

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE CITY OF LOVINGTON MUNICIPAL CODE TITLE 1 GENERAL PROVISIONS, CHAPTER 1.08, CHAPTER 1.16, AND CHAPTER 1.20; TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.44; TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.40 AND CHAPTER 5.52; TITLE 6 ANIMALS, CHAPTER 6.04 AND CHAPTER 6.08; TITLE 8 HEALTH AND SAFETY, CHAPTER 8.16 AND CHAPTER 8.20; TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE, CHAPTER 9.04, CHAPTER 9.16, CHAPTER 9.20, AND CHAPTER 9.28; TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.04; TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.08 AND 12.16; TITLE 13 PUBLIC SERVICES, CHAPTER 13.12; TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.16; AND TITLE 17 CODE ENFORCEMENT, CHAPTER 17.08 AND CHAPTER 17.16; ADOPTED BY THE CITY OF LOVINGTON; 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.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO:

SECTION 10.04.010. ADOPTION.

This Ordinance may be cited as the City of Lovington Penalty Assessment Program. The Ordinance replaces penalty assessments previously established in Title 1 General Provisions; Title 2 Administration and Personnel; Title 5 Business Licenses and Regulations; Title 6 Animals; Title 8 Health and Safety; Title 9 Public Peace, Morals, and Welfare; Title 10 Vehicles and Traffic; Title 12 Streets, Sidewalks, and Public Places; Title 13 Public Services; Title 15 Buildings and Construction; and Title 17 Code Enforcement are herewith adopted by reference, pursuant to Section 3-17-6 NMSA, 1978.

SECTION 10.04.020. PENALTY ASSESSMENT PROGRAM.

- A. As used in the New Mexico Uniform Traffic Ordinance and other provisions adopted by the City of Lovington, New Mexico, and pursuant to NMSA 1978, 66-8-116, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance and other provisions contained in the Municipal Code that address penalty assessments, for which the listed penalty assessment is established:

SECTION 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 Municipal Court, City of Lovington, New Mexico within (30) thirty days from the date of arrest. Payments of penalty assessments are timely if postmarked within the time limits set from the date of arrest. The Municipal 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 10.04.040. FAILURE TO PAY PENALTY ASSESSMENT

- A. If a penalty assessment is not paid within thirty days from the date of arrest or citation, 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 and in accordance with this Ordinance, or other laws relating to penalty assessments 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 failure to do so within thirty 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 fine 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 fine is properly disposed of.

SECTION 10.04.050. SEVERABILITY

If any section, subsection, sentence, clause, phrase or any portion of this ordinance is 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 10.04.060. ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10.04.070. EFFECTIVE DATE

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

	Lovington Municipal Code	Applicable Violation	Penalty
GENERAL PROVISIONS			
Purpose of ordinances	1.08.010	1.08.010	\$500.00
General penalty designated	1.16.010	1.16.010	\$500.00
Maximum penalty	1.16.015	1.16.015	\$500.00
Mimumum penalty for repeat offences	1.16.030	1.16.030	\$500.00
Mandatory fees upon conviction for driving under the influence of intoxicating alcohol or drugs	1.20.020	1.20.020	\$500.00
Mandatory fees upon conviction for possession of marijuana	1.20.030	1.20.030	\$500.00
TRAFFIC VIOLATIONS			
False Alarm (1 ST Offense)	9.04.090	9.04.010	\$150.00
False Alarm (2 nd Offense)	9.04.090	9.04.010	\$300.00
Impersonating an Officer	9.04.090	9.04.030	\$500.00
Escape/Assist - Custody	9.04.090	9.04.070	\$500.00
Unlawful Noise	9.16.110	9.16.020	\$150.00
Discharge of Firearms	9.28.110	9.28.020	\$500.00
Air and BB Guns	9.28.110	9.28.030	\$74.00
Possess Prohibited Weapon	9.28.110	9.28.060	\$500.00
Obedience to Officers	10.04.020	12-3-2	\$74.00
Use of Coaster Wagons and Similar Devices	10.04.020	12-3-6	\$74.00
Acc. Inv. Death/Per Injury	10.04.020	12-4-1	\$329.00
Acc. Inv. Damage/Vehicle	10.04.020	12-4-2	\$329.00
Duty to Inform/Render Aid	10.04.020	12-4-3	\$329.00
Duty Upon Striking Vehicle	10.04.020	12-4-4	\$329.00
Duty Upon Striking Fixtures	10.04.020	12-4-5	\$74.00
Immediate Notice of Accident	10.04.020	12-4-6	\$74.00
False Report	10.04.020	12-4-9	\$329.00
Maintain Traffic Lane	10.04.020	12-5-14B	\$74.00
Obedience Traffic Control	10.04.020	12-5-3	\$74.00
Light and Their Application to Vehicles and Pedestrians A-F	10.04.020	12-5-6	\$74.00
Pedestrian Control Signal	10.04.020	12-5-7	\$74.00
Stop When Traffic Obstructed	10.04.020	12-5-7.2	\$74.00
Flashing Signals	10.04.020	12-5-8	\$74.00
Lane Control Signals	10.04.020	12-5-9	\$74.00
Display of Unauthorized Signs, Signals, or Marking	10.04.020	12-5-10	\$100.00
Interference with Official Traffic Control Devices or Railroad Signals	10.04.020	12-5-11	\$300.00
Traffic Lanes	10.04.020	12-5-14	\$74.00
Basic (Speeding) Rule	10.04.020	12-6-1.1	\$100.00
Speeding Limits Up to and Including 10 miles per hour	10.04.020	12-6-1.2	\$74.00
Speeding Limits 1) From 11 and Up to and Including 15 mph	10.04.020	12-6-1.2C(1)	\$89.00
Speeding Limits 2) From 15 and up to and including 20 mph	10.04.020	12-6-1.2C(2)	\$124.00
Speeding Limits 3) From 21 and up to and including 25 mph	10.04.020	12-6-1.2C(3)	\$159.00
Speeding Limits 4) From 26 and up to and including 30 mph	10.04.020	12-6-1.2C(4)	\$300.00
Speeding Limits 5) From 31 and up to and including 35 mph	10.04.020	12-6-1.2C(5)	\$300.00
Speeding Limits 6) Over 35 Miles mph	10.04.020	12-6-1.2C(6)	\$500.00
Construction Zone	10.04.020	12-6-1.3G	\$150.00
Minimum Speed Regulation (Limit)	10.04.020	12-6-1.5	\$100.00
Special Speed Limitations	10.04.020	12-6-1.7	\$74.00
Improper Passing	10.04.020	12-6-2.1	\$74.00
Obedience to Signs Designating One-Way Streets and Alleys	10.04.020	12-6-2.9	\$89.00
Rotary Traffic Islands	10.04.020	12-6-2.10	\$74.00

Driving on Streets Laned for Traffic	10.04.020	12-6-2.12	\$74.00
Following Too Closely	10.04.020	12-6-2.13	\$74.00
Driving on Divided Streets	10.04.020	12-6-2.14	\$74.00
Controlled Access Violation	10.04.020	12-6-2.15	\$74.00
Vehicles Shall Be Driven Only on Streets, Private Roads, and Driveways	10.04.020	12-6-4.1	\$74.00
Vehicle Approaching or Entering Intersection	10.04.020	12-6-4.1A-D	\$79.00
Vehicles Entering Stop or Yield Intersections	10.04.020	12-6-4.3A	\$74.00
Improper Turning	10.04.020	12-6-5.1	\$74.00
Position/Method/Turning	10.04.020	12-6-5.1	\$100.00
Obedience to Turn Signals	10.04.020	12-6-5.4	\$74.00
Starting Parked Vehicle	10.04.020	12-6-5.7	\$74.00
Turning and Stopping Movements and Required Signals	10.04.020	12-6-5.8	\$74.00
Signals by Hand and Arm or Signal Device	10.04.020	12-6-5.9	\$74.00
Parking Violations	10.04.020	12-6-6.1	\$100.00
Stopping, Standing, or Parking Prohibited in Specific Places	10.04.020	12-6-6.1	\$74.00
Additional Parking Reg.	10.04.020	12-6-6.2	\$100.00
Parking in Alley	10.04.020	12-6-6.4	\$100.00
Stopping for School Bus	10.04.020	12-6-7.3	\$179.00
Operation of Vehicle on Approach of Emergency Vehicle	10.04.020	12-6-7.4 A-C	\$500.00
Railroad Grade Crossing Violations	10.04.020	12-6-7.5	\$74.00
Train Crossing Signal	10.04.020	12-6-7.5	\$300.00
Stopping, Standing, or Parking in Passenger Curb Loading	10.04.020	12-6-8.3	\$74.00
Stopping, Standing, or Parking in Freight Curb Loading Zone	10.04.020	12-6-8.4	\$74.00
Stopping, Standing, or Parking of Busses and Taxicabs	10.04.020	12-6-9.3	\$74.00
Restricted Use of Bus and Taxicab Stands	10.04.020	12-6-9.4	\$74.00
School Crossing	10.04.020	12-6-10	\$74.00
Operation Without Oversize-Overweight Permit	10.04.020	12-6-11.1	\$500.00
Slow-Moving Vehicle Identification	10.04.020	12-6-11.2	\$74.00
Offenses by Persons Owning or Controlling Vehicles	10.04.020	12-6-12.2.2	\$129.00
Reckless Driving	10.04.020	12-6-12.3	\$500.00
Careless Driving (1 st Offense)	10.04.020	12-6-12.4	\$300.00
Careless Driving (2 nd Offense)	10.04.020	12-6-12.4	\$500.00
Operators and Chauffeurs Must be Licensed	10.04.020	12-6-12.5 A, B, C	\$99.00
Unlawful Use of License	10.04.020	12-6-12.6	\$300.00
Unattended Motor Vehicle	10.04.020	12-6-12.8	\$74.00
Limitations on Backing	10.04.020	12-6-12.9	\$74.00
Restriction on Use of Television in Motor Vehicles	10.04.020	12-6-12.11	\$100.00
Coasting Prohibited	10.04.020	12-6-12.12	\$74.00
Following Fire Apparatus Prohibited	10.04.020	12-6-12.13	\$144.00
Crossing Fire Hose Prohibited	10.04.020	12-6-12.14	\$144.00
Driving Through Safety Zones Prohibited	10.04.020	12-6-12.15	\$74.00
Driving on Sidewalk and Private Property	10.04.020	12-6-12.17	\$74.00
Prohibited Activities While Driving	10.04.020	12-6-12.18	\$89.00
Racing on Streets (1 st Offense)	10.04.020	12-6-12.19	\$150.00
Racing on Streets (2 nd Offense)	10.04.020	12-6-12.19	\$300.00
Processions	10.04.020	12-6-12.20	\$74.00
Unauthorized Person Driving	10.04.020	12-6-12.23	\$150.00
Permitting Unauthorized Persons to Drive	10.04.020	12-6-12.23	\$99.00
Party Unlawful Act	10.04.020	12-6-12.24	\$100.00
Unlawful Riding	10.04.020	12-6-13.2	\$74.00
Unhitched Trailer on Street	10.04.020	12-6-13.3	\$74.00
Littering	10.04.020	12-6-13.5	\$329.00
Trains and Buses Not to Obstruct Streets	10.04.020	12-6-13.6	\$74.00

Boarding or Alighting from Vehicles	10.04.020	12-6-13.7	\$74.00
Improper Opening of Doors	10.04.020	12-6-13.8	\$74.00
Occupied Moving House Trailer	10.04.020	12-6-13.9	\$74.00
Driving on Steep Grades	10.04.020	12-6-13.11	\$74.00
Child Restraint	10.04.020	12-6-13.12	\$74.00
Seat Belts	10.04.020	12-6-13.13	\$74.00
Open Container (1 st Offense)	10.04.020	12-6-13.14	\$150.00
Open Container (2 nd Offense)	10.04.020	12-6-13.14	\$300.00
Pedestrian Obedience to Required Traffic Control Devices and Regulations	10.04.020	12-6-14.1	\$74.00
Drivers to Exercise Due Care	10.04.020	12-6-14.8	\$129.00
Electric Personal Assistive Mobility Devices	10.04.020	12-6-16	\$74.00
Prohibited Use of Electronic Device While Driving a Commercial Vehicle (1 st Offense)	10.04.020	12-6-18-A	\$150.00
Prohibited Use of Electronic Device While Driving a Commercial Vehicle (2 nd Offense and Subsequent Offense)	10.04.020	12-6-18-A	\$300.00
Texting While Driving (1 st Offense)	10.04.020	12-6-18-B	\$150.00
Texting While Driving (2 nd Offense)	10.04.020	12-6-18-B	\$300.00
Operating Motorcycles on Streets Laned for Traffic	10.04.020	12-7-2	\$79.00
Clinging to Other Vehicles	10.04.020	12-7-3	\$74.00
Riding on Motorcycles	10.04.020	12-7-4	\$74.00
Riding on Motorcycles/Moped	10.04.020	12-7-4B	\$100.00
Eye Protection Mandatory	10.04.020	12-7-5	\$150.00
Helmet Required Under 18 years	10.04.020	12-7-6	\$300.00
Mandatory Use of Protective Helmets	10.04.020	12-7-6	\$329.00
Footrests and Handlebars	10.04.020	12-7-7	\$74.00
Motorcycle Maneuverability	10.04.020	12-7-8	\$74.00
Off-Highway Motor Vehicle – Registration; Plate Requirement	10.04.020	12-7-9.1	\$150.00
Operation of Off-Highway Motor Vehicles on Streets or Highways	10.04.020	12-7-9.2	\$500.00
Driving of Off-Highway Motor Vehicles Adjacent to Streets	10.04.020	12-7-9.3	\$300.00
Operation of Off-Highway Motor Vehicles on Private Lands	10.04.020	12-7-9.4	\$100.00
Off-Highway Motor Vehicle Safety Permit; Requirement, Issuance	10.04.020	12-7-9.8	\$129.00
Operating and Equipment – Safety Requirements	10.04.020	12-7-9.9	\$100.00
Mopeds - Standards	10.04.020	12-7-10	\$74.00
Operation of Bicycles	10.04.020	12-8-3 to 12-8-12	\$79.00
Emergency Alley/Driveway/ETC.SIC	10.04.020	12-8-11	\$74.00
Handicap Parking	10.04.020	12-9-9	\$500.00
Improper Equipment	10.04.020	12-10-1.1	\$74.00
Windshield Unobstructed	10.04.020	12-10-1.12	\$74.00
Restriction Upon Use of Streets by Certain Vehicles	10.04.020	12-10-3.1	\$74.00
Minimum Vehicle Size	10.04.020	12-10-3.2	\$74.00
Projecting Loads on Passenger Vehicles	10.04.020	12-10-3.3	\$79.00
Special Projecting Load Limits	10.04.020	12-10-3.4	\$74.00
Trailers and Towed Vehicles	10.04.020	12-10-3.5	\$74.00
Width of Vehicles	10.04.020	12-10-3.6	\$74.00
Height and Length of Vehicles and Loads	10.04.020	12-10-3.7	\$74.00
Display of Current Valid Registration	10.04.020	12-10-4	\$99.00
Evidence of Registration on Demand	10.04.020	12-10-5	\$99.00
Mandatory Financial Responsibility	10.04.020	12-10-6	\$300.00
Sun Screening Material on Windshields and Windows (1 st Offense)	10.04.020	12-10-12	\$100.00
Sun Screening Material on Windshields and Windows (2 nd Offense)	10.04.020	12-10-12	\$150.00
Sun Screening Material on Windshields and Windows (3 rd Offense)	10.04.020	12-10-12	\$300.00
Failure to Obey Notice	10.04.020	12-12-7	\$129.00
Obstruction to Public Way	10.04.020	12-20-130	\$74.00

CODE ENFORCEMENT			
Permit License Required	5.40.120	5.40.120	\$500.00
RV/ MH Park-License to Operate Required	5.52.160	5.52.160	\$529.00
Preventing Trash from Scattering (1 st Offense)	8.16.030	8.16.060	\$329.00
Preventing Trash from Scattering (2 nd Offense)	8.16.030	8.16.060	\$429.00
Tall Weeds	8.16.030	8.16.130	\$79.00
Posting Notice Prohibited	8.16.030	8.16.220	\$100.00
Hazardous Accumulations (1 st Offense)	9.04.090	9.04.080	\$329.00
Hazardous Accumulations (2 nd Offense)	9.04.090	9.04.080	\$500.00
Unlawful Refuse Disposal (1 st Offense)	9.20.220	9.20.150	\$250.00
Unlawful Refuse Disposal (2 nd Offense)	9.20.220	9.20.150	\$300.00
Junk Automobiles	9.20.220	9.20.160	\$100.00
Stop/Park of Trucks, Trailers, other Vehicles Prohibited in Certain Places (1 st Offense)	12.08.160	12.08.060	\$329.00
Stop/Park of Trucks, Trailers, other Vehicles Prohibited in Certain Places (2 nd Offense)	12.08.160	12.08.060	\$500.00
Use of Alleys for Car Maintenance Prohibited	12.08.160	12.08.090	\$229.00
Overhang or Dangerous Trees	12.16.070	12.16.030	\$74.00
Tampering with Utilities (1 st Offense)	13.12.111	13.12.111	\$329.00
Tampering with Utilities (2 nd Offense)	13.12.111	13.12.111	\$500.00
Dilapidated Building Abatement (1 st Offense)	15.16.060	15.16.020	\$329.00
Dilapidated Building Abatement (2 nd Offense)	15.16.060	15.16.020	\$500.00
Permit Required	17.08.190	17.08.070	\$500.00
Off Street Park/Commercial Vehicle (1 st Offense)	17.16.090	17.16.080	\$300.00
Off Street Park/Commercial Vehicle (2 nd Offense)	17.16.090	17.16.080	\$500.00
Off Street Parking (1 st Offense)	17.16.090	17.16.080	\$329.00
Off Street Parking (2 nd Offense)	17.16.090	17.16.080	\$500.00
ANIMAL ENFORCEMENT			
Animal Nuisance	6.04.060	6.04.020	\$329.00
Wild or Vicious Animal	6.04.060	6.04.040	\$300.00
Rabies Vaccination	6.08.310	6.08.010	\$74.00
FIRE DEPARTMENT			
Fire Prevention Code	2.44.360	2.44.220	\$300.00
Fire Alarms	2.44.360	2.44.270	\$300.00
Burning Not Permitted	8.16.030	8.16.020	\$300.00
Fireworks Times of Usage	8.20.200	8.20.050	\$300.00

CITY OF LOVINGTON, NM MUNICIPAL CODE AMENDMENTS

Below is a list of the sections of the Lovington Municipal Code that will be amended concurrently with the adoption of the Penalty Assessments Schedule. Following the list are the sections showing the amendments, which are intended to remove and replace the previous penalties language with new language referencing the new Penalty Assessments Schedule. Where sections of the Municipal Code reference penalties but are not specific to the penalty amount, language has been added referencing the new Penalty Assessments Schedule.

TITLE 1 – GENERAL PROVISIONS

Chapter 1.08: Ordinances and Resolutions

Section 1.08.010 Purpose of ordinances

Sub-section C (1-3)

Chapter 1.16: General Penalty

Section 1.16.010 General penalty designated

Subsection A, B

Section 1.16.015 Maximum penalty

Sub-sections A, B, C

Section 1.16.030 Minimum penalty for repeated offences

Removed: Section 1.16.020 Mandatory fees collected upon conviction

Section 1.16.050 Credit towards fine for each day imprisoned.

Chapter 1.20: Mandatory Fees

Removed: Section 1.20.010 Mandatory fees

Section 1.20.020 Mandatory fees upon conviction for driving under the influence of intoxicating alcohol or drugs.

Sub-section A, B

Section 1.20.030 Mandatory fees upon conviction for possession of marijuana

Sub-section A, B

TITLE 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.44: Fire Department

Added: Table of Contents and Section 2.44.360 Violation-Penalty

TITLE 5 - BUSINESS LICENSES AND REGULATIONS

Chapter 5.40: Cannabis Regulation

Section 120 - Penalties

Chapter 5.52 Recreational Vehicle/Manufactured Home Parks

Section 5.52.160 Violation Penalty

TITLE 6 – ANIMALS

Chapter 6.04: General Provisions

Section 6.04.060 Violations-Penalties

Chapter 6.08: Dogs

Added: Table of Contents and Section 6.08.310 Violations-Penalties

TITLE 8 – HEALTH AND SAFETY

Chapter 8.16: Garbage, Refuse, Weeds, and Litter

Section 8.16.030 Violation-Penalties

Chapter 8.20: Article II. Fireworks in Periods of Drought

Added: Table of Contents and Section 8.20.200 Violation-Penalty

Changed: Chapter 8.20.200 to 8.20.210

TITLE 9 – PUBLIC PEACE, MORALS, AND WELFARE

Chapter 9.04: Offenses by or Against Public Officers and Government

Added: Table of Contents and Section 9.04.090 Violation-Penalty

Chapter 9.16: Offenses Against Public Peace

Added: Table of Contents and Section 9.16.110 Violation-Penalty

Chapter 9.20: Offenses Relating to Property

Added: Table of Contents and Section 9.20.220 Violation-Penalty

Chapter 9.28: Weapons

Added: Section 9.28.110 Violation-Penalty

TITLE 10 - VEHICLES AND TRAFFIC

Chapter 10.04: Uniform Traffic Code

Section 10.04.020 Penalty Assessments

Sub-section A, B, D, E, F and Replaced Offense/Violation Table

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapter 12.08: Street and Sidewalk Construction and Repair

Added 12.08.160 Table of Contents and Violation-Penalty

Chapter 12.16: Street Trees and Shrubs

Added 12.16.070 Table of Contents and Violation-Penalty

TITLE 13 PUBLIC SERVICES

Chapter 13.12: Rates, Billing and Collection

Section 13.12.111 Tampering with public utilities.

Sub-section F

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.16: Dangerous Buildings

Added: 15.16.060 Violation-Penalty

TITLE 17 - CODE ENFORCEMENT

Chapter 17.08: Administration

Section 17.08.190 Violation-Penalty.

Chapter 17.16: General Use Regulations

Added: Section 17.16.090 Violation-Penalty

LOVINGTON MUNICIPAL CODE AMENDMENTS

The following sections of the Municipal Code will be amended concurrently with the adoption of the Penalty Assessments Schedule.

TITLE 1 – GENERAL PROVISIONS

1.08.010 Purpose of ordinances.

The governing body may adopt ordinances or resolutions not inconsistent with the laws of New Mexico for the purpose of:

- A. Effecting or discharging the powers and duties conferred by law upon the municipality;
- B. Providing for the safety, preserving the health, promoting the prosperity, improving the morals, order, comfort and convenience of the municipality and its inhabitants;
- C. Enforcing obedience to the ordinances by prosecution in the municipal court and metropolitan courts and upon conviction, the imposition of:

1. Except for those violations of ordinances described in subdivisions 2 and 3 of this subsection, a ~~fine not to exceed the Penalty Assessment Schedule listed in Title 4 of not exceeding five hundred dollars~~ or by imprisonment not more than ninety days or both,

2. For a third and every subsequent conviction of violation of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a ~~fine not to exceed the Penalty Assessment Schedule listed in Title 4. fine of not more than one thousand dollars~~ or imprisonment for not more than ~~six months~~ninety days or both, and

3. For violations of an industrial user wastewater pretreatment ordinance as required by the United States Environmental Protection Agency, a ~~fine not to exceed the Penalty Assessment Schedule listed in Title 4. fine of not more than one thousand dollars~~ a day for each violation. (Amended during 1992 codification: prior code § 2-3-1)

1.16.010 General penalty designated.

A. Whenever in this code or any other ordinance or resolution of the municipality or any rule or regulation promulgated under the provisions of this code, any act is prohibited or declared to be unlawful or an offense or misdemeanor or the doing of any act required or failure to do any act is declared to be unlawful or an offense or a misdemeanor and no specific penalty is provided therefor, any person who ~~may shall~~ be convicted of the violation of any such provision of this code or other ordinance or resolution of the municipality enacted or of such rules and regulations ~~may shall~~ be punished by a fine not to exceed the Penalty Assessment Schedule listed in Title 4.

~~fine of not more than five hundred dollars~~ or by imprisonment in jail not exceeding ninety days or by both such fine and imprisonment.

B. Every day any violation of this code or any other ordinance or resolution of the municipality or any other rule or regulation promulgated under the provisions of this code is permitted to continue ~~may shall~~ constitute a separate offense. (Amended during 1992 codification: prior code § 5-2-12)

1.16.015 Maximum penalty.

Unless a lesser maximum penalty or a specified penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance ~~may shall~~ be as follows:

A. Except for those violations of ordinances described in subsections B and C of this section, a ~~fine of not to exceed the Penalty Assessment Schedule listed in Title 4 not more than five hundred dollars~~ or imprisonment for not more than ninety days or both;

B. For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, ~~a fine not to exceed the penalty assessment listed in Title 4 a fine of not more than nine hundred ninety-nine dollars~~ or imprisonment for not more than one hundred seventy-nine days or both; and

C. For violations of an industrial user wastewater pretreatment ordinance as required by the United States Environmental Protection Agency, a fine ~~not to exceed the Penalty Assessment Schedule listed in Title 4 of not more than nine hundred and ninety-nine dollars~~ a day for each violation. (Ord. 386 § 1, 1994)

~~1.16.020 Mandatory fees collected upon conviction.~~

~~In addition to any fine or imprisonment described in Section 1.16.015 of this chapter, 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 or a mandatory fine as listed in the Penalty Assessment Schedule as listed in Chapter XX to include the following : the following mandatory fees:~~

~~A. A corrections fee of ten dollars;~~

~~B. A judicial education fee of three dollars; and~~

~~C. A court automation fee of three dollars.~~

~~As used in this section, "convicted" means the defendant has been found guilty of a criminal charge by the municipal judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial. (Ord. 493, 2009; Ord. 386 § 2, 1994; Ord. 348, 1987; prior code § 5-2-13.1)~~

1.16.030 Minimum penalty for repeated offenses.

In any case where any section of this code or other ordinance of the city ~~may~~shall not provide the greater penalty for a second or subsequent conviction of a violation thereof, any person violating the same, who ~~may~~shall previously have been convicted of a violation thereof, ~~shall~~may be subject to a fine ~~not to exceed the Penalty Assessment Schedule listed in Title 4 of not less than ten dollars nor more than two hundred dollars for each offense~~; except that where the penalty provided by this code for a first violation thereof ~~may~~shall be larger than the penalty provided by this section, such larger penalty ~~may~~shall be applicable. (Prior code § 5-2-14)

1.16.050 Credit towards fine for each day imprisoned.

Whenever any person is committed to prison for nonpayment of any fine or costs, or both, he ~~may~~shall be credited ~~with a reduction of the fine based upon jail time served, with five dollars a day in reduction of the fine~~. When the person has remained imprisoned a sufficient length of time to extinguish the fine or costs, or both, computed at this rate, the officer having the prisoner in custody ~~may~~shall discharge him from custody under commitment. (Prior code § 5-2-16)

Chapter 1.20

MANDATORY FEES

Sections:

~~1.20.010 Mandatory fees.~~

1.20.020 Mandatory fees upon conviction for driving under the influence of intoxicating alcohol or drugs.

1.20.030 Mandatory fees upon conviction for possession of marijuana.

~~1.20.010 Mandatory fees.~~

~~A. 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 shall pay to the municipal court, in~~

~~addition to any other a mandatory fine as listed in the Penalty Assessment Schedule as listed in to include the following: r fine or other sentence, the following:~~

~~—1. A mandatory correction fee of ten dollars;~~

~~—2. A judicial correction fee of one dollar; and~~

~~—3. A municipal court automation fee of six dollars.~~

~~—B. The municipal court shall collect such fees and shall deposit the correction fee into a special municipal fund and remit the judicial correction fee and the municipal automation fees to the State Treasurer for credit to the judicial education fund, and to the municipal court automation fund.~~

~~(Ord. 414 (part), 1998; Ord. 376 § 1, 1993)~~

1.20.020 Mandatory fees upon conviction for driving under the influence of intoxicating alcohol or drugs.

Any person convicted of violation of Section 12-6-12.1 of the Uniform Traffic Code ~~shall~~ may be assessed and in addition to any other fees or fines:

A. A fine as listed in Title 4 Penalty Assessment Schedule.

~~fee of sixty-five dollars~~ to defray the costs of chemical and other tests used to determine the influence of liquor or drugs; and

B. A fine as listed in Title 4 Penalty Assessment Schedule ~~fee of seventy-five dollars~~ to fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs and for other traffic safety purposes.

(Ord. 414 (part), 1998; Ord. 376 § 2, 1993)

1.20.030 Mandatory fees upon conviction for possession of marijuana.

Any person convicted of violation of Section 9.12.080 of the Lovington municipal code shall be assessed by the court, in addition to any other fees:

A. A person convicted of a violation of possession of a controlled substance pursuant to municipal ordinance ~~shall~~ may be assessed by the court, in addition to any other fine as listed in Title 4 Penalty Assessment Schedule ~~fee or fine, a fee of seventy-five dollars~~ to defray the costs of chemical and other analyses of controlled substances.

B. The municipality ~~may~~ shall require assessment of the fee pursuant to subsection A of this section and provide for transmittal of the money collected to the administrative office of the courts.

(Ord. 414 (part), 1998)

TITLE 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.44

FIRE DEPARTMENT

2.44.360 Violation - Penalty

2.44.360 Violations-Penalty

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

TITLE 5 – BUSINESS LICENSES AND REGULATIONS

Chapter 5.40

CANNABIS REGULATION

5.40.120 Penalties.

The maximum penalty per violation ~~may shall~~ be as listed in Title 4 Penalty Assessment Schedule \$300.00. Each day during the time in which a violation occurs ~~may shall~~ be deemed a separate violation. Nothing herein ~~may shall~~ prevent city of Lovington from seeking injunctive relief, if appropriate.

(Ord. 588 (part), 2022)

Chapter 5.52

RECREATIONAL VEHICLE/MANUFACTURED HOME PARKS

5.52.160 Violation - Penalty.

Anyone found guilty of violating the provisions of this chapter ~~may shall~~ be punished by fine as listed in Title 4 Penalty Assessment Schedule ~~a fine of up to five hundred dollars~~ or imprisonment of up to ninety days, or by both such fine and imprisonment. (Ord. 531 (part), 2015; Prior code § 23-2-1)

6.04.060 Violation—Penalties.

Any person violating any provision of this chapter ~~may shall~~ be deemed guilty of a misdemeanor and ~~may shall~~ be punished by a fine as listed in Title 4 Penalty Assessment Schedule ~~a fine of not less than twenty-five dollars nor more than three hundred dollars~~. If any violation is continuing, each day's violation ~~may shall~~ be deemed a separate violation. (Ord. 336 (part), 1985; Ord. 332 (part), 1985; prior code § 10-3-46)

TITLE 6 – ANIMALS

Chapter 6.08

DOGS

6.08.310 Violations-Penalties

6.08.310 Violations-Penalties

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

TITLE 8 – HEALTH AND SAFETY

Chapter 8.16

GARBAGE, REFUSE, WEEDS, AND LITTER

8.16.030 Violation—Penalties.

Any person violating any of the provisions of this chapter ~~may shall~~ be deemed guilty of a misdemeanor and upon conviction thereof ~~may shall~~ be fined an amount as listed in Title 4 Penalty Assessment Schedule ~~not less than twenty dollars for the first offense and not less than thirty dollars~~ for subsequent offenses. Each day such violation is committed, or each day the violation is permitted to continue ~~may shall~~ constitute a separate offense and ~~may shall~~ be punished as such. (Ord. 345, 1987; Ord. 342 (part), 1987; prior code § 4-5-31)

Chapter 8.20

FIREWORKS AND EXPLOSIVES

Article II: Fireworks in Periods of Drought

8.20.200 Violation-Penalty

8.20.200 Violation-Penalty

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

Article III. Explosives

8.20.2100 Explosives.

No person shall bring into or keep within the city any nitroglycerine, dynamite or other high explosives, except by consent of the fire chief who may, in his or her discretion, require adequate bond to insure the proper handling thereof.

(Ord. 573 (part), 2019; prior code § 7-1-28)

TITLE 9 – PUBLIC PEACE, MORALS, AND WELFARE

Chapter 9.04

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

9.04.090 Violation-Penalty

9.04.090 Violation-Penalty

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

Chapter 9.16

OFFENSES AGAINST PUBLIC PEACE

9.16.110 Violation-Penalty

9.16.110 Violation-Penalty

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

Chapter 9.20

OFFENSES RELATING TO PROPERTY

9.20.220 Violation-Penalty

9.20.220 Violation-Penalty

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

Chapter 9.28

WEAPONS

9.28.110 Violation-Penalty

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offenses.

TITLE 10 – VEHICLES AND TRAFFIC

Chapter 10.04

UNIFORM TRAFFIC CODE

10.04.020 Penalty Assessments~~Penalty assessment program.~~

A. As used in the Uniform Traffic Ordinance, a penalty assessment program is hereby adopted. Penalties are listed in Title 4 Penalty Assessment Schedule.

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 in Title 4 Penalty Assessment Schedule:

<u>COMMON NAME OF OFFENSE</u>	<u>SECTION VIOLATED</u>
<u>Obedience to Officers</u>	<u>12-3-2</u>
<u>Use of Coaster Wagons and Similar Devices</u>	<u>12-3-6</u>
<u>Acc. Inv. Death/Per Injury</u>	<u>12-4-1</u>
<u>Acc. Inv. Damage/Vehicle</u>	<u>12-4-2</u>
<u>Duty to Inform/Render Aid</u>	<u>12-4-3</u>
<u>Duty Upon Striking Vehicle</u>	<u>12-4-4</u>
<u>Duty Upon Striking Fixtures</u>	<u>12-4-5</u>
<u>Immediate Notice of Accident</u>	<u>12-4-6</u>
<u>False Report</u>	<u>12-4-9</u>
<u>Maintain Traffic Lane</u>	<u>12-5-14B</u>
<u>Obedience Traffic Control</u>	<u>12-5-3</u>
<u>Light and Their Application to Vehicles and Pedestrians A-F</u>	<u>12-5-6</u>
<u>Pedestrian Control Signal</u>	<u>12-5-7</u>
<u>Stop When Traffic Obstructed</u>	<u>12-5-7.2</u>
<u>Flashing Signals</u>	<u>12-5-8</u>
<u>Lane Control Signals</u>	<u>12-5-9</u>
<u>Display of Unauthorized Signs, Signals, or Marking</u>	<u>12-5-10</u>
<u>Interference with Official Traffic Control Devices or Railroad Signals</u>	<u>12-5-11</u>
<u>Traffic Lanes</u>	<u>12-5-14</u>
<u>Basic (Speeding) Rule</u>	<u>12-6-1.1</u>
<u>Speeding Limits Up to and Including 10 miles per hour</u>	<u>12-6-1.2</u>
<u>Speeding Limits 1) From 11 and Up to and Including 15 mph</u>	<u>12-6-1.2C(1)</u>
<u>Speeding Limits 2) From 15 and up to and including 20 mph</u>	<u>12-6-1.2C(2)</u>
<u>Speeding Limits 3) From 21 and up to and including 25 mph</u>	<u>12-6-1.2C(3)</u>
<u>Speeding Limits 4) From 26 and up to and including 30 mph</u>	<u>12-6-1.2C(4)</u>
<u>Speeding Limits 5) From 31 and up to and including 35 mph</u>	<u>12-6-1.2C(5)</u>
<u>Speeding Limits 6) Over 35 Miles mph</u>	<u>12-6-1.2C(6)</u>
<u>Construction Zone</u>	<u>12-6-1.3G</u>
<u>Minimum Speed Regulation (Limit)</u>	<u>12-6-1.5</u>
<u>Special Speed Limitations</u>	<u>12-6-1.7</u>
<u>Improper Passing</u>	<u>12-6-2.1</u>
<u>Obedience to Signs Designating One-Way Streets and Alleys</u>	<u>12-6-2.9</u>
<u>Rotary Traffic Islands</u>	<u>12-6-2.10</u>

<u>Driving on Streets Laned for Traffic</u>	<u>12-6-2.12</u>
<u>Following Too Closely</u>	<u>12-6-2.13</u>
<u>Driving on Divided Streets</u>	<u>12-6-2.14</u>
<u>Controlled Access Violation</u>	<u>12-6-2.15</u>
<u>Vehicles Shall Be Driven Only on Streets, Private Roads, and Driveways</u>	<u>12-6-4.1</u>
<u>Vehicle Approaching or Entering Intersection</u>	<u>12-6-4.1A-D</u>
<u>Vehicles Entering Stop or Yield Intersections</u>	<u>12-6-4.3A</u>
<u>Improper Turning</u>	<u>12-6-5.1</u>
<u>Position/Method/Turning</u>	<u>12-6-5.1</u>
<u>Obedience to Turn Signals</u>	<u>12-6-5.4</u>
<u>Starting Parked Vehicle</u>	<u>12-6-5.7</u>
<u>Turning and Stopping Movements and Required Signals</u>	<u>12-6-5.8</u>
<u>Signals by Hand and Arm or Signal Device</u>	<u>12-6-5.9</u>
<u>Parking Violations</u>	<u>12-6-6.1</u>
<u>Stopping, Standing, or Parking Prohibited in Specific Places</u>	<u>12-6-6.1</u>
<u>Additional Parking Reg.</u>	<u>12-6-6.2</u>
<u>Parking in Alley</u>	<u>12-6-6.4</u>
<u>Stopping for School Bus</u>	<u>12-6-7.3</u>
<u>Operation of Vehicle on Approach of Emergency Vehicle</u>	<u>12-6-7.4 A-C</u>
<u>Railroad Grade Crossing Violations</u>	<u>12-6-7.5</u>
<u>Train Crossing Signal</u>	<u>12-6-7.5</u>
<u>Stopping, Standing, or Parking in Passenger Curb Loading</u>	<u>12-6-8.3</u>
<u>Stopping, Standing, or Parking in Freight Curb Loading Zone</u>	<u>12-6-8.4</u>
<u>Stopping, Standing, or Parking of Busses and Taxicabs</u>	<u>12-6-9.3</u>
<u>Restricted Use of Bus and Taxicab Stands</u>	<u>12-6-9.4</u>
<u>School Crossing</u>	<u>12-6-10</u>
<u>Operation Without Oversize-Overweight Permit</u>	<u>12-6-11.1</u>
<u>Slow-Moving Vehicle Identification</u>	<u>12-6-11.2</u>
<u>Offenses by Persons Owning or Controlling Vehicles</u>	<u>12-6-12.2.2</u>
<u>Reckless Driving</u>	<u>12-6-12.3</u>
<u>Careless Driving (1st Offense)</u>	<u>12-6-12.4</u>
<u>Careless Driving (2nd Offense)</u>	<u>12-6-12.4</u>
<u>Operators and Chauffeurs Must be Licensed</u>	<u>12-6-12.5 A, B, C</u>
<u>Unlawful Use of License</u>	<u>12-6-12.6</u>
<u>Unattended Motor Vehicle</u>	<u>12-6-12.8</u>
<u>Limitations on Backing</u>	<u>12-6-12.9</u>
<u>Restriction on Use of Television in Motor Vehicles</u>	<u>12-6-12.11</u>
<u>Coasting Prohibited</u>	<u>12-6-12.12</u>
<u>Following Fire Apparatus Prohibited</u>	<u>12-6-12.13</u>

<u>Crossing Fire Hose Prohibited</u>	<u>12-6-12.14</u>
<u>Driving Through Safety Zones Prohibited</u>	<u>12-6-12.15</u>
<u>Driving on Sidewalk and Private Property</u>	<u>12-6-12.17</u>
<u>Prohibited Activities While Driving</u>	<u>12-6-12.18</u>
<u>Racing on Streets (1st Offense)</u>	<u>12-6-12.19</u>
<u>Racing on Streets (2nd Offense)</u>	<u>12-6-12.19</u>
<u>Processions</u>	<u>12-6-12.20</u>
<u>Unauthorized Person Driving</u>	<u>12-6-12.23</u>
<u>Permitting Unauthorized Persons to Drive</u>	<u>12-6-12.23</u>
<u>Party Unlawful Act</u>	<u>12-6-12.24</u>
<u>Unlawful Riding</u>	<u>12-6-13.2</u>
<u>Unhitched Trailer on Street</u>	<u>12-6-13.3</u>
<u>Littering</u>	<u>12-6-13.5</u>
<u>Trains and Buses Not to Obstruct Streets</u>	<u>12-6-13.6</u>
<u>Boarding or Alighting from Vehicles</u>	<u>12-6-13.7</u>
<u>Improper Opening of Doors</u>	<u>12-6-13.8</u>
<u>Occupied Moving House Trailer</u>	<u>12-6-13.9</u>
<u>Driving on Steep Grades</u>	<u>12-6-13.11</u>
<u>Child Restraint</u>	<u>12-6-13.12</u>
<u>Seat Belts</u>	<u>12-6-13.13</u>
<u>Open Container (1st Offense)</u>	<u>12-6-13.14</u>
<u>Open Container (2nd Offense)</u>	<u>12-6-13.14</u>
<u>Pedestrian Obedience to Required Traffic Control Devices and Regulations</u>	<u>12-6-14.1</u>
<u>Drivers to Exercise Due Care</u>	<u>12-6-14.8</u>
<u>Electric Personal Assistive Mobility Devices</u>	<u>12-6-16</u>
<u>Prohibited Use of Electronic Device While Driving a Commercial Vehicle (1st Offense)</u>	<u>12-6-18-A</u>
<u>Prohibited Use of Electronic Device While Driving a Commercial Vehicle (2nd Offense and Subsequent Offense)</u>	<u>12-6-18-A</u>
<u>Texting While Driving (1st Offense)</u>	<u>12-6-18-B</u>
<u>Texting While Driving (2nd Offense)</u>	<u>12-6-18-B</u>
<u>Operating Motorcycles on Streets Laned for Traffic</u>	<u>12-7-2</u>
<u>Clinging to Other Vehicles</u>	<u>12-7-3</u>
<u>Riding on Motorcycles</u>	<u>12-7-4</u>
<u>Riding on Motorcycles/Moped</u>	<u>12-7-4B</u>
<u>Eye Protection Mandatory</u>	<u>12-7-5</u>
<u>Helmet Required Under 18 years</u>	<u>12-7-6</u>
<u>Mandatory Use of Protective Helmets</u>	<u>12-7-6</u>
<u>Footrests and Handlebars</u>	<u>12-7-7</u>
<u>Motorcycle Maneuverability</u>	<u>12-7-8</u>
<u>Off-Highway Motor Vehicle – Registration; Plate Requirement</u>	<u>12-7-9.1</u>
<u>Operation of Off-Highway Motor Vehicles on Streets or Highways</u>	<u>12-7-9.2</u>

<u>Driving of Off-Highway Motor Vehicles Adjacent to Streets</u>	<u>12-7-9.3</u>
<u>Operation of Off-Highway Motor Vehicles on Private Lands</u>	<u>12-7-9.4</u>
<u>Off-Highway Motor Vehicle Safety Permit; Requirement, Issuance</u>	<u>12-7-9.8</u>
<u>Operating and Equipment – Safety Requirements</u>	<u>12.7.9.9</u>
<u>Mopeds - Standards</u>	<u>12-7-10</u>
<u>Operation of Bicycles</u>	<u>12-8-3 to 12-8-12</u>
<u>Emergency Alley/Driveway/ETC.SIC</u>	<u>12-8-11</u>
<u>Handicap Parking</u>	<u>12-9-9</u>
<u>Improper Equipment</u>	<u>12-10-1.1</u>
<u>Windshield Unobstructed</u>	<u>12-10-1.12</u>
<u>Restriction Upon Use of Streets by Certain Vehicles</u>	<u>12-10-3.1</u>
<u>Minimum Vehicle Size</u>	<u>12-10-3.2</u>
<u>Projecting Loads on Passenger Vehicles</u>	<u>12-10-3.3</u>
<u>Special Projecting Load Limits</u>	<u>12-10-3.4</u>
<u>Trailers and Towed Vehicles</u>	<u>12-10-3.5</u>
<u>Width of Vehicles</u>	<u>12-10-3.6</u>
<u>Height and Length of Vehicles and Loads</u>	<u>12-10-3.7</u>
<u>Display of Current Valid Registration</u>	<u>12-10-4</u>
<u>Evidence of Registration on Demand</u>	<u>12-10-5</u>
<u>Mandatory Financial Responsibility</u>	<u>12-10-6</u>
<u>Sun Screening Material on Windshields and Windows (1st Offense)</u>	<u>12-10-12</u>
<u>Sun Screening Material on Windshields and Windows (2nd Offense)</u>	<u>12-10-12</u>
<u>Sun Screening Material on Windshields and Windows (3rd Offense)</u>	<u>12-10-12</u>
<u>Failure to Obey Notice</u>	<u>12-12-7</u>
<u>Obstruction to Public Way</u>	<u>12-20-130</u>

Common Name of Offense	Section Violated	Penalty Assessment
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
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 12-6-2.16	\$45.00
Failure to yield	12-6-4.1 through 12-6-4.2	\$45.00
Vehicles entering stop or yield intersections	12-6-4.3	\$45.00
Improper turning	12-6-5.1 through 12-6-5.6	\$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
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	12-6-13.15	\$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
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 (first 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	12-7-9.9 A (7)	\$60.00
Operating and equipment—safety requirements	12-7-9.9 A (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, excluding 12-10-1.12.1	\$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
Vehicle subject to registration	-	\$50.00
Driving while license administratively suspended	-	\$25.00

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 ~~may~~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, ~~may~~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 ~~may~~**shall** be assessed the following fees for each penalty assessment misdemeanor: a twenty-dollar corrections fee; a six-dollar court automation fee; and a three-dollar judicial education fee.

(Ord. 574 (part), 2019; Ord. 563 (part), 2018)

TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapter 12.08

STREET AND SIDEWALK USE REGULATIONS

12.08.160 Violation-Penalty

12.08.160 Violation-Penalty.

Any person violating the provisions of this chapter shall be fined an amount as listed in Title 4 Penalty Assessment Schedule for subsequent offences.

Chapter 12.16

STREET TREES AND SHRUBS

12.16.070 Violation-Penalty

12.16.070 Violation-Penalty.

Any person violating the provisions of this chapter may be fined an amount as listed in Title 4 Penalty Assessment Schedule.

TITLE 13 – PUBLIC SERVICES

Chapter 13.12

RATES, BILLING AND COLLECTION

13.12.111 Tampering with public utilities.

A. It shall be unlawful for any person to connect or attach or cause to be connected or attached, any kind of pipe, wire or other contrivance to any pipe, fire hydrant, line, wire or other conductor or appurtenance thereto, carrying gas, water, electricity, television signals, telephone signals or other conveyances provided by or belonging to a public utility (whether publicly or privately owned) in such a manner as to enable such person or other persons to receive, consume or use gas, water, electricity, television signals, telephone signals or other utility service without the same passing through a meter, without obtaining the proper permit, without paying the required fee or in any other manner so as to evade payment for such public utility service.

B. It also shall be unlawful for any person to damage, tamper with or destroy any pipe, line, wire, meter or any other part of any public utility, including cable television, water, gas, electricity and telephone and telegraph systems.

C. If any meter, pipe, line, wire, fixture or other installation or appurtenance thereto provided by a public utility primarily for the purpose of serving a particular account is found to have been tampered with or altered in violation of Subsection A of this section, the person or other customer whose name appears on the records of the public utility affected as the person or firm responsible for payment of such account shall be held prima facie responsible for such violation. In addition to a potential criminal charge for tampering with utilities, consumers and/or property owners shall be billed the actual cost for any repairs and/or replacement of damaged equipment and/or appurtenances and the costs thereof and all other charges, fees, penalties, interest, etc., owed on the account must be paid, in full, prior to any utility services being restored

to any property. All delinquent charges assessed to a property must be paid in full prior to reinstatement of any utilities services to a delinquent property.

D. Any act which, if uncorrected, would result in any utility customer being billed or charged by such utility for a lesser amount of utility service than actually furnished shall be deemed in violation of Subsection A hereof.

E. Conviction for violation of this section shall not affect the offenders civil liability for damages done to facilities or responsibility to pay for gas, water, electricity, television signals, telephone signals or other utility service used but not paid for.

F. Anyone convicted of a violation of this section 13.12.111 ~~mayshall~~ be fined the Penalty Assessment Schedule listed in Title 4 ~~not more than five hundred dollars~~ or imprisoned for not more than ninety (90) days, or both.

(Ord. 553, 2017: Ord. 445 (part), 2003)

TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.16

DANGEROUS BUILDINGS

15.16.060 Violations-Penalties

15.16.060 Violations-Penalties

Fines for the first and second offense are listed in the Penalty Assessment Schedule listed in Title 4.

TITLE 17 – CODE ENFORCEMENT

Chapter 17.08

ADMINISTRATION

17.08.190 Violation-Penalty.

A. Any person, firm or corporation violating any of the provisions of this title ~~mayshall~~ be punished by a fine not ~~to exceed as listed in Title 4 Penalty Assessment Schedule to exceed two hundred dollars~~ or imprisonment in the county jail not to exceed ninety days, and each day's violation ~~mayshall~~ be a separate offense.

Chapter 17.16

GENERAL USE REGULATIONS

17.16.090 Violation-Penalty

17.16.090 Violation-Penalty

Unlawful parking commercial vehicles within any residential zone of the city are subject to fines listed in the Penalty Assessment Schedule listed in Title 4.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 2026.

Mayor

ATTEST:

City Clerk