

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

JAN 24 2023

Council Meeting Date: January 24, 2023

DEPARTMENT: Legal	BY: Denise M. Boyea <i>DB</i>	DATE: January 17, 2023
SUBJECT: Corrections to Ordinance 2022-12 (Ordinance regarding Penalty Assessments for the New Mexico Uniform Traffic Ordinance, 2010 Compilation)		
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) <p>The City adopted Ordinance 2022-12, which amended Section 50-3(a) of the City of Carlsbad Code of Ordinances regarding Penalty Assessments for the New Mexico Uniform Traffic Ordinance. Certain errors were discovered in three penalty assessments, to wit: Ordinance 12-6-1.2(A) (2) (3) (7) Speed Limits above 35 was listed at \$250 and should have been raised to \$380; Ordinance 12-6-4.3 Vehicles Entering Stop or Yield Intersections was listed at \$100 and should have been raised to \$140; and Ordinance 12-10-1.7 Tail Lamps was listed at \$30 and should have been raised to \$70. In addition, Ordinance 12-10-1.7 Tail Lamps was listed a second time and should be deleted where listed the second time.</p> <p>A list of the proposed corrections to the penalty assessment table is attached.</p>		
DEPARTMENT RECOMMENDATION: Adopt proposed changes. Drafts of the ordinance have been reviewed by the Police Department and Municipal Court.		
BOARD/COMMISSION/COMMITTEE ACTION: (none)		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED

Reviewed by: Is/ T. Pardo Date: 1-18-23

ATTACHMENT(S): Draft of Ordinance

ORDINANCE NO. 2023- 03

**AN ORDINANCE CORRECTING
ORDINANCE 2022-12 WHICH AMENDED
SECTION 50-3(a) OF THE CITY OF
CARLSBAD CODE OF ORDINANCES
REGARDING PENALTY ASSESSMENTS FOR
THE NEW MEXICO UNIFORM TRAFFIC
ORDINANCE, 2010 COMPILATION**

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 amended Section 50-3(a) of the City of Carlsbad Code of Ordinances regarding the penalty assessments for certain offenses under the Uniform Traffic Ordinance when it adopted Ordinance 2022-12.

WHEREAS, certain errors were discovered in three penalty assessments, to wit: Ordinance 12-6-1.2(A)(2)(3)(7) Speed limits above 35 was listed at \$250 and should have been raised to \$380; Ordinance 12-6-4.3 Vehicles entering stop or yield intersections was listed at \$100 and should have been raised to \$140; and Ordinance 12-10-1.7 Tail Lamps was listed at \$30 and should have been raised to \$70. In addition, 12-10-1.7 Tail Lamps was listed a second time at the end of the list of penalty assessments and should be deleted.

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

1. Ordinance 2022-12 is corrected as shown below and 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 continues to use 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>
Obedience to required traffic-control devices	12-5-3	\$140.00
Lights and their application to vehicles and pedestrians	12-5-6	\$140.00
Flashing signals	12-5-8	\$80.00
Speed limits - in a school or construction zone	12-6-1.2(A)(1) and (4)	

Proposed Changes to the Penalty Assessment List

Fines for the following offenses are proposed to be increased as stated:

Ordinance 12-6-1.2(A) (2) (3) (7) Speed Limits above 35 was listed at \$250 and should have been raised to \$380

Ordinance 12-6-4.3 Vehicles Entering Stop or Yield Intersections was listed at \$100 and should have been raised to \$140

Ordinance 12-10-1.7 Tail Lamps was listed at \$30 and should have been raised to \$70

Most of the other penalty assessments are an increased fine of about \$40.

(1) Up to and including 10 miles per hour above the speed limit		\$115.00
(2) Above 10 and up to and including 15 miles per hour above the speed limit		\$175.00
(3) Above 16 and up to and including 20 miles per hour above the speed limit		\$240.00
(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		\$360.00
(6) Above 31 and up to and including 35 miles per hour above the speed limit		\$420.00
(7) Above 35 above the speed limit		\$500.00
Speed limits:	12-6-1.2(A)(2) and (3)	
(1) Up to and including 10 miles per hour above the speed limit		\$90.00
(2) Above 10 and up to and including 15 miles per hour above the speed limit		\$115.00
(3) Above 15 and up to and including 20 miles per hour above the speed limit		\$140.00
(4) Above 20 and up to and including 25 miles per hour above the speed limit		\$190.00
(5) Above 25 and up to and including 30 miles per hour above the speed limit		\$280.00
(6) Above 30 and up to and including 35 miles per hour above the speed limit		\$340.00
(7) Above 35 above the speed limit		\$380.00
Minimum speed regulation	12-6-1.5	\$90.00
Special speed limitations	12-6-1.7	\$115.00
Drive on right side of street	12-6-2.1	\$70.00
Passing vehicles proceeding in opposite direction	12-6-2.2	\$80.00
Overtaking vehicle on the left	12-6-2.3	\$80.00
Limitations on overtaking on the left	12-6-2.4	\$80.00
Limitations on driving left of center of street	12-6-2.5	\$70.00
When overtaking on the right is permitted	12-6-2.6	\$80.00
No-passing zones and restrictions on passing	12-6-2.7	\$80.00

Obedience to signs designating one-way streets and alleys	12-6-2.9	\$70.00
Rotary traffic islands	12-6-2.10	\$70.00
Driving on streets laned for traffic	12-6-2.12	\$70.00
Following too closely	12-6-2.13	\$140.00
Driving on divided streets	12-6-2.14	\$90.00
Controlled access	12-6-2.15	\$70.00
Restrictions on use of controlled-access streets	12-6-2.16	\$70.00
Vehicle approaching or entering intersection	12-6-4.1	\$115.00
Vehicles turning left at intersection	12-6-4.2	\$140.00
Vehicles entering stop or yield intersections	12-6-4.3	\$140.00
Required position and method of turning at intersection	12-6-5.1	\$115.00
Turning on curve or crest of grade prohibited	12-6-5.6	\$115.00
Starting parked vehicle	12-6-5.7	\$70.00
Turning and stopping movements and required signals	12-6-5.8	\$115.00
Signals by hand and arm or signal device	12-6-5.9	\$115.00
Method of giving hand and arm signals	12-6-5.10	\$70.00
Stopping, standing or parking prohibited in specified places	12-6-6.1	\$75.00
Additional parking regulations	12-6-6.2	\$75.00
Stopped or parked vehicles not to interfere with other traffic	12-6-6.3	\$75.00
Parking prohibited on narrow streets	12-6-6.8	\$60.00
Stopping, standing or parking outside of business or res. distr.	12-6-6.14	\$75.00
Emerging from alley, building, driveway or private road	12-6-7.1	\$140.00
Stopping for school bus	12-6-7.3	\$340.00
Approach of authorized emergency vehicle	12-6-7.4	\$360.00
Railroad-highway grade crossing violations - all drivers	12-6-7.5	\$140.00
All vehicles must stop at certain railroad grade crossings	12-6-7.6	\$140.00
Railroad-highway grade crossing violations - certain vehicles	12-6-7.7	\$140.00
Moving heavy equipment at railroad grade crossings	12-6-7.8	\$140.00
Slow-moving vehicle identification	12-6-11.2	\$70.00
Careless driving	12-6-12.4	\$200.00
Operators and chauffeurs must be licensed	12-6-12.5	\$180.00

Unattended motor vehicle	12-6-12.8	\$75.00
Limitations on backing	12-6-12.9	\$115.00
Obstruction to driver's view or driving mechanism	12-6-12.10	\$70.00
Cell phone use	12-6-12.18(F)	\$340.00
Permitting unlicensed minors to drive	12-6-12.23(A)	\$180.00
Destructive or injurious material on roadway	12-6-13.5	\$500.00
Boarding or alighting from vehicles	12-6-13.7	\$115.00
Improper opening of doors	12-6-13.8	\$70.00
Occupied moving house trailer	12-6-13.9	\$70.00
Use of child passenger restraint devices	12-6-13.12	\$140.00
Mandatory use of seatbelts	12-6-13.13	\$150.00
Littering	12-6-13.15	\$500.00
Pedestrians obedience to traffic-control devices & regulations	12-6-14.1	\$70.00
Pedestrians soliciting rides or business	12-6-14.6	\$70.00
Drivers to exercise due care	12-6-14.8	\$150.00
Parking in designated disabled parking spaces	12-9-9	\$240.00
Prohibited acts / Improper equipment	12-10-1.1	\$80.00
Vehicles to be in safe condition / Improper equipment	12-10-1.2	\$140.00
When lighted lamps are required	12-10-1.3	\$70.00
Head lamps on motor vehicles	12-10-1.5	\$70.00
Dimming of lights	12-10-1.6	\$70.00
Tail lamps	12-10-1.7	\$70.00
Mufflers - prevention of noise - emission control devices	12-10-1.10	\$150.00
Lamp or flag on projecting load	12-10-1.11	\$80.00
Windshield must be unobstructed and equipped with wipers	12-10-1.12	\$90.00
Sun screening material on windshields and windows	12-10-1.12A	\$190.00
Use of multiple beam road lighting equipment	12-10-1.40	\$80.00
Emergency signals - disabled vehicle	12-10-1.48	\$70.00
Non-emergency signals - stopped or parked vehicles	12-10-1.49	\$70.00
Emergency signals - flame producing	12-10-1.50	\$70.00

Emergency signals - dangerous cargoes	12-10-1.51	\$70.00
Display of current valid registration plate	12-10-4	\$70.00
Evidence of registration to be signed and exhibited on demand	12-10-5	\$70.00
Mandatory financial responsibility	12-10-6	\$340.00

(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 24th day of January, 2023.



Madina Mireles
CITY CLERK

DALE JANWAY, MAYOR

Dale Janway