

NOTICE

**ORDINANCE NO. 2009-04 WAS
REPEALED ON SEPTEMBER 17, 2014
AND IS NOW ORDINANCE NO. 2014-08**

ORDINANCE NO. 2009-04

AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY THE TOWN OF EDGEWOOD; 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 Town of Edgewood Penalty Assessment Program.

SECTION 2.

A. As used in the New Mexico Uniform Traffic Ordinance adopted by the Town of Edgewood, 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> |
|--|--------------------------------|----------------------------------|
| Flashing Signals | 12-5-8 | \$15.00 |
| Speed Regulations | 12-6-1 | |
| 1) Up to and including 10 miles an hour over the speed limit | | \$15.00 |
| 2) From 11 up to and including 15 miles an hour over the speed limit | | \$30.00 |
| 3) From 16 up to and including 20 miles an hour over the speed limit | | \$65.00 |
| 4) From 21 up to and including 25 miles an hour over the speed limit | | \$100.00 |
| 5) From 26 up to and including 30 miles an hour over the speed limit | | \$125.00 |
| 6) From 31 up to and including 35 miles an hour over the speed limit | | \$150.00 |
| 7) More than 35 miles an hour over the speed limit | | \$200.00 |

| COMMON NAME OF OFFENSE | SECTION VIOLATED | PENALTY ASSESSMENT |
|---|-------------------------|---------------------------|
| Minimum Speed Regulations | 12-6-1.5 | \$10.00 |
| Overtaking a Vehicle on the Left | 12-6-2.3 | \$10.00 |
| Limitations on overtaking on Left | 12-6-2.4 | \$10.00 |
| No Passing Zones & Restrictions... | 12-6-2.7 | \$10.00 |
| Following too closely | 12-6-2.13 | \$10.00 |
| Driving on divided streets | 12-6-2.14 | \$10.00 |
| Vehicle approaching or entering intersection | 12-6-4.1 | \$10.00 |
| Vehicle turning left at intersection | 12-6-4.2 | \$10.00 |
| Vehicle entering Stop or yield intersection | 12-6-4.3 | \$10.00 |
| Limitations on turning around | 12-6-5.5 | \$10.00 |
| Starting parked vehicle | 12-6-5.7 | \$10.00 |
| Turning & stopping movements & required signals | 12-6-5.8 | \$10.00 |
| Stopping, standing & parking | 12-6-6 | \$ 5.00 |
| Special stops required | 12-6-7 | \$10.00 |
| Stopping for school bus | 12-6-7.3 | \$100.00 |
| Failure to stop at railroad-highway grade crossing | 12-6-7.7 | \$150.00 |
| Operators & Chauffeurs must be licensed | 12-6-12.5 | \$10.00 |
| Limitations on backing | 12-6-12.9 | \$10.00 |
| Child not in restraint device or safety belt | 12-6-13.12 | \$25.00 |
| Mandatory use seat belts | 12-6-13.13 | \$25.00 |
| Possession or consumption of alcoholic beverages in open containers-1 st Offense | 12-6-13.14 | \$25.00 |
| Destructive or injurious material on roadway | 12-6-13.5 | \$100.00 |
| Littering | 12-6-13.15 | \$300.00 |
| Pedestrian violation | 12-6-14 | \$10.00 |
| Drivers to exercise due care | 12-6-14.8 | \$10.00 |
| When lighted lamps are required | 12-10-1.3 | \$10.00 |
| Headlamps on vehicles | 12-10-1.5 | \$10.00 |
| Dimming of lights | 12-10-1.6 | \$10.00 |
| Tail lamps | 12-10-1.7 | \$10.00 |
| Mufflers, prevention of noise | 12-10-1.10 | \$10.00 |
| Lamp or flag on projecting load | 12-10-1.11 | \$10.00 |
| Display of current valid registration plate | 12-10-4 | \$10.00 |
| Evidence of registration to be signed & exhibited on demand | 12-10-5 | \$10.00 |

- B. The term "penalty assessment" 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.

SECTION 3. PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT

- A. Unless a warning notice is given, at the time of making an arrest for a 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 Edgewood Municipal Court within 30 days from the date of arrest. The 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 sufficient receipt.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

SECTION 4. 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 fail to do so within 30 days from the date of arrest.

- C. 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.

SECTION 5. SEVERABILITY

- A. If any section, subsection, sentence, clause, phrase or any portion of this ordinance if 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.

SECTION 6. ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. (Ordinance No. 2000-10A)

SECTION 7. EFFECTIVE DATE


This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED, APPROVED and ADOPTED this 4th day of NOVEMBER, 2009.



Honorable Robert Stearley, Mayor

ATTEST:



Stefanie Muller, Clerk-Treasurer