**  
14       **District shall so enter or leave only by making a right-hand turn into said alley**  
15       **or a right-hand turn from the alley to the adjoining street as the case may be.**  
16       **This section applies to all such alleys, except alleys entering one-way streets.**  
17       **In such cases, turns made upon entering or leaving such alleys shall be made**  
18       **to and from the lane of traffic legally available which is nearest such ally**  
19       **entrance or exit.”**

20       **SECTION 32: § 8-2-1-61 OBJECT OBSTRUCTING PUBLIC WAY IS HEREBY**  
21       **AMENDED AS FOLLOWS:**

22       **“No person shall place, abandon, or otherwise permit to remain on a public**  
23       **way, any machinery, equipment, material or object which obstructs or**  
24       **impedes traffic or creates a traffic hazard, except as otherwise authorized.**  
25       **Any such object placed or remaining on the public way may be removed and**  
26       **disposed of if without apparent value, or if with apparent value, shall be**  
27       **moved by the Police Department to any appropriate storage area and the**  
28       **removal and/or storage thereof shall be at the owner’s expense. Further, the**  
29       **City shall not be financially responsible for any damage incurred in the**  
30       **removal or storage. When the stored object remains unclaimed for 30 days**  
31       **after removal from the public way, the object shall be deemed to be**  
32       **abandoned and may be sold at public auction, with the proceeds of the sale**

1 being accredited to the City after all just costs are paid. This section does not  
2 apply to motor vehicles.”

3 SECTION 33: § 8-2-1-62 PARAGRAPHS (A), (D) AND (H) PUBLIC UTILITY  
4 OBSTRUCTING TRAFFIC IS HEREBY AMENDED AS FOLLOWS:

5 “(A) Any public utility, whether municipally, publicly or privately owned,  
6 shall, prior to obstructing the flow of traffic in any lane on any street, make  
7 application for permission from the Construction Services Division 24 hours in  
8 advance, giving the location of the proposed work and listing the date or dates  
9 and expected times of day when such work would obstruct the flow of traffic  
10 on the street at that location, and shall receive written approval from the  
11 Construction Services Division prior to the commencement of the work. The  
12 Construction Services Division shall keep a log of the date of application, the  
13 utility company making such application, the location of the proposed work,  
14 the date and time of such work and whether or not such application was  
15 approved by him. If approved, the log shall list the date of such approval and  
16 factors upon which the approval was conditioned, if any. Such conditions  
17 may include the requirement of a written request with a detour plan and/or a  
18 barricading license submitted or obtained prior to the approval of such permit,  
19 if arterial traffic is to be closed between the hours of 7:00 a.m. to 9:00 a.m. and  
20 4:00 p.m. to 6:00 p.m. or for reasons which present other than routine  
21 problems. If denied, the Construction Services Division shall give in the log  
22 the reason for the denial. The Construction Services Division shall not  
23 arbitrarily deny such application but shall base his denial on other  
24 obstructions to the flow of traffic in the immediate area during the time  
25 requested, on normally heavy traffic flow on the street at the time of day  
26 requested, on an anticipated but unusually heavy flow of traffic on the street  
27 for that date or time, or on any other condition or factor which, if the flow of  
28 traffic was obstructed, would cause a substantial possibility of a hazard or a  
29 danger to the health, welfare, or safety to the traffic on the street at that  
30 specified time.”

31 “(D) The Construction Services Division may, for good cause given by the  
32 utility company, waive the 24-hour application requirements.”

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1       “(E) All traffic control devices used under such permit shall conform to  
2 *The New Mexico Manual and Specifications for a Uniform System of Traffic*  
3 *Control Devices for Streets and Highways.*”

4       “(H) It shall not be necessary for an employee of Construction Services  
5 Division to testify in court as to any approval or denial of any application in  
6 the prosecution of any citation arising out of a violation of this section. The  
7 log or copy thereof may be introduced into evidence without qualifications,  
8 provided that an employee of the Construction Services Division, by affidavit,  
9 states that the log is true and accurate to the best of his knowledge and belief,  
10 and if a copy is submitted, that the copy is a true and accurate copy of the log.  
11 A copy may be a copy of only those portions of the log which cover the time  
12 period in which the citation was issued.”

13       SECTION 34: § 8-2-1-63 (A) MOVEMENT OF HAZARDOUS VEHICLES;  
14 PERMIT; VIOLATION IS HEREBY AMENDED AS FOLLOWS:

15       “(A) No person shall operate a vehicle or move a load on any street other  
16 than Interstate highways of a size or weight exceeding the maximum specified  
17 in the state statute without having in the vehicle a permit from the City Traffic  
18 Engineer or State authorizing the movement of such vehicle or load, and such  
19 permit shall be open to inspection by any police officer.”

20       SECTION 35: § 8-2-1-64 PARAGRAPHS (A) AND (C) ROADWORK SITES IS  
21 HEREBY AMENDED AS FOLLOWS:

22       “(A) *Permits for Roadwork Sites Required.*

23       (1) No person, firm, association, corporation or governmental agency shall  
24 engage in construction, maintenance or repair work on any roadway without  
25 securing written permission of the Construction Services Division except in an  
26 emergency of such nature that securing a permit is not consistent with  
27 preservation of life or property.

28       (2) The contractor agency responsible for the work that necessitates the  
29 closure of the street shall contact the Construction Services Division of the  
30 Municipal Development Department of the City 48 hours prior to the closure of  
31 the street. The Construction Services Division shall be notified of the  
32 reopening of the street prior to removing the barricades. No work may be  
33 started in the public right-of-way until approval has been given and all signs

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1 and barricades are in place. The responsibility for all barricading, detouring  
2 and signing is that of the contractor, with the exception of the regulatory signs  
3 such as “Stop,” “No Parking,” “Speed Limit,” which shall be installed by the  
4 City. It shall be the duty of the contractor to notify the City when any such  
5 regulatory signs are not in place or must be removed due to construction. In  
6 the event of any emergency closing of a street, the City shall be given as much  
7 notice as possible.”

8 *“(C) Workers to Wear Conspicuous Materials.*

9 (2) The City Risk Management Division shall adopt standards for  
10 materials to be worn by workers (and shall approve items for their use). These  
11 standards shall, as a minimum, specify the following properties for materials,  
12 whether wet or dry.”

13 SECTION 36: § 8-2-2-15 CLEAR SIGHT TRIANGLE IS HEREBY AMENDED  
14 AS FOLLOWS:

15 “(F) The section shall be enforced by Zoning Code Enforcement Officers.”

16 SECTION 37: § 8-3-2-15 PARKING IS HEREBY AMENDED AS FOLLOWS:

17 *“(B) Two or more per stall. Where parking stalls are indicated by the*  
18 *painting on the pavement or by meter, it shall be permissible for more than*  
19 *one motorcycle to occupy the same stall, provided that such vehicles are*  
20 *contained completely within the stall, and that no such motorcycle is parked*  
21 *within 18 inches of any side of the stall. All motorcycles, whether parked*  
22 *singly or in groups, must obey all parking regulations.”*

23 SECTION 38: § 8-3-3-23 PARKING OF BICYCLE IS HEREBY AMENDED AS  
24 FOLLOWS:

25 “A bicycle may not be parked on a sidewalk or any other place if the parking  
26 impedes normal and reasonable movement of pedestrian or other traffic.”

27 SECTION 39: § 8-5-1-3 PARKING TIME LIMITED BY SIGN IS HEREBY  
28 AMENDED AS FOLLOWS:

29 “When signs are erected in each block giving notice thereof, no person shall  
30 stop, stand, or park a vehicle on the posted side of the street in said block for  
31 longer than the time allowed on such signs, on any day, except when it is  
32 necessary to stop a vehicle to avoid conflict with other traffic, or in  
33 compliance with the directions of a police officer or official traffic control

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1 device. The provisions of this section shall not relieve any person from the  
2 duty to observe other and more restrictive provisions prohibiting or limiting  
3 the stopping, standing or parking of vehicles.”

4 SECTION 40: § 8-5-1-4 STOPPING, STANDING OR PARKING WITHIN  
5 CERTAIN HOURS PROHIBITED BY SIGNS IS HEREBY AMENDED AS  
6 FOLLOWS:

7 “(A) When signs are erected in each block or parking lot giving notice thereof,  
8 no person shall stop, stand or park a vehicle between the hours and on the  
9 days specified on the signs. If no days are specified, after sunrise on Sundays  
10 and public holidays shall be excepted. This prohibition shall not apply when it  
11 is necessary to stop a vehicle to avoid conflict with other traffic or in  
12 compliance with a police officer or official traffic control device, or when a  
13 vehicle has a valid permit issued in accordance with division (B).”

14 (B)(1) The Mayor, or their designee, shall prescribe by regulation  
15 procedures for the creation of a residential permit parking area and the  
16 issuance of permits to residents of the area.

17 (2) The residents or the entity or event which causes the need for such  
18 on street parking, or the permitted residents may be required to pay for all  
19 direct and indirect costs caused by, or associated with, permit parking.

20 (C) Permit Parking may be created on a pilot basis or by the Department  
21 of Municipal Development if permit parking may resolve special  
22 circumstances affecting an area.”

23 SECTION 41: § 8-5-1-5 METER PARKING, EXPIRED METER IS HEREBY  
24 AMENDED AS FOLLOWS:

25 “Except in a period of emergency determined by an officer of the Fire  
26 Department or Police Department, or except in compliance with a uniformed  
27 police officer engaged in directing traffic, any vehicle, except a motorcycle,  
28 motorscooter or moped, parked or standing in a space regulated by a parking  
29 meter between the hours and on the days specified on the meter shall be  
30 lawfully parked or standing only when the owner, operator or driver of such  
31 vehicle, upon parking or standing a vehicle in the metered parking space, shall  
32 immediately deposit payment as specified on the meter regulating such  
33 parking space. Failure to deposit the proper payment as required shall

1 constitute a violation of this section. When the "VIOLATION" indicator is  
2 showing, it shall be presumptive evidence that any vehicle, except a  
3 motorcycle, motorscooter, or moped found parked or standing in a  
4 regulated metered space is parked or standing in violation of this section. The  
5 provisions of this section shall not relieve any person from the duty to  
6 observe other and more restrictive provisions prohibiting or limiting the  
7 stopping, standing or parking of vehicles."

8 SECTION 42: § 8-5-1-7 DEFACING METER, SLUGS IS HEREBY AMENDED  
9 AS FOLLOWS:

10 "It shall be unlawful for any person to deface, damage, tamper with, willfully  
11 break, destroy or impair the usefulness of, or to open without lawful authority,  
12 any parking meter installed in parking meter zones. It shall be unlawful to  
13 deposit or cause to be deposited in any parking meter any slug, device or  
14 substitute for a coin of the United States of America. It shall be unlawful to  
15 attempt to avoid payment of any meter or pay station by any means."

16 SECTION 43: § 8-5-1-11 (A) LOADING OR UNLOADING AT AN ANGLE TO  
17 THE CURB IS HEREBY AMENDED AS FOLLOWS:

18 "(A) No person shall park any vehicle at any angle to the curb for the  
19 purpose of loading or unloading merchandise, freight, objects or passengers  
20 without a permit issued for the vehicle from the Mayor or his designated  
21 representative, and such permit shall be open to inspection by any police  
22 officer, except where allowed by signage."

23 SECTION 44: § 8-5-1-12 ALL NIGHT PARKING PROHIBITED IN A BUSINESS  
24 DISTRICT IS HEREBY AMENDED AS FOLLOWS:

25 "No person shall park a vehicle on any street in a business district during  
26 the hours of 3:00 a.m. until 6:00 a.m. of any day, except physicians on  
27 emergency calls."

28 SECTION 45: § 8-5-1-14 (A) LAMPS ON A PARKED VEHICLE IS HEREBY  
29 AMENDED AS FOLLOWS:

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1           “(A) Whenever a vehicle is lawfully parked at nighttime upon any street  
2 within a business or residence district, no lights need be displayed upon such  
3 parked vehicle, except as provided in division (B) below.”

4           SECTION 46: § 8-5-1-19 PARKING WITHOUT LICENSE PLATE IS HEREBY  
5 AMENDED AS FOLLOWS:

6           “No person shall park upon any street or upon any public property any  
7 motor vehicle not bearing or displaying a license plate specifically issued for  
8 such motor vehicle except as may be authorized by law or regulation of any  
9 duly authorized governmental agency issuing such license plate. The Police  
10 Department shall have authority to impound such vehicle under § 8-5-2-  
11 3(A)(1).”

12           SECTION 47: § 8-5-1-29 UTILITY VEHICLES EXCEPTED IS HEREBY  
13 DELETED:

14 This section is reserved for future amendments.

15           SECTION 48: § 8-5-1-30 DISABLED PARKING IS HEREBY REPLACED IN  
16 IT’S ENTIRETY WITH THE FOLLOWING:

17           “It shall be unlawful for any vehicle to park in a designated disabled  
18 parking space or any portion thereof unless the driver or occupant has a valid  
19 New Mexico State issued parking placard or license plate and is displaying the  
20 placard or license plate.”

21           SECTION 49: § 8-5-1-32 PASSENGER CURB LOADING ZONE IS HEREBY  
22 AMENDED AS FOLLOWS:

23           “No person shall stop, stand or park a vehicle for any purpose other than for  
24 the expeditious loading or unloading of passengers or materials in any place  
25 marked as a curb loading zone during hours when the regulations applicable  
26 to such curb loading zone are effective and then only for a period not to  
27 exceed 20 minutes or such other specified period.”

28           SECTION 50: 8-5-1-33 FREIGHT CURB LOADING ZONE IS HEREBY  
29 AMENDED AS FOLLOWS:

30 This section reserved for future amendments.

31           SECTION 51: SECTION 49 § 8-5-1-35 RESTRICTED USE OF BUS AND  
32 TAXICAB STANDS IS HEREBY AMENDED AS FOLLOWS:

33           “No person shall stop, stand or park a vehicle other than a bus in a bus stop,

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1 or other than a taxicab in a taxicab stand, when such stop or stand has been  
2 officially designated and appropriately signed.”

3 SECTION 52: § 8-5-1-40 (B) MOVING OR MOLESTING UNATTENDED  
4 VEHICLES IS HEREBY AMENDED AS FOLLOWS:

5 “(B) The provisions of this section shall not apply to a police officer or  
6 fire department or street maintenance employee who, in discharge of his duty,  
7 legally moves or causes to be moved any such unattended vehicle, nor to any  
8 person who moves such vehicle at the direction of, or in compliance with,  
9 orders from a police officer or fire department or street maintenance employee  
10 who, in the discharge of his duties, legally orders or directs the moving of  
11 such unattended vehicle.”

12 SECTION 53: § 8-5-2-1 DEFINITIONS IS HEREBY AMENDED AS FOLLOWS:

13 *“IMPOUND.* The towing and/or storage of a vehicle by a wrecker service as  
14 authorized by the city or other transport of a vehicle by the Police Department  
15 or Parking Enforcement Officer for temporary storage pursuant to the  
16 execution of lawful police purposes.”

17 SECTION 54: § 8-5-2-2 PROHIBITION OF REMOVAL AND RELOCATION IS  
18 HEREBY AMENDED AS FOLLOWS:

19 “It is unlawful for a municipal police officer, or any municipal employee, to  
20 remove or relocate, or cause to be removed or replaced, any unattended  
21 vehicle from any street, alley or public way within the municipal corporate  
22 limits, except as provided in 8-5-2-1 et seq. or 8-1-3-12.”

23 SECTION 55: § 8-5-2-4 (A) CIRCUMSTANCES PERMITTING SUMMARY  
24 VEHICLE IMPOUNDMENT OR RELOCATION IS HEREBY AMENDED AS  
25 FOLLOWS:

26 “(A) Any municipal police officer, or any municipal employee who is  
27 authorized to direct traffic or enforce state or local parking or motor vehicle  
28 laws, may order the impoundment of any vehicle within the municipal  
29 corporate limits, without prior notice to the owner or operator thereof, under  
30 the following circumstances:

- 31 (1) When any vehicle is left unattended upon any bridge, viaduct, or  
32 causeway or in any tube or tunnel where the vehicle constitutes an  
33 obstruction or hazard to traffic;

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1 (2) When any vehicle is parked or left standing upon a street, alley, or  
2 public way in such a position as to obstruct the normal movement of traffic or  
3 in such a condition as to create a hazard to other traffic;

4 (3) When any vehicle is found upon a street, alley, public way or private  
5 property, and an offense report has previously been made that the vehicle has  
6 been stolen or a complaint has been filed and a warrant thereon issued  
7 charging that the vehicle has been stolen, and the owner is not available to, or  
8 cannot, immediately provide for its custody or removal;

9 (4) When any vehicle is illegally parked so as to block the entrance to a  
10 private driveway;

11 (5) When any vehicle is illegally parked so as to prevent access by  
12 firefighting equipment to a fire hydrant, or is illegally parked in a properly  
13 designated fire lane;

14 (6) When the person or persons in charge of a vehicle are by reason of  
15 physical injuries, intoxication, or illness incapacitated to such an extent as to  
16 be unable to provide for its custody or removal, and the vehicle is left as  
17 described elsewhere in this division (A) of this section, or the location of the  
18 vehicle is such that a reasonable person would believe that its owner would  
19 desire its relocation or removal;

20 (7) When the driver or person in control of a vehicle is lawfully taken into  
21 custody by a police officer, and the person is unable to immediately provide  
22 for the custody or removal of the vehicle, and the vehicle is left as described  
23 elsewhere in this division (A), or the location of the vehicle is such that a  
24 reasonable person would believe that its owner would desire its relocation or  
25 removal;

26 (8) When an abandoned, unattended, wrecked, burned or partially  
27 dismantled vehicle is creating a traffic hazard because of its position in  
28 relation to the street, alley or public way, or its physical appearance is causing  
29 the impeding of traffic;

30 (9) Wherever the use of the street, alley or public way or any portion thereof  
31 is authorized by the municipality for the purpose other than the normal flow of  
32 traffic or the movement of equipment, articles, or structures of unusual size,  
33 and the parking of any vehicle would prohibit or interfere with such use of

1 movement, and signs giving notice that such a vehicle may be removed are  
2 erected or placed at least 24 hours prior to the removal;

3 (10) When any vehicle is parked or left standing were prohibited by  
4 ordinance or other state or local law. No vehicle may be removed pursuant to  
5 this division unless signs are posted giving notice of its removal at least 24  
6 hours prior to the removal;

7 (11) When any vehicle is parked or standing in a manner so as to obstruct  
8 necessary emergency services or the routing of traffic at the scene of a  
9 disaster or removal is otherwise necessary in the interest of public safety  
10 because of any emergency, and moving the vehicle to a legal parking location  
11 is impractical. However, the owner or operator of a vehicle so relocated or  
12 removed shall not be subject to any relocation, removal or storage charges, if  
13 the vehicle is otherwise lawfully parked. Such charges shall be paid by the  
14 municipality, except that in the case of emergency utility repairs such charges  
15 shall be paid in advance by the utility company seeking removal;

16 (12) When a vehicle is parked, left unattended or abandoned during a fire,  
17 flood, storm or other public emergency which is apt to cause substantial  
18 damage to the vehicle, removal is in the best interest of the owner, and  
19 moving the vehicle to a safe location is impractical; or

20 (13) When a vehicle is either unattended or disabled and loaded with either  
21 a dangerous, flammable, combustible or explosive substance which, either by  
22 its presence or load conditions is likely to harm the health or safety of the  
23 public and moving the vehicle to a safe, legal location is impractical;

24 (14) When any vehicle is parked in such a manner as to obstruct or  
25 interfere with any road, sidewalk or rightofway maintenance or construction,  
26 or any nonemergency utility work, and it is impractical to relocate the vehicle  
27 to another point where parking is legal. No vehicle shall be removed unless  
28 signs are posted giving notice of the work to be done and the possibility of  
29 removal at least 24 hours prior to the removal.

30 (15) When any vehicle has been immobilized with a vehicle boot for 72  
31 hours.

32 (16) When a vehicle is being driven unsafely under state law due to one of  
33 the following:"



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**SECTION 56: § 8-5-2-7 (B) IMPOUNDMENT OF VEHICLES GENERALLY IS  
HEREBY AMENDED AS FOLLOWS:**

**“(B) If any vehicle is about to be removed or is in the process of being removed from such street and the owner thereof or his agent appears and claims the vehicle and agrees forthwith to remove it from such street, such vehicle shall be delivered to such owner or agent upon demand therefor and upon furnishing satisfactory evidence of identity and ownership or agency and payment of applicable fees. If any such owner or agent shall fail, refuse or neglect to forthwith remove such vehicle, such vehicle shall nevertheless be removed and impounded. Removal by such owner or agent shall not relieve the offender of liability for any towing costs already incurred or for any fine or penalty for the violation of any law or ordinance for which the vehicle was to be removed.”**

**SECTION 57: (B) § 8-5-2-8 RELEASE OF VEHICLES; FEES IS HEREBY  
AMENDED AS FOLLOWS:**

**“(B) In all cases, upon proof of ownership and certification from the Mayor the Chief that the vehicle is insured as required under state law, and an impounded vehicle shall be released only after direct payment of the accumulated impoundment charges and other required fines or fees by the owner or the owner’s designee. The Chief will provide such certification upon receiving proof that the vehicle is insured as required under state law.”**

**SECTION 58: § 8-5-2-9 (A) INOPERABLE VEHICLE ON PRIVATE PROPERTY  
IS HEREBY AMENDED AS FOLLOWS:**

**“(A) Any inoperable vehicle parked, stored or left or permitted to be parked, stored, or left upon any private property within the city for a period longer than three consecutive days constitutes a public nuisance. Inoperable vehicles parked, stored or left on public property or upon private property without the consent of the owner of such property are governed by § 8-5-2-3. Nothing in this section applies to a vehicle in an enclosed building, a vehicle on the premises of a business that services and repairs vehicles, a vehicle in an appropriate storage place or depository maintained for impounded vehicles, or to a vehicle that is in compliance with §§ 66-11-1 through 66-11-5 NMSA 1978.”**

1 SECTION 59: § 8-5-3-1 (D) FREQUENCY OF PARKING CITATIONS IS  
2 HEREBY AMENDED AS FOLLOWS:

3 “(D) Nothing in this section shall be deemed to limit the authority of the  
4 Police Department, Parking Enforcement Officer, or Security Officer to remove  
5 a vehicle as authorized in §8-5-2-1 et. seq.”

6 SECTION 60: SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
7 clause, word or phrase of this ordinance is for any reason held to be invalid or  
8 unenforceable by any court of competent jurisdiction, such decision shall not  
9 affect the validity of the remaining provisions of this ordinance. The Council  
10 hereby declares that it would have passed this ordinance and each section,  
11 paragraph, sentence, clause, word or phrase thereof irrespective of any  
12 provisions being declared unconstitutional or otherwise invalid.

13 SECTION 61: COMPILATION. This ordinance shall be incorporated in and  
14 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

15 SECTION 62: EFFECTIVE DATE. This ordinance shall take effect five days  
16 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF May, 2016  
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3  
4 Against: Lewis

5  
6 

7  
8 \_\_\_\_\_  
9 Dan Lewis, President  
10 City Council

11  
12  
13 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

14  
15  
16  
17  
18 Bill No. C/S O-16-15

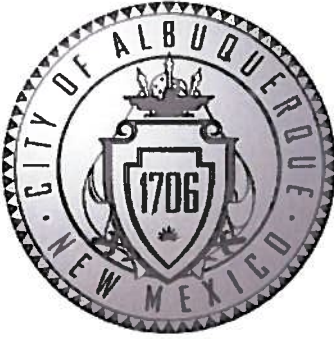
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22 Richard J. Berry, Mayor  
23 City of Albuquerque

24  
25  
26 ATTEST:

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28 

29 Natalie Y. Howard, City Clerk

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31  
32  
33  
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Mayor Richard J. Berry

**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

**INTER-OFFICE MEMORANDUM**

March 15, 2016

**TO:** Dan Lewis, President, City Council

**FROM:** Richard J. Berry, Mayor *MJB*

**SUBJECT:** Revisions to Traffic Ordinance (primarily related to parking)

The revisions to the City's traffic code regarding parking primarily removing archaic language, such as references to the former City Municipal Court, and replaces them as needed with references to the Metropolitan Court (which was established after the passage of the ordinance). The legislation extends the time to pay fines to the City prior to escalation to Metropolitan Court, updates fine structures, criminalizes handicap parking violations, eliminates subsidies for special groups, and specifically allows more flexible parking management options.

This Ordinance is being forwarded to City Council for approval.

Page: 2 of 2



Date: March 15, 2016

SUBJECT: Revisions to Traffic Ordinance (primarily related to parking)

Approved:

  
\_\_\_\_\_  
Robert J. Perry                      3/3/16  
Chief Administrative Officer                      Date

Approved as to Legal Form:

  
\_\_\_\_\_  
Jessica M. Hernandez                      3/16/16  
City Attorney                      Date  


Recommended:

  
\_\_\_\_\_  
Melissa R. Lozoya, P.E.                      Date  
Acting Director DMD                      

## **Cover Analysis**

### **1. What is it?**

An update to the Traffic Ordinance (primarily related to parking) to modernize the ordinance by, among other changes, deleting references to the former municipal Court and replacing them, where appropriate, with references to the Metropolitan Court, which was established in 1980.

### **2. What will this piece of legislation do?**

Update the Ordinance to reflect changes in court structure (creation of Metropolitan Court) since it was enacted. The legislation extends the time to pay fines to the City prior to escalation to Metropolitan Court, updates fine structures, criminalizes handicap parking violations, eliminates subsidies for special groups, and specifically allows more flexible parking management options.

### **3. Why is this ordinance needed?**

The Ordinance has not been amended in many years, and the references to the former Municipal Court need to be changed as appropriate to Metropolitan Court. The changes remove unnecessary subsidies and modernize parking regulation. Additionally, an increase in the parking fines will help deter persons from violating existing parking rules.

### **4. How much will it cost and what is the funding source?**

There is no identifiable cost. However, revenue will likely increase.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

An increase in parking enforcement revenue is likely but the amount is undeterminable.

### **6. What will happen if the ordinance revision is not approved?**

The Parking Ordinance's provisions will remain unchanged.

### **7. Is this service already provided by another entity?**

Parking enforcement within the City is not provided by another entity.

**FISCAL IMPACT ANALYSIS**

TITLE: Parking Ordinance

R:  
FUND: 641  
DEPT:

O: XXX

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

		Fiscal Years			
		2015	2016	2017	Total
Base Salary/Wages					-
Fringe Benefits at	35.54%	-	-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses					-
Property					-
Indirect Costs	2.50%	-	-	-	-
<b>Total Expenses</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<input type="checkbox"/> Estimated revenues not affected					
<input checked="" type="checkbox"/> Estimated revenue impact					
Revenue from program					0
Amount of Grant			-	-	
City Cash Match					
City Inkind Match					
City IDOH		-	-	-	-
<b>Total Revenue</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created

**COMMENTS:** The estimated revenue impact is undeterminable at the present time. Revenue increases are expected. Changing the time for the owner to pay the parking fine from within 5 days to 10 days before escalation to Metropolitan Court will allow an increase of revenue for the City. Increasing penalties will likely increase revenue. Eliminating various existing free parking allowances should also increase revenue.

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

PREPARED BY:

C. Ching  
FISCAL ANALYST

APPROVED:

[Signature] 3/15/16  
DIRECTOR (date)

REVIEWED BY:

[Signature] EXECUTIVE BUDGET ANALYST  
[Signature] BUDGET OFFICER (date)  
[Signature] CITY ECONOMIST