

City of Rio Communities, New Mexico
Ordinance No: 2019-68
PENALTY ASSESSMENT PROGRAM

TITLE: AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC AN ORDINANCE ADOPTED BY THE CITY OF RIO COMMUNITIES 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.

CITY OF RIO COMMUNITIES, NEW MEXICO Penalty Assessment Program. 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> |
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| 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 |

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|---|-------------|-----------------|
| 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 | 10.00 |
| 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 |

- A. 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.

- B. 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.
- C. 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.
- D. 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

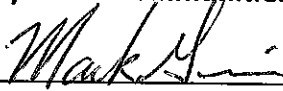
If any section, subsection, sentence, clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of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

ORDINANCES REPEALED

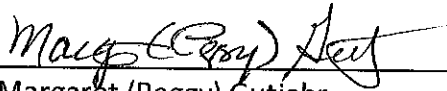
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PASSED, APPROVED AND ADOPTED THIS 22ND DAY OF JANUARY 2019 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body



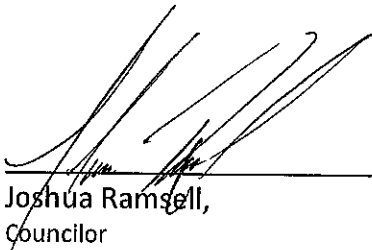
Mark Gwinn,
Mayor



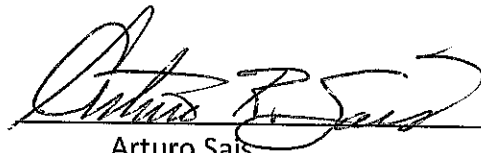
Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem



Bill Brown,
Councilor



Joshua Ramsell,
Councilor



Arturo Sals,
Councilor

ATTEST:



Elizabeth (Lisa) Adair,
Municipal Clerk

