

0-2017-010

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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 4/28/17*

SUBJECT: Transmittal of Legislation

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Transmitted herewith is Bill No. O-16-28 Revising Portions Of The Traffic Code Section 8-5-1-5 Relating To Meter Parking And Expired Meter Parking; And Revising Section 8-1-3-99(B) Relating To Penalties For Parking Violations (Winter, by request), which was passed at the Council meeting of April 17, 2017, by a vote of 9 FOR AND 0 AGAINST.

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

JKZ:mh  
Attachment

RECEIVED  
ALBUQUERQUE CITY CLERK

2017 MAY -4 AM 9:49



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1 specified on the meter shall be lawfully parked or standing only when the  
2 owner, operator or driver of such vehicle, upon parking or standing a vehicle  
3 in the metered parking space, shall immediately deposit payment as specified  
4 on the meter regulating such parking space. Failure to deposit the proper  
5 payment as required shall constitute a violation of this section. When the  
6 "VIOLATION" indicator is showing, it shall be presumptive evidence that any  
7 vehicle found parked or standing in a regulated metered space is parked or  
8 standing in violation of this section. The provisions of this section shall not  
9 relieve any person from the duty to observe other and more restrictive  
10 provisions prohibiting or limiting the stopping, standing or parking of  
11 vehicles.

12 (B) In areas where on-street parking is regulated by parking meters, at  
13 least three on-street parking spaces shall be designated as free motorcycle,  
14 moped, or motorscooter parking for every three contiguous blocks of metered  
15 on-street parking. This provision does not apply if it would require the removal  
16 of any regular on-street metered parking space. This provision should not be  
17 interpreted as exempting motorcycles, mopeds, or motoscooters from  
18 payment when a meter is present.

19 (C) A green vehicle that is registered in the State of New Mexico to a  
20 New Mexico resident or business is exempt from paying to park in an on street  
21 space regulated by a parking meter. A green vehicle parked in an on street  
22 space regulated by a meter shall have city issued identification posted on the  
23 left rear bumper or the left rear window that authorizes the exemption set forth  
24 in this paragraph. A green vehicle shall not be parked in an on street space  
25 regulated by a meter for more than two hours. After the free two-hour  
26 timeframe has expired, the vehicle cannot park within a one block radius of  
27 that parking space free of charge for 24 hours.

28 (D) Within 90 days of the adoption of these divisions (C) - (D), the Mayor  
29 shall develop the following:

- 30 (1) a form of identification to post on the vehicles;
- 31 (2) the procedures to issue such identification;
- 32 (3) a training program for police officers and other City employees  
33 authorized to issue parking citations; and

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1 (4) a reasonable and nominal fee the City can impose for the  
2 issuance of a Green Vehicle permit.

3 (E) To qualify for an exemption for a green vehicle, the owner must  
4 present the vehicle to the City's Parking Division for verification of green  
5 vehicle eligibility.

6 (F) This program shall be evaluated by the Department of Municipal  
7 Development every two years. This evaluation will be brought before the City  
8 Council with recommendations of alteration to the Green Vehicle Program, as  
9 necessary."

10 SECTION 2. SECTION 8-1-3-99 (B)(4) PENALTY IS HEREBY AMENDED  
11 AS FOLLOWS:

12 "(4) Fines for any parking violation, including §7-5-3 and Sale of Motor  
13 Vehicles, if not paid within 10 days of the occurrence of the violation, shall be  
14 two times the amount of the fine, and if not paid within 20 days of the  
15 occurrence of the violation, shall be three times the amount of the fine, unless  
16 the person cited has initiated court proceedings to answer the charges within  
17 10 days of the issuance of the citation."

18 SECTION 3. Section 8-1-1-2 ROA 1994, DEFINITIONS, is amended to add  
19 definitions for GREEN VEHICLE and GREEN VEHICLE GUIDE in proper  
20 alphabetical order, to read:

21 GREEN VEHICLE. A Vehicle that is rated by the U.S. Environmental  
22 Protection Agency, Green Vehicle Guide with minimum Environmental  
23 Performance Scores for Greenhouse Gas and Air Pollution of 9 and a total  
24 combined score of 17 or higher.

25 GREEN VEHICLE GUIDE. A consumer guide developed by the U.S.  
26 Environmental Protection Agency to provide information about the  
27 environmental performance of vehicles.

28 SECTION 4. COMPILATION. The amendments set forth in Sections 1  
29 through 3 above shall amend, be incorporated in and made part of the Revised  
30 Ordinances of Albuquerque, New Mexico, 1994.

31 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
32 clause, word or phrase of this ordinance is for any reason held to be invalid or  
33 unenforceable by any court of competent jurisdiction, such decision shall not

1 affect the validity of the remaining provisions of this ordinance. The Council  
2 hereby declares that it would have passed this ordinance and each section,  
3 paragraph, sentence, clause, word or phrase thereof irrespective of any  
4 provisions being declared unconstitutional or otherwise invalid.

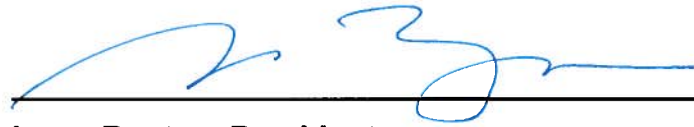
5 SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days  
6 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF April, 2017  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

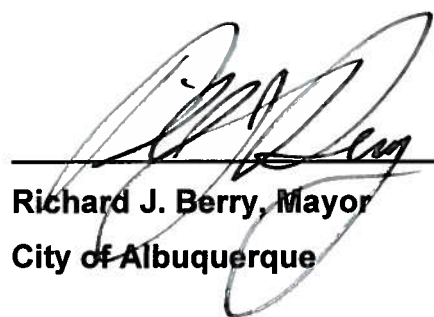
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Isaac Benton, President  
City Council

APPROVED THIS 3<sup>rd</sup> DAY OF May, 2017

Bill No. O-16-28

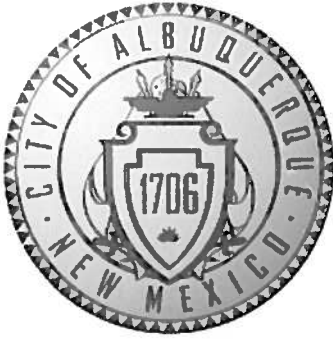


Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:

  
Natalie Y. Howard, City Clerk

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# CITY OF ALBUQUERQUE

**Office of the Mayor**

One Civic Plaza NW, Albuquerque, NM 87103

Richard J. Berry, Mayor

## INTER-OFFICE MEMORANDUM

September 8, 2016

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

**FROM:** Richard J. Berry, Mayor *RP*  
*SKD*

**SUBJECT:** Ordinance Revisions of the Traffic Code Section 8-5-1-5 Relating to Meter Parking and Expired Meter Parking and Expired Meter Parking, and Revisions to Section 8-1-3-99 (B)(4) Related to the Time Frame to Initiate Court Proceedings

The Ordinance revision to section 8-5-1-5 will apply payment requirements evenly to all vehicles by eliminating exemptions for motorcycle, motorscooter or moped parking within the Ordinance of the Traffic Code Section 8-5-1-5. This will allow the ability to collect payment on all vehicles. The revision to Section 8-1-3-99 (B)(4) provides for consistency in the amount of time to pay a fine from the date of occurrence and the amount of time to initiate court proceedings. Both changes provide consistency in the ordinance. At this time the financial impact cannot be measured.


This Ordinance is forwarded to the City Council for its approval.

Ordinance Revisions of the Traffic Code Section 8-5-1-5 Relating to Meter Parking and Expired  
Meter Parking and Expired Meter Parking, and Revisions to Section 8-1-3-99 (B)(4) Related to  
the Time Frame to Initiate Court Proceedings

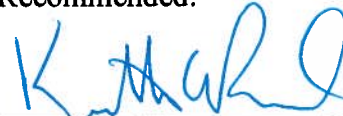
Approved:

  
\_\_\_\_\_  
Robert J. Perry                      Date  
Chief Administrative Officer                      10/10/16

Approved as to Legal Form:

  
\_\_\_\_\_  
Jessica M. Hernandez                      Date  
City Attorney                      9/28/16

Recommended:

  
\_\_\_\_\_  
for Melissa Lozoya, P.E.                      Date  
Acting Director, DMD                      9/8/16



## Cover Analysis

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

Revision of portions of the Traffic Code Section 8-5-1-5, relating to meter parking and expired meter parking and revision of Section 8-4-3-99 (B)(4) relating to the time to initiate court proceedings.

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

Apply payment requirements evenly to all vehicles by eliminating exemptions for motorcycle, motorscooter or moped parking within the Ordinance of the Traffic Code Section 8-5-1-5, relating to meter parking and expired meter parking. Revision of Section 8-1-3-99(B)(4) will change the amount of time to initiate court proceedings to answer the charges from five (5) days to ten (10) days. This is the same amount of time a citizen has to pay the fine.

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

This amendment is needed to have consistency in the ordinance.

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

Not applicable.

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

By amending the ordinance the City will be able to collect revenue on all vehicles including any motorcycle, motorscooter or moped that is parked in an expired metered parking space. At this time the financial impact cannot be measured.

**FISCAL IMPACT ANALYSIS**

TITLE: **Ordinance Revisions to the Traffic Code Section 8-5-1-5 Relating to Meter Parking and Expired Meter Parking and Revisions to Section 8-1-3-99 (B)(4) Realted to the Time Frame to Initiate Court Proceedings** R: O:  
 FUND:  
 DEPT:

- 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:

	2016	Fiscal Years 2017	2018	Total
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				
Property	-	-	-	-
Indirect Costs	-	-	-	-
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
[ ] Estimated revenues not affected				
* 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:**

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

PREPARED BY:

C. Chung  
 FISCAL ANALYST

APPROVED:

K. [Signature] 9/8/16  
 for DIRECTOR (date)

REVIEWED BY:

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER (date)

CITY ECONOMIST