

NOTICE

**ORDINANCE NO. 2000-10A WAS
REPEALED ON NOVEMBER 4, 2009
AND IS NOW ORDINANCE NO. 2009-04**

ORDINANCE NO. 2000 - 10A

AN ORDINANCE OF THE TOWN OF EDGEWOOD;
ADOPTING BY REFERENCE CERTAIN PROVISIONS
OF THE NEW MEXICO MOTOR VEHICLE CODE
SAID CODE ADOPTED AS MAY BE AMENDED
FROM TIME TO TIME BY THE NEW MEXICO LEGISLATURE;
PROVIDING FOR VIOLATIONS OF TRAFFIC
RULES; PROVIDING FOR PENALTY ASSESSMENTS;
AND PROVIDING FOR PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
EDGEWOOD, NEW MEXICO:

SECTION 1. CODE ADOPTED BY REFERENCE

Except as otherwise provided in this Ordinance, the following provisions of the
New Mexico Motor Vehicle Code are adopted by reference:

§66-1-4.1 NMSA 1978 thru §66-1-4.21 NMSA 1978
§66-3-701 NMSA 1978 thru §66-3-707 NMSA 1978
§66-3-801 NMSA 1978 thru §66-3-887 NMSA 1978
§66-3-901 NMSA 1978
§66-3-1001 NMSA 1978 thru §66-3-1016 NMSA 1978
§66-3-1101 NMSA 1978
§66-5-1.1 NMSA 1978 thru §66-5-409 NMSA 1978
§66-7-1 NMSA 1978 thru §66-7-7 NMSA 1978
§66-7-10 NMSA 1978
§66-7-104 NMSA 1978 thru §66-7-109 NMSA 1978
§66-7-201 NMSA 1978 thru §66-7-213 NMSA 1978
§66-7-301 NMSA 1978 thru §66-7-303 NMSA 1978
§66-7-305 NMSA 1978 thru §66-7-306 NMSA 1978
§66-7-308 NMSA 1978 thru §66-7-373 NMSA 1978
§66-7-401 NMSA 1978 thru §66-7-416 NMSA 1978
§66-8-1 NMSA 1978 thru §66-8-3.1 NMSA 1978
§66-8-8 NMSA 1978
§66-8-10 NMSA 1978
§66-8-102 NMSA 1978 thru §66-8-121 NMSA 1978
§66-8-123 NMSA 1978 thru §66-8-126 NMSA 1978
§66-8-138 NMSA 1978 and §66-8-139 NMSA 1978
§66-9-1 NMSA 1978 thru §66-9-13 NMSA 1978

being a portion of the New Mexico Motor Vehicle Code, as amended, and as may be amended from time to time by the New Mexico Legislature is adopted by reference pursuant to Section 3-17-6A, NMSA 1978.

SECTION 2. IMMEDIATE APPEARANCE BEFORE MUNICIPAL JUDGE

Whenever any person is arrested for any violation of this Ordinance relating to motor vehicles punishable as a misdemeanor, he shall be immediately taken before the Municipal Judge or the alternate Municipal Judge in his absence when the:

- A. person requests immediate appearance;
- B. person is charged with driving while under the influence of intoxicating liquor or narcotic drugs;
- C. person is charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;
- D. person is charged with reckless driving;
- E. person refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; or
- F. person is charged with driving when his privilege to do so was suspended or revoked pursuant to Section 66-8-111 NMSA 1978 as amended or pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs.

SECTION 3. ALL TRAFFIC CITATIONS TO CONFORM

A. The uniform traffic citation shall be used in enforcing this Ordinance relating to motor vehicles. In addition to any fine or imprisonment described in Section 6 of this Ordinance, there is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term or any ordinance relating to the operation of a motor vehicle the following mandatory fees:

- (1) a corrections fee of ten dollars (\$10.00);
- (2) a judicial education fee of one dollar (\$1.00); and
- (3) a court automation fee of six dollars (\$6.00).
- (4) and in the event of a conviction for driving while intoxicated, a fee of seventy-five dollars (\$75.00).

As used in this Ordinance, "convicted" means the defendant has been found guilty of a criminal charge by the Municipal Judge, either after the trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial.

All corrections fees collected shall be deposited in a special fund in the Town treasury for use by the Town only for Town jailer training, the construction planning, construction, operation and maintenance of the Town jail, for paying the costs of housing the Town's prisoners in other detention facilities in the state or complying with match or contribution requirements for the receipt of federal funds relating to jails.

All judicial education fees collected shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of benchbooks and other written materials, of municipal judges and other municipal court personnel.

All court automation fees collected shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation system shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council.

All driving while intoxicated fees shall be remitted to the traffic safety fund.

B. All penalty assessments authorized by this ordinance shall be processed by the municipal court, and all fines and fees collected shall be deposited in the treasury of the Town. A copy of each penalty assessment processed shall be forwarded to the motor vehicle division within ten days of completion of local processing for posting to the driver's records. With the prior approval of the director of the motor vehicle division, the required information may be submitted to the division by electronic means in lieu of forwarding copies of the penalty assessments.

C. The uniform traffic citation used as a notice to appear is a valid complaint, though not verified.

D. Citations under this Ordinance may be to the section number of the Motor Vehicle Code herein adopted by reference.

SECTION 4. RECORD OF TRAFFIC CASES.

A. The Town Municipal Judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.

B. Within ten days of the later of entry of judgment and sentence or failure to appear on a charge of violating this ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, the Municipal Judge shall prepare and forward to the Motor Vehicle Department an abstract of the record containing:

- (1) the name and address of the defendant;
- (2) the specific section number and common name of the provision of the NMSA 1978 or ordinance or regulation under which the defendant was tried;
- (3) the plea, finding of the court and disposition of the charge, including fine or jail sentence or both, forfeiture of bail or dismissal of the charge;
- (4) an itemization of costs assessed to the defendant;
- (5) the date of the hearing;
- (6) the court's name and address;
- (7) whether the defendant was a first or subsequent offender; and
- (8) whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.

C. The abstract of record prepared and forwarded under B. shall be certified as correct by the person required to prepare it. With the prior approval of the Motor Vehicle Department, the information required by B. may be transmitted electronically to the department. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.

D. When the uniform traffic citation is used, the court shall provide the information required by B. of this section in the manner prescribed by the Motor Vehicle Department.

E. The failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.

SECTION 5. ILLEGAL CANCELLATION; AUDIT OF CITATION RECORDS

A. Any person who cancels or solicits the cancellation of any uniform traffic citation other than as provided in the Motor Vehicle Code [Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978] is guilty of a misdemeanor.

B. Every record of uniform traffic citations required by this Ordinance shall be audited monthly by the appropriate fiscal officer of the Town of Edgewood.

C. The fiscal officer of the Town of Edgewood shall publish an annual summary of all traffic violation notices issued by the Town of Edgewood.

SECTION 6. PENALTY FOR MISDEMEANOR

A. It is a misdemeanor for any person to violate any provision of this Ordinance.

B. Unless another penalty is specified in this Ordinance, every person convicted of a misdemeanor for violation of any provision of this Ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety days or both.

C. For violations prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) or imprisonment for not more than one hundred and seventy-nine (179) days or both.

SECTION 7. ORDINANCE AVAILABLE FOR INSPECTION

A copy of the New Mexico Motor Vehicle Code as amended is available for inspection during the municipal clerk's normal and regular business hours at _____, Town Hall, Town of Edgewood.

SECTION 8. COPIES OF ORDINANCE – PURCHASE

A copy of the Town of Edgewood, New Mexico Traffic Ordinance, as amended, may be purchased from the Town Clerk at a cost of \$2.50 for this Ordinance and a cost of \$50.00 for a copy of all the sections of the Motor Vehicle Code adopted by reference.

SECTION 9. EFFECTIVE DATE

This Ordinance shall be effective five days after publication as provided by law.

SECTION 10. SEVERABILITY

Should any section, paragraph, clause or provision of this Ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such

section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, APPROVED AND ADOPTED this 15th day of March, 2000.

TOWN OF EDGEWOOD, NEW MEXICO

Larry Keaty
Honorable Larry Keaty, Mayor

ATTEST:

Karen Alarid
Karen Alarid
Town Clerk

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