

SANTA FE COUNTY ORDINANCE NO. 2000-10

AN ORDINANCE PROHIBITING PARKING OF VEHICLES WITHIN AREAS INDICATED BY SIGNAGE AS "NO PARKING" AREAS IN SANTA FE COUNTY AND PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE UPON CONVICTION

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO THAT,

Section I Definitions.

The following words and phrases when used in this Ordinance shall have, for the purpose of this Ordinance, the meanings respectively ascribed to them as follows:

"Abandoned vehicle" means a vehicle or motor vehicle that has been determined by the New Mexico law enforcement agency:

- (1) to have been left unattended on either public or private property for at least thirty days;
- (2) not to have been reported stolen;
- (3) not to have been claimed by any person asserting ownership; and
- (4) not to have been shown by normal record checking procedures to be owned by any person.

"Alley" means street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

"Administrator" means the person in charge of carrying out the provisions of this Ordinance for Santa Fe County.

"Park of parking," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading. (Section 66-1-4.14A NMSA, 1978, as amended)

"Stop, stopping, or standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal; (Section 66-1-4.16 O, NMSA 1978, as amended)

"Street" or "highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction; (Section 66-1-4.16P, NMSA 1978, as amended)

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street, including any frame, chassis or body of any vehicle or motor vehicle, excepting devices moved exclusively by human power or used exclusively upon stationary rails or tacks. (Section 66-1-4.19, NMSA 1978, as amended)

Section 2, Local Authority has power to Enforce Ordinance

(a) The County has the power to regulate the standing or parking of vehicles with respect to streets and highways under its jurisdiction and within the reasonable exercise of its police power. (Section 66-7-9, NMSA 1978, as amended)

Section 3, Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with this Ordinance or the directions of a police officer or official traffic-control device, no person shall:

- (1) Stop, stand or park a vehicle:
 - a. On the roadway or any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone or school zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of safety zone or school zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure on a street or within a street tunnel;
 - h. On any railroad tracks;
 - i. At any place where official signs prohibit stopping;
 - j. At areas indicated by painted curbs, including but not limited to red paint for "fire zones," whether or not indicated by signage.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers;
 - a. In front of a public or private driveway;

- b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign or traffic-control signal located at the side of a roadway;
 - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposed;
 - f. At any place where official signs prohibit standing;
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- a. Within 50 feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking;

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
(Section 66-7-351, NMSA 1978, as amended)

(c) The foregoing provisions may be modified by the administrator or his designated representative upon the basis of an engineering and traffic investigation study by the use of appropriate markings or signs.

(d) There shall be no parking where signs expressly prohibit parking in the specific designated area.

Section 4 Additional parking regulations.

(a) Except as otherwise provided in this Ordinance, every vehicle stopped or parked on a two-way street shall be so stopped or parked with the right-hand wheels parallel to and within 18 inches of the right-hand curb or edge of the street.

(b) Except when otherwise provided in this Ordinance, every vehicle stopped or parked on a one-way street shall be so stopped or parked parallel to the curb or edge of the street with its right-hand wheels within 18 inches of the right-hand curb or edge of the street or its left-hand wheels within 18 inches of the left-hand curb or edge of the street.

(c) *Parking not to obstruct traffic.* No person shall park any vehicle on a street, other than an alley, in such a manner or under such conditions as to leave available less than twelve feet of the width of the street for free movement of vehicular traffic.

(d) *Parking in alleys.* No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 12 feet of the width of the alley for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(e) *All-night parking prohibited.* No person shall park a vehicle on any street in a nonresidential area for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day, except physicians on emergency calls or other emergency situations.

(f) *Parking for certain purposes prohibited.* No person shall park a vehicle on any street for the principal purpose of :

- (1) Displaying the vehicle for sale;
- (2) Washing, greasing or repairing the vehicle except repairs necessitated by an emergency.

(g) *Parking adjacent to schools prohibited.*

- (1) The administrator or his designated representative may erect signs indicating no parking on either or both sides of any street adjacent to any school property when parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (2) When official signs are erected indicating no parking on either side of a street adjacent to any school property as authorized in this section, no person shall park a vehicle in any designated place.

(h) *Parking prohibited on narrow streets.*

- (1) The administrator or his designated representative may erect signs indicating no parking on any street when the width of the street does not exceed 24 feet or no parking upon one side of a street as indicated by signs when the width of the street does not exceed 32 feet.
- (2) When official signs prohibiting parking are erected on narrow streets as authorized in this section, no person shall park a vehicle on any such street in violation of the sign.
- (i) The Administrator or his designated representative has authority to erect or remove signs indicating no parking in any of the areas stated in this Ordinance.

Section 5. Impounding vehicles.

- (a) Members of the sheriff's department are authorized to remove a vehicle from a street to the nearest garage or other place of safety or to a garage designated or maintained by the sheriff's department or otherwise

maintained by the County under the following circumstances: (Section 66-7-350, NMSA 1978, as amended)

- (1) When a vehicle is left unattended in any place clearly marked and designated "no parking" or upon any bridge, causeway or viaduct where the vehicle constitutes an obstruction to traffic;
 - (2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic or when the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal;
 - (3) When a vehicle is being driven upon the street and is not in proper condition to be driven;
 - (4) When a vehicle is left unattended upon a street and is parked illegally so as to constitute an obstruction or definite hazard to the normal movement of traffic;
 - (5) When a vehicle is left unattended and obstructs or restricts access of emergency vehicles or the normal flow of traffic;
 - (6) When any vehicle is left unattended on a street continuously for more than 48 hours and is presumed to be abandoned under the provisions of subsection (f) of this section;
 - (7) When any vehicle is left unattended upon a controlled access street or the shoulder of a highway or freeway for more than 12 hours;
 - (8) When the driver of a vehicle is taken into custody by the sheriff's department and the vehicle would thereby be left unattended upon a street;
 - (9) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reasons.
- (b) Any costs incidental to removal and storage of a vehicle shall be assessed against the owner of the vehicle. The sheriff's department shall make arrangements for the removal of the vehicle by an independent wrecker or a wrecker chosen by the owner of the vehicle.
- (c) The police officer shall obtain a receipt from the garage to which the vehicle is delivered, and the receipt shall indicate the date, hour and place and identification of the vehicle.
- (d) Whenever an officer authorizes the removal of a vehicle and is able to ascertain the name and address of the owner thereof, he shall report immediately to the sheriff's department:

- (1) The sheriffs' department shall give notice in writing to the owner the fact of removal, the reasons therefor and the place to which the vehicle has been removed.
- (2) In the event the vehicle is stored in a public garage, the officer shall issue written instructions, signed and dated to the garage specifically stating whether the vehicle is to be held for investigation or whether it may be released to the owner after all attendant charges have been paid by the owner.
- (e) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned by the owner within a period of three days, then the officer shall immediately send or cause to be sent a written report of the removal by mail to the state department of motor vehicles, and shall file a copy of the notice with the proprietor of the public garage in which the vehicle is stored. The notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for the removal and the name of the garage or place where the vehicle is stored.
- (f) No driver of any vehicle shall permit the vehicle to remain unattended on any street for a period longer than 48 hours without notifying the sheriff's department where the vehicle is parked
 - (1) Any vehicle so left unattended for a period of time longer than 48 hours shall be deemed to be abandoned.
 - (2) Any legally registered vehicle parked by the owner of the vehicle adjacent to the street side of the residence of that owner for greater than 48 hours shall not be considered an abandoned vehicle for the purposes of this section 5, unless that area is designated as a no parking area.
 - (3) The sheriff's department may cause all such abandoned vehicles to be removed and the owner of the vehicle shall be required to pay all costs incident to the removal and storage of the vehicle.
 - (4) Any person, firm corporation or unit of government upon whose property or in whose possession is found an abandoned motor vehicle shall have the authority to sell, give away or dispose of the vehicle to a licensed dealer or wrecker, towing service or metal processor, provided the motor vehicle is eight model years of age or older and does not display a license plate currently valid in New Mexico, another state, or foreign country.
 - (5) Thirty days after the date of mailing notice to the department of motor vehicles of the acquisition of the motor vehicle, the dealer, wrecker, towing service or metal processor shall have the authority to dismantle or otherwise dispose of the motor vehicle.

- (6) For the purpose of this section in determining whether the vehicle is eight model years old, the current year model is excluded.
- (g) If any vehicle is about to be removed or is in process of being removed from the street and the owner of the vehicle or his agent appears and claims the vehicle and agrees forthwith to remove it from the street, the vehicle shall be delivered to the owner or agent upon demand and upon furnishing satisfactory evidence of identity and ownership or agency.
- (1) If the owner or agent fails, refuses or neglects to forthwith remove the vehicle, the vehicle shall nevertheless be removed. Removal shall be done by either an independent wrecker or if the County has equipment, the County may remove the vehicle. The cost shall be borne by the owner of the vehicle.
- (2) Removal by the owner or agent shall not relieve the offender from liability for any fine or penalty for the violation of any law or ordinance on account of which the vehicle was to be removed.

Section 6, Penalties

(a) Prosecutions for violations of this Ordinance may be commenced by the issuance of a citation charging the violation, pursuant to NMSA Section 4-37-3B, or other lawful means;

(b) A violation of this Ordinance may result in a fine of not more than three hundred dollars (\$300) or imprisonment of ninety days or both the fine and the imprisonment, pursuant to Section 4-37-3A, as amended and Section 66-9-7B, NMSA, 1978.)

Section 7 Enforcement of Violation: Notice by Citation and Appearance in Court

(a) The police officer/arresting officer finding a violation of this Ordinance shall issue a uniform traffic citation. The arresting officer shall complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the arrested person sign the agreement to appear as specified, give a copy of the citation to the arrested person and release him from custody. (Section 66-8-123 A, NMSA, 1978 as amended)

(b) The arresting officer may issue a warning notice but shall fill in the information section of the uniform traffic citation and give a copy to the arrested person after requiring his signature on the warning notice as acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license under Section 66-5-30 NMSA 1978. (Section 66-8-123 C, as amended)

(c) Any officer violating this section is guilty of misconduct in office and is subject to removal. (Section 66-8-123 E, NMSA, 1978, as amended)

(d) The Magistrate Court has jurisdiction over violations of this Ordinance. If a person arrested under this Ordinance requests to appear immediately before a Magistrate, the person shall be immediately taken before an available magistrate who has jurisdiction of the offense. (Section 66-8-122, NMSA, 1978)

Section 8 Conflicts

(a) This Ordinance shall be construed to be in conformity with the provisions of state law regarding uniformity throughout the state under Section 66-7-8 NMSA 1978.

(b) If this Parking Ordinance conflicts with any other Ordinance, the more restrictive shall prevail.

BE IT FURTHER ORDAINED, that the Board of County Commissioners adopts this Parking Ordinance prohibiting parking of vehicles within Santa Fe County in areas designated by signage as "No Parking" areas in accordance with the laws of the State of New Mexico and the local rules and regulations of the County, and

BE IT FURTHER ORDAINED the bod(ies) or agenc(ies) responsible for maintenance of areas within Santa Fe County shall erect and maintain signs, posted in conspicuous locations, indicating that parking is prohibited in designated areas. Provided, however, that the absence of a sign or signs shall not be a defense to a charge of violation of this Parking Ordinance.

BE IT FURTHER ORDAINED that this Parking Ordinance shall take effect thirty days (30) after this Parking Ordinance has been signed by the County Clerk and recorded in the book kept by Santa Fe County for the purpose of recording such ordinances, pursuant to NMSA Section 4-37-9 (1978, as amended).

PASSED, ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, THIS 12th DAY OF September, 2000.

BOARD OF COUNTY COMMISSIONERS

By: Richard Anaya
Richard Anaya

ATTEST:

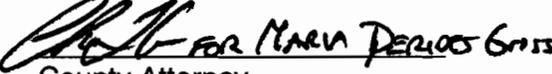
Rebecca Bustamante
Rebecca Bustamante
Santa Fe County Clerk



COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO 1129) 332
I hereby certify that this instrument was filed
for record on the 13 day of Sept A.D.
20 00, at 11:32 O'clock a m
and was duly recorded in book 1806,
page 302-310 of the records of
Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Veronica Clayton
Deputy

1806310

Approved as to legal form:


County Attorney