

SANTA FE COUNTY

1707105

ORDINANCE NO. 1999-12

AN ORDINANCE PROHIBITING THE USE OF ENGINE RETARDERS ON STATE ROUTE 599 FROM U.S. HIGHWAY 285 TO INTERSTATE 25, ON U.S. HIGHWAY 285 IN THE VICINITY OF THE STATE ROUTE 503/NAMBE INTERSECTION AND FROM THE INTERSECTION WITH INTERSTATE 25 TO THE INTERSECTION WITH COUNTY ROAD 33, ON U.S. HIGHWAY 84/285 FROM THE NORTH ENTRANCE OF THE SANTA FE OPERA TO THE NORTH TESUQUE INTERCHANGE AND ON STATE ROUTE 344 FROM MILEPOST 16 TO MILEPOST 17; REPEALING EMERGENCY ORDINANCES 1999-8 AND 1999-9

Section 1. Short Title

This ordinance may be cited as the "Engine Retarder Ordinance"

Section 2. Repeal of Emergency Ordinances 1999-8 and 1999-9

Emergency Ordinances 1999-8 and 1999-9 are hereby repealed.

Section 3. Purpose and legislative intent

The purpose of this ordinance is to preserve and protect the health, safety and quality of life of the residents of Santa Fe County and to improve the environmental quality of the County.

This ordinance is intended to control noise emissions from engine retarders in the populated areas of the County and to coordinate notification and enforcement efforts between the City of Santa Fe and Santa Fe County.

Section 4. Definitions

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Engine Retarder: A device commonly known as an engine retarding system, engine brake or exhaust brake, which helps slow a motor vehicle's rate of speed and, when activated, creates noise through the motor vehicle's engine or exhaust system.

Section 5. Engine retarders prohibited

The use of engine retarders is prohibited, except in a bona fide emergency, in the following locations:

- A. On U.S. Highway 84/285 from the north entrance to the Santa Fe Opera to the north Tesuque interchange.
- B. On U.S. Highway 285 between a point one (1) mile north of the State Route 503 intersection to a point one and one half (1 1/2) miles south of the State Route 503 intersection.
- C. On U.S. Highway 285 from the intersection with Interstate 25 to the intersection with County Road 33.
- D. On State Route 599 from U.S. Highway 285 to Interstate 25.
- E. On State Route 344 from milepost sixteen (16) to milepost seventeen (17).
- F. On that portion of County Road 56 (Airport Road) within Santa Fe County.

Section 6. Notification

The body(ies) or agency(ies) responsible for maintenance of qualifying roads shall erect and maintain signs, posted in conspicuous locations, indicating that engine retarder use is prohibited.

Provided, however, that the absence of a sign or signs shall not be a defense to a charge of violation of this ordinance.

Section 7. Penalties

Any person violating the provisions of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or

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both.

Section 8. Conflicts

If at any time this ordinance conflicts with published State Highway Department regulations or policy, the latter shall apply.

PASSED, ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO THIS 9th DAY OF November, 1999.



BOARD OF COUNTY COMMISSIONERS

by: Joe Grifé

Joe Grifé, Chairman

Rebecca Bustamante
Rebecca Bustamante
Santa Fe County Clerk

Approved as to legal form:

Denice Brown
Denice Brown
County Attorney

COUNTY OF SANTA FE
STATE OF NEW MEXICO 1096¹⁸⁸ 699
I hereby certify that this instrument was filed
for record on the 10th day of Nov A.D.
19 99, at 11:49 o'clock a m
and was duly recorded in book 1707,
page 105-107 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



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both.

Section 8. Conflicts

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STATE OF NEW MEXICO 1096¹⁸⁹ 699
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Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Veronica Clayton
Deputy

