

**City of Rio Communities, New Mexico**  
**Ordinance No: 2019-74**  
**PENALTY ASSESSMENT PROGRAM**

**TITLE: AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC AN ORDINANCE ADOPTED BY THE CITY OF RIO COMMUNITIES; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF.**

**SECTION 1.**

This Ordinance may be cited as the CITY OF RIO COMMUNITIES, NEW MEXICO Penalty Assessment Program.

**SECTION 2.**

A. As used in the New Mexico Uniform Traffic Ordinance adopted by the City of Rio Communities, New Mexico, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

<u>COMMON NAME OF OFFENSE</u>	<u>SECTION VIOLATED</u>	<u>PENALTY ASSESSMENT</u>
PEDESTRIAN CONTROL SIGNALS	12-5-7	\$ 25.00
FLASHING SIGNALS	12-5-8	25.00
DISPLAY OF UNAUTHORIZED SIGNALS OR MARKINGS	12-5-10	25.00
SPEED REGULATIONS	12-6-1	
(1) Up to and including ten miles an hour over speed limit		25.00
(2) From eleven up to and including fifteen miles an hour over speed limit		30.00
(3) From sixteen up to and including twenty miles an hour over speed limit		65.00
(4) From twenty-one up to and including twenty-five miles an hour over speed limit		100.00
(5) From twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) From thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) More than thirty-five miles an hour over The speed limit		200.00
MINIMUM SPEED REGULATIONS	12-6-1.5	25.00
OVERTAKING A VEHICLE ON THE LEFT	12-6-2.3	10.00
LIMITATIONS ON OVERTAKING ON THE LEFT	12-6-2.4	10.00

NO PASSING ZONES & RESTRICTIONS ON PASSING	12-6-2.7	25.00
FOLLOWING TOO CLOSELY	12-6-2.13	25.00
DRIVING ON DIVIDED STREETS	12-6-2.14	25.00
VEHICLE APPROACHING OR ENTERING INTERSECTION	12-6-4.1	25.00
VEHICLES TURNING LEFT AT INTERSECTION	12-6-4.2	25.00
VEHICLES ENTERING STOP OR YIELD INTERSECTION	12-6-4.3	25.00
LIMITATIONS ON TURNING AROUND	12-6-5.5	10.00
STARTING PARKED VEHICLE	12-6-5.7	10.00
TURNING & STOPPING MOVEMENT AND REQUIRED SIGNALS	12-6-5.8	25.00
STOPPING, STANDING & PARKING	12-6-6	25.00
SPECIAL STOPS REQUIRED	12-6-7	25.00
STOPPING FOR SCHOOL BUS	12-6-7.3	100.00
OPERATORS & CHAUFFEURS MUST BE LICENSED	12-6-12.5	25.00
LIMITATIONS ON BACKING	12-6-12.9	25.00
RESTRICTION ON USE OF VIDEO IN MOTOR VEHICLES	12-6-12.11	25.00
COASTING PROHIBITED	12-6-12.12	25.00
DESTRUCTIVE OR INJURIOUS MATERIAL ON ROADWAY	12-6-13.5	100.00
ANIMALS ON STREET	12-6-13.10	25.00
DRIVING ON MOUNTAIN STREETS	12-6-13.11	25.00
CHILD NOT IN RESTRAINT DEVICE OR SAFETY BELT	12-6-13.12	25.00
MANDATORY USE OF SEATBELTS	12-6-13.13	25.00
POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS-FIRST OFFENSE	12-6-13.14	25.00
LITTERING	12-6-13.15	50.00
PEDESTRIAN VIOLATION	12-6-14	25.00
PEDESTRIANS RIGHT-OF-WAY IN CROSSWALKS	12-6-14.2	25.00
PEDESTRIANS TO USE RIGHT HALF OF SIDEWALK	12-6-14.3	25.00
CROSSING AT OTHER THAN CROSSWALKS	12-6-14.4	25.00
PEDESTRIANS ON STREETS	12-6-14.5	25.00
DRIVERS TO EXERCISE DUE CARE	12-6-14.8	25.00
PARKING IN DESIGNATED DISABLED PARKING SPACES	12-9-9	250.00 – 500.00
PROHIBITED ACTS	12-10-1.1	25.00
WHEN LIGHTED LAMPS ARE REQUIRED	12-10-1.3	25.00
HEADLAMPS ON VEHICLES	12-10-1.5	25.00
DIMMING OF LIGHTS	12-10-1.6	10.00
TAIL LAMPS	12-10-1.7	25.00
VEHICLES TO BE EQUIPPED WITH REFLECTORS	12-10-1.8	25.00
MUFFLERS, PREVENTION OF NOISE	12-10-1.10	10.00
LAMP OR FLAG ON PROJECTING LOAD	12-10-1.10	10.00
WINDSHIELD MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS; WINDOWS MUST BE TRANSPARENT; EXCEPTIONS	12-10-1.12	25.00
SUN SCREENING MATERIALS ON WINDSHIELDS AND WINDOWS; REQUIREMENTS; VIOLATIONS PENALTY	12-10-1.12A	25.00
DISPLAY OF CURRENT VALID REGISTRATION PLATE	12-10-4	25.00

## EVIDENCE OF REGISTRATION TO BE SIGNED AND EXHIBITED

ON DEMAND	12-10-5	10.00
VEHICLE SUBJECT TO REGISTRATION		50.00
DRIVING WHILE LICENSE ADMINISTRATIVELY SUSPENDED		25.00

- B. The term "penalty assessment misdemeanor" does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person.
- C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed ninety days.
- D. The penalty assessment for speeding in violation of Section 12-6-1.2 (4) of the Uniform Traffic Ordinance is twice the penalty assessment established in Subsection A of Section 2 of this ordinance for the equivalent miles per hour over the speed limit.
- E. In addition to the penalty assessment established for each penalty assessment misdemeanor pursuant to this section, there shall be assessed the following fees for each penalty assessment misdemeanor: a twenty-dollar (\$20) Corrections Fee; a six-dollar (\$6) Court Automation Fee; and a three-dollar (\$3) Judicial Education Fee.

### **PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT**

- A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor, the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation.
- B. Payment of any penalty assessment must be made by mail to the Municipal Court, City of Rio Communities, New Mexico within 30 days from the date of arrest. Payments of penalty assessments are timely if postmarked within the time limits set from the date of arrest. The Municipal Court shall issue a receipt when a penalty assessment is paid by currency but checks tendered by the violator upon which payment is received is a sufficient receipt.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

### **FAILURE TO PAY PENALTY ASSESSMENT**

- A. If a penalty assessment is not paid within 30 days from the date of arrest, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if the penalty assessment notice had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided by the New Mexico Uniform Traffic Ordinance (Section 12-12-1.1), or other law relating to motor vehicles for the particular offense charged, and the scheduled penalty assessments shall not apply.
- B. In addition to the prosecution provided for in Section 4A, it is a misdemeanor for any person

who has elected to pay a penalty assessment to failure to do so within 30 days from the date of arrest.

- D. The Office of the Municipal Court shall notify the Motor Vehicle Division of the State of New Mexico when a person fails to pay a penalty assessment within the required period of time. The Motor Vehicle Division shall report the notice upon the driver's record and shall not renew the person's license to drive until the Municipal Court notifies the Motor Vehicle Division that the penalty assessment, or its equivalent, as well as any additional penalties imposed are properly disposed of.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**ORDINANCES REPEALED**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**PASSED, APPROVED AND ADOPTED THIS 26<sup>TH</sup> DAY OF November 2019 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.**

**City of Rio Communities Governing Body**

\_\_\_\_\_  
Mark Gwinn, Mayor

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Margaret (Peggy) Gutjahr, Mayor Pro-tem

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Bill Brown, Councilor

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Joshua Ramsell, Councilor

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Arturo Sais, Councilor

ATTEST:

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Elizabeth (Lisa) Adair, Municipal Clerk