

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-54 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca

1 ORDINANCE
2 AMENDING THE TRAFFIC CODE, ROA 1994 CHAPTER 8, ARTICLE 1, PART 3,
3 TO ALLOW FOR AUTOMATED PARKING ENFORCEMENT.

4 WHEREAS, the City's Parking Enforcement Division is limited in its ability
5 to manage City parking spaces by restrictions that prohibit utilizing new
6 parking technology; and

7 WHEREAS, the current City Traffic Code requires parking enforcement
8 officers to physically place citations on vehicles, which limits enforcement on
9 City metered spaces; and

10 WHEREAS, advancements in technology enable real-time monitoring of
11 parking spaces, allowing for efficient tracking of available spots and reducing
12 instances of illegal parking; and

13 WHEREAS, the City's metered parking spaces are located in urban spaces
14 with many businesses that desire accessible loading spaces; and

15 WHEREAS, new parking innovations allow for monitoring of delivery zones,
16 allowing these spaces to be flexible in operation hours; and

17 WHEREAS, mobile applications can provide users with instant updates on
18 parking regulations, availability, and enforcement schedules, fostering
19 compliance and enhancing public awareness; and

20 WHEREAS, the Comprehensive Plan's Main Street Corridors prioritize on-
21 street parking, and as growth is incentivized along these corridors, parking
22 will become more of a premium, requiring more meters and enforcement; and

23 WHEREAS, data analytics obtained through automated parking
24 enforcement can help identify patterns in parking violations, allowing for
25 enforcement strategies that improve compliance.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 SECTION 1. The Traffic Code, ROA 1994, Sections 8-1-3-10, 8-1-3-11, and 8-
4 1-3-99 are hereby amended as follows:

5 § 8-1-3-10 CITATION ~~[ON]~~ [OF] A PARKED VEHICLE.

6 [(A) Affixed Parking Citation.] Whenever a motor vehicle without a driver is
7 found in violation of this code or state law or parked or stopped in violation of
8 any provision of Article 5 of this Chapter 8 of the code of ordinances or state
9 law, the officer, parking enforcement officer, or security officer finding such
10 vehicle shall take its license plate number and any other information which
11 may identify its owner of use, and shall conspicuously affix to such vehicle a
12 parking citation for the driver to answer to the charge alleged within ten days
13 during the hours at the place, or by the method specified in the citation.

14 [(B) Mailed Parking Citation. Automated enforcement technologies may
15 be used by the Albuquerque Police Department, parking enforcement officer
16 or security officer in determining violations of any provision of Article 5 of this
17 Chapter 8 of the code of ordinances. If an officer, parking enforcement officer,
18 or security officer determines through investigation of evidence provided
19 through automated enforcement technologies a motor vehicle to be in
20 violation of any provision of Article 5 of this Chapter 8 of the code of
21 ordinances, and the officer, parking enforcement officer, or security officer
22 through investigation determines that such evidence can be shown to have
23 been collected at the date and time of the violation and show the license plate
24 number or any other information which may identify the violating vehicle's
25 owner of use, the investigating officer may issue a parking citation by United
26 States Postal Service mail to the address of the registered owner of the
27 violating vehicle for the registered owner to answer to the charge alleged
28 within twenty days of issuance of the citation during the hours at the place or
29 by the method specified in the citation. "Issuance of the citation" shall mean
30 the date on which the citation is mailed.]

31 § 8-1-3-11 FAILURE TO PAY FOR PARKING CITATION.

32 [(A) Affixed Parking Citation.] If the alleged violator does not pay [a
33 citation ~~affixed to such motor vehicle~~] [an affixed parking citation] within a

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 period of ten days, a letter shall be sent to the registered owner of such
2 vehicle setting forth the time of the alleged violation, listing the presumptions
3 provided for in § 8-5-1-39, and informing ~~him~~ [the alleged violator] of the
4 violations and warning ~~him~~ that a complaint shall be delivered to the
5 Metropolitan Court against the registered owner of such vehicle, if there is no
6 payment of the parking fine within 30 days of the date on which the violation
7 occurred.

8 [(B) Mailed Parking Citation. If the alleged violator does not pay a mailed
9 parking citation within a period of twenty days of issuance of the citation, a
10 letter shall be sent to the registered owner of such vehicle setting forth the
11 time of the alleged violation, listing the presumptions provided for in § 8-5-1-
12 39, and informing them of the violations and warning that a complaint shall be
13 delivered to the Metropolitan Court against the registered owner of such
14 vehicle, if there is no payment of the parking fine within 45 days of the date of
15 issuance of the citation.]

16 § 8-1-3-99 PENALTY

17 (B)(4) Fines for any [affixed] parking violation, including § 7-5-3 Display and
18 Sale of Motor Vehicles, if not paid within ten days of the occurrence of the
19 violation, shall be two times the amount of the fine, and if not paid within 20
20 days of the occurrence of the violation, shall be three times the amount of the
21 fine, unless the person cited has initiated court proceedings to answer the
22 charges within ten days of the issuance of the citation. [Fines for any mailed
23 parking citation, if not paid within twenty days of the issuance of the citation,
24 shall be two times the amount of the fine, and if not paid within thirty days of
25 the issuance of the violation, shall be three times the amount of the fine,
26 unless the person cited has initiated court proceedings to answer the charges
27 within twenty days of the issuance of the citation.]

28 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,
29 word or phrase of this Ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this Ordinance. The Council
32 hereby declares that it would have passed this Ordinance and each section,

1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provision being declared unconstitutional or otherwise invalid.

3 SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends, is to be
4 incorporated in, and is to be compiled as part of the Revised Ordinances of
5 Albuquerque, New Mexico, 1994 in Sections 8-1-3-10, 8-1-3-11, and 8-1-3-99.

6 SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five (5) days
7 after publication by title and general summary.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion