

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 50-3(a) OF THE CITY OF CARLSBAD CODE OF ORDINANCES REGARDING PENALTY ASSESSMENTS FOR THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE, 2010 COMPILATION AND AMENDING ORDINANCE NO. 2011-10 REGARDING THE OPERATION OF A HAND-HELD MOBILE TELEPHONE TO MAKE A VIOLATION OF THAT ORDINANCE A PENALTY ASSESSMENT OFFENSE.**

WHEREAS, the Carlsbad City Council has adopted the New Mexico Uniform Traffic Ordinance, 2010 Recompile as amended by certain City ordinances; and

WHEREAS, the City of Carlsbad wishes to amend Section 50-3(a) of the City of Carlsbad Code of Ordinances regarding the penalty assessments for certain offenses under the Uniform Traffic Ordinance.

**NOW THEREFORE**, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, that:

1. Section 50-3(a) of the City of Carlsbad Code of Ordinances is hereby amended to state:
  - (a) As permitted by state law and the New Mexico Uniform Traffic Ordinance, adopted herein by reference, the City adopts a penalty assessment program. Violations of the following listed sections of the New Mexico Uniform Traffic Ordinance shall be penalty assessment misdemeanors, for which the listed penalty assessment is established:

<i>Common Name of Offense</i>	<i>Section Violated</i>	<i>Penalty Assessment</i>
Permitting Unlicensed Minor to Drive	12-6-12.23(A)	\$75.00
Obedience to required traffic-control devices	12-5-3	\$100.00
Lights and their application to vehicles and pedestrians	12-5-6	\$100.00
Speeding in a School or Construction Zone	12-6-1.2(A)(1) & (4)	
(1) Up to and including 10 miles per hour above the speed limit		\$100.00
(2) Above 10 and up to and including 15 miles per hour above the speed limit		\$150.00

(3) Above 16 and up to and including 20 miles per hour above the speed limit		\$200.00
(4) Above 21 and up to and including 25 miles per hour above the speed limit		\$300.00
(5) Above 26 and up to and including 30 miles per hour above the speed limit		\$350.00
(6) Above 31 and up to and including 35 miles per hour above the speed limit		\$400.00
(7) Above 35 above the speed limit		\$500.00
Speeding:	12-6-1.2(A)(2) and (3)	
(1) Up to and including 10 miles per hour above the speed limit		\$50.00
(2) Above 10 and up to and including 15 miles per hour above the speed limit		\$75.00
(3) Above 15 and up to and including 20 miles per hour above the speed limit		\$100.00
(4) Above 20 and up to and including 25 miles per hour above the speed limit		\$150.00
(5) Above 25 and up to and including 30 miles per hour above the speed limit		\$175.00
(6) Above 30 and up to and including 35 miles per hour above the speed limit		\$200.00
(7) Above 35 above the speed limit		\$250.00
Minimum Speed	12-6-1.5	\$50.00
Special Speed Limitations	12-6-1.7	\$75.00
Starting parked vehicle	12-6-5.7	\$30.00
Limitations on backing	12-6-12.9	\$75.00
Drive on right side of street	12-6-2.1	\$30.00
Limitations on driving left of center	12-6-2.5	\$30.00
Improper lane	12-6-2.9	\$30.00
Rotary traffic islands	12-6-2.10	\$30.00
Driving on streets laned for traffic	12-6-2.12	\$30.00
Driving on divided streets	12-6-2.14	\$50.00
Passing vehicles proceeding in opposite direction	12-6-2.2	\$40.00
Overtaking a vehicle on the left	12-6-2.3	\$40.00
Limitations on overtaking on the left	12-6-2.4	\$40.00

Limitations on overtaking on the right	12-6-2.6	\$40.00
No passing zones and restrictions on passing	12-6-2.7	\$40.00
Controlled access	12-6-2.15	\$30.00
Restrictions on use of controlled-access streets	12-6-2.16	\$30.00
Required position & method of turning at intersection	12-6-5.1	\$75.00
Turning on curve or rest of grade prohibited	12-6-5.6	\$75.00
Turning & stopping movements and required signals	12-6-5.8	\$75.00
Following too closely	12-6-2.13	\$100.00
Vehicles approaching or entering intersection	12-6-4.1	\$75.00
Vehicles turning left at intersection	12-6-4.2	\$75.00
Vehicle entering stop of yield intersection	12-6-4.3	\$100.00
Emerging from alley, building, driveway or private road	12-6-7.1	\$100.00
Approaching authorized emergency vehicle	12-6-7.4	\$300.00
Pedestrian obedience to traffic-control devices & regulations	12-6-14.1	\$30.00
Pedestrians soliciting rides or business	12-6-14.6	\$30.00
Railroad-highway grade crossing violations	12-6-7.5	\$100.00
Stop at certain railroad grade crossings	12-6-7.6	\$100.00
Moving heavy equipment at railroad grade crossings	12-6-7.8	\$100.00
Railroad-highway grade crossing	12-6-7.7	\$100.00
Stopping for school bus	12-6-7.3	\$300.00
Turning and Stopping Movements and Required Signals	12-6-5.8	\$75.00
Signals by hand and arm or signal device	12-6-5.9	\$75.00
Method of giving hand and arm signals	12-6-5.10	\$30.00
Destructive or injurious material on roadway	12-6-13.5	\$500.00
Operators and Chauffeurs Must be Licensed	12-6-12.5	\$75.00
Cell Phone Use	12-6-12.18(F)	\$150.00
Boarding or Alighting from Vehicles	12-6-13.7	\$75.00
Alcoholic Beverages in an Open Container	12-6-13.14	\$50.00
Prohibited Acts / Improper equipment	12-10-1.1	\$40.00
Vehicles to be in Safe Condition / Improper equipment	12-10-1.2	\$100.00
Emergency signals - disabled vehicle	12-10-1.48	\$30.00
Non-emergency signals - stopped or parked vehicles	12-10-1.49	\$30.00

Emergency signals - flame producing	12-10-1.50	\$30.00
Emergency signals - dangerous cargoes	12-10-1.51	\$30.00
Obstruction to driver's view or driving mechanism	12-6-12.10	\$30.00
Stopping, standing or parking prohibited in specified places	12-6-6.1	\$20.00
Additional parking regulations	12-6-6.2	\$20.00
Stopping, standing or parking outside of business or residence	12-6-6.14	\$20.00
Unattended motor vehicle	12-6-12.8	\$20.00
Parking in designated disabled parking spaces	12-9-9	\$200.00
Stopped or parked vehicles not to interfere with other traffic	12-6-6.3	\$20.00
Obstructed Windshield	12-10-1.12	\$50.00
Sun Screening Material on Windows	12-10-1.12(A)	\$50.00
Failure to dim lights	12-10-1.6	\$30.00
Use of multiple beam road lighting equipment	12-10-1.40	\$30.00
Mandatory Financial Responsibility	12-10-6	\$100.00
Occupied moving house trailer	12-6-13.9	\$30.00
Improper opening of doors	12-6-13.8	\$30.00
Slow-moving vehicle identification	12-6-11.2	\$30.00
Flashing signals	12-5-8	\$40.00
Careless driving	12-6-12.4	\$100.00
Child Passenger Restraint	12-6-13.12	\$100.00
Mandatory Use of Seatbelts	12-6-13.13	\$75.00
Drivers to exercise due care	12-6-14.8	\$100.00
When lighted lamps are required	12-10-1.3	\$30.00
Head lamps on motor vehicles	12-10-1.5	\$30.00
Tail lamps	12-10-1.7	\$30.00
Mufflers - prevention of noise - emission control device	12-10-1.10	\$40.00
Prohibited acts (unsafe condition)	12-10-1.11	\$30.00
Display of current valid registration plate	12-10-4	\$30.00
Evidence of registration to be signed and exhibited on demand	12-10-5	\$30.00

(b) The term "penalty assessment misdemeanor" does not include a violation which has caused or contributed to the cause of an accident resulting in injury or death to a 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, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor.

(d) The penalty assessment for speeding in violation of Section 12-6-1.2(A)(1) or (4) of the New Mexico Uniform Traffic Ordinance, adopted herein by reference, is twice the penalty assessment established in Subsection (a) of this Section 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 a corrections fee in the amount set by the state as such fee may be amended from time to time. This fee shall be used to help defray the costs of local government corrections.

2. Section 12-6-12.18(F)(4) of the Uniform Traffic Ordinance as enacted by Ordinance No. 2011-10 regarding the penalties for a violation of Section 12-6-12.18(F), operation of a hand-held mobile telephone, is hereby deleted, and a violation of that section shall be a penalty assessment misdemeanor, for which the penalty assessment is established above.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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DALE JANWAY, MAYOR

ATTEST:

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CITY CLERK