

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY OF LOVINGTON, NEW MEXICO AMENDING TITLE 10, CHAPTER 10.04 – UNIFORM TRAFFIC CODE; ADOPTING THE 2018 AMENDMENTS BY REFERENCE; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO THAT TITLE 10, CHAPTER 10.04 BE AND HEREBY IS AMENDED AS FOLLOWS:

10.04.010 Adoption

The 2010 compilation of the New Mexico Uniform Traffic Ordinance, comprising of section 12-1-1 through 12-13-6 inclusive, and all changes through July 1, 2018, are herewith adopted by reference, pursuant to Section 3-17-6 N.M.S.A, 1978.

10.04.020 Penalty Assessment Program

- A. As used in the Uniform Traffic Ordinance, a penalty assessment program is hereby adopted.
- B. A “penalty assessment misdemeanor” means violation of any of the following listed sections of the Uniform Traffic Ordinance for which, except as provided in Subsection E of this section, the listed penalty assessment is established:

Common Name of Offense	Section Violated	Penalty Assessment
Obedience to Officers	12-3-2	\$50.00
Use of Coaster Wagons and Similar Devices	12-3-6	\$45.00
Obedience to Required Traffic Control Device	12-5-3	\$45.00
Red Light	12-5-6	\$45.00
Pedestrian Control Signals	12-5-7	\$45.00
Flashing Signals	12-5-8	\$45.00
Lane Control Signals	12-5-9	\$45.00
Display of Unauthorized Signs, Signals or Markings	12-5-10	\$45.00
Interference with Official Traffic Control Devices or Railroad Signals	12-5-11	\$45.00
Traffic Lanes	12-5-14	\$45.00
Basic (Speeding) Rule	12-6-1.1	\$50.00

Common Name of Offense	Section Violated	Penalty Assessment
Speed Limits	12-6-1.2	
(1) Up to and including 10 miles per hour above the speed limit		\$45.00
(2) From 11 and up to and including 15 miles per hour above the speed limit		\$60.00
(3) From 15 and up to and including 20 miles per hour above the speed limit		\$95.00
(4) From 21 and up to and including 25 miles per hour above the speed limit		\$130.00
(5) From 26 and up to and including 30 miles per hour above the speed limit		\$155.00
(6) From 31 and up to and including 35 miles per hour above the speed limit		\$180.00
Minimum Speed Regulation	12-6-1.5	\$45.00
Special Speed Limitations	12-6-1.7	\$45.00
Improper Passing	12-6-2.1 through 12-6-2.7	\$45.00
Obedience to Signs Designating One-Way Streets and Alleys	12-6-2.9	\$45.00
Rotary Traffic Islands	12-6-2.10	\$45.00
Driving on Streets Laned for Traffic	12-6-2.12	\$45.00
Following Too Closely	12-6-2.13	\$45.00
Driving on Divided Streets	12-6-2.14	\$45.00
Controlled Access Violation	12-6-2.15 through	\$45.00
Failure to Yield	12-6-4.1 through	\$45.00
Vehicles Entering Stop or Yield Intersections	12-6-4.3	\$45.00
Improper Turning	12-6-5.1 through	\$45.00
Starting Parked Vehicle	12-6-5.7	\$45.00
Turning and Stopping Movements and Required Signals	12-6-5.8	\$45.00
Signals by Hand and Arm or Signal Device	12-6-5.9 through 12-6-5.10	\$45.00
Parking Violations	12-6-6.1 through 12-6-6.14	\$25.00
Emerging from Alley, Building, Driveway or Private Road	12-6-7.1	\$45.00
Stop When Traffic Obstructed	12-6-7.2	\$45.00
Stopping for School Bus	12-6-7.3	\$150.00
Operation of Vehicle on Approach of Emergency Vehicle	12-6-7.4A	\$80.00

Common Name of Offense	Section Violated	Penalty Assessment
Railroad Grade Crossing Violations	12-6-7.5 through 12-6-7.8	\$45.00
Stopping, Standing or Parking in Passenger Curb Loading Zone	12-6-8.3	\$25.00
Stopping, Standing or Parking in Freight Curb Loading Zone	12-6-8.4	\$25.00
Stopping, Standing and Parking of Busses and Taxicabs	12-6-9.3	\$25.00
Restricted Use of Bus and Taxicab Stands	12-6-9.4	\$25.00
Operation Without Oversize-Overweight Permit	12-6-11.1	\$80.00
No Slow-Moving Vehicle Emblem or Flashing Amber Light	12-6-11.2	\$25.00
Operators and Chauffeurs Must Be Licensed	12-6-12.5 A, B, C	\$70.00
Unattended Motor Vehicle	12-6-12.8	\$45.00
Limitations on Backing	12-6-12.9	\$45.00
Obstruction to Driver's View or Driving Mechanism	12-6-12.10	\$45.00
Restriction on Use of Television in Motor Vehicles	12-6-12.11	\$45.00
Coasting Prohibited	12-6-12.12	\$45.00
Following Fire Apparatus Prohibited	12-6-12.13	\$115.00
Crossing Fire Hose Prohibited	12-6-12.14	\$115.00
Driving Through Safety Zones Prohibited	12-6-12.15	\$45.00
Vehicles Shall Be Driven Only on Streets, Private Roads, and Driveways	12-6-12.16	\$45.00
Driving on Sidewalk and Private Property	12-6-12.17	\$45.00
Prohibited Activities While Driving	12-6-12.18	\$80.00
Processions	12-6-12.20	\$45.00
Offenses by Persons Owning or Controlling Vehicles	12-6-12.22	\$70.00
Permitting Unauthorized Persons to Drive	12-6-12.23	\$70.00
Unlawful Riding	12-6-13.2	\$45.00
Unhitched Trailer on Street	12-6-13.3	\$45.00
Littering	12-6-13.5	\$300.00
Trains and Buses Not to Obstruct Streets	12-6-13.6	\$45.00
Boarding or Alighting from Vehicles	12-6-13.7	\$45.00
Improper Opening of Doors	12-6-13.8	\$25.00
Occupied Moving House Trailer	12-6-13.9	\$25.00
Animals on Street	12-6-13.10	\$25.00

Common Name of Offense	Section Violated	Penalty Assessment
Driving on Steep Grades	12-6-13.11	\$45.00
Child Restraint	12-6-13.12	\$45.00
Seat Belts	12-6-13.13	\$45.00
Open Container (1st Offense)	12-6-13.14	\$45.00
Pedestrian Obedience to Traffic Control Devices and Regulations	12-6-14.2 through 12-6-14.7	\$45.00
Drivers to Exercise Due Care	12-6-14.8	\$100.00
Electric Personal Assistive Mobility Devices	12-6-16	\$10.00
Prohibited Use of Electronic Device While Driving (First Offense)	12-6-18	\$80.00
Prohibited Use of Electronic Device While Driving (Second and Subsequent Offense)	12-6-18	\$130.00
Operating Motorcycles on Streets Laned for Traffic	12-7-2	\$45.00
Clinging to Other Vehicles	12-7-3	\$45.00
Riding on Motorcycles	12-7-4	\$45.00
Eye Protective Devices or Windshields	12-7-5	\$45.00
Mandatory Use of Protective Helmets	12-7-6	\$300.00
Footrests and Handlebars	12-7-7	\$45.00
Motorcycle Maneuverability	12-7-8	\$45.00
Off-Highway Motor Vehicles - Registration; Plate Requirement	12-7-9.1	\$25.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	12-7-9.2 A, B, C, D	\$210.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	12-7-9.2 E	\$60.00
Driving of Off-Highway Motor Vehicles Adjacent to Streets	12-7-9.3	\$20.00
Operation of Off-Highway Motor Vehicles on Private Lands	12-7-9.4	\$20.00
Off-Highway Motor Vehicle Safety Permit; Requirements, Issuance	12-7-9.8	\$60.00
Operating and Equipment - Safety Requirements	12-7-9.9 A (1, 12)	\$210.00
Operating and Equipment - Safety Requirements	12-7-9.9 A (3, 4, 5, 6, 9) B, C, D	\$110.00
Operating and Equipment - Safety Requirements	12-7-9.9A (7)	\$60.00

Common Name of Offense	Section Violated	Penalty Assessment
Operating and Equipment - Safety Requirements	12-7-9.9A (8, 11) E	\$20.00
Mopeds - Standards	12-7-10	\$45.00
Operation of Bicycles	12-8-3 through 12-8-12	\$25.00
Handicap Parking	12-9-9	\$500.00
Improper Equipment	12-10-1.1 through 12-10-1.51, exclud-	\$45.00
Sun Screening Material on Windshields and Windows	12-10-1.12.1	\$75.00
Restrictions Upon Use of Streets by Certain Vehicles	12-10-3.1	\$45.00
Minimum Vehicle Size	12-10-3.2	\$45.00
Projecting Loads on Passenger Vehicles	12-10-3.3	\$50.00
Special Projecting Load Limits	12-10-3.4	\$45.00
Trailers and Towed Vehicles	12-10-3.5	\$45.00
Width of Vehicles	12-10-3.6	\$45.00
Height and Length of Vehicles and Loads	12-10-3.7	\$45.00
Display of Current Valid Registration Plate	12-10-4	\$60.00

- C. 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.
- D. 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.
- E. The penalty assessment for speeding in violation of Section 12-6-1.2(A)(4), regarding speeding in a construction or safety zone posted as a double fine zone, shall be twice the penalty assessment for speeding for the equivalent miles per hour over the speed limit set out under the adopted penalty assessment program contained herein.
- F. 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.

10.04.030 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 or in person to the Lovington Municipal Court, 214 S. Love Street, Lovington, New Mexico 88260. Payment of any penalty assessment must be made within thirty (30) days from the date of arrest. Payments of penalty assessments are timely if postmarked within thirty (30) days from the date of arrest. Payments made by mail must be made by money order or certified check. Payments made in person may be made using cash, money order, or certified check.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

10.04.040 Failure to Pay Penalty Assessment

- A. If a penalty assessment is not paid within thirty (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 provide 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 part A of this Section, it is a misdemeanor for any person who has elected to pay a penalty assessment to failure to do so within thirty (30) days from the date of arrest.
- C. The Lovington 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 Lovington 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.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON ON THE 8TH DAY OF OCTOBER, 2018.

David Trujillo, Mayor

ATTEST:

Anna Juarez, City Clerk