



[Bracketed/Underscored Material] - New  
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1 meter between the hours and on the days specified on the meter shall be  
2 lawfully parked or standing only when the owner, operator or driver of such  
3 vehicle, upon parking or standing a vehicle in the metered parking space, shall  
4 immediately deposit payment as specified on the meter regulating such  
5 parking space. Failure to deposit the proper payment as required shall  
6 constitute a violation of this section. When the "VIOLATION" indicator is  
7 showing, it shall be presumptive evidence that any vehicle~~[, except a~~  
8 ~~motorcycle, motorscooter, or moped]~~ found parked or standing in a  
9 regulated metered space is parked or standing in violation of this section. The  
10 provisions of this section shall not relieve any person from the duty to  
11 observe other and more restrictive provisions prohibiting or limiting the  
12 stopping, standing or parking of vehicles.”

13 SECTION 2. SECTION 8-1-3-99 (B)(4) PENALTY IS HEREBY AMENDED  
14 AS FOLLOWS:

15 “(4) Fines for any parking violation, including §7-5-3 and Sale of Motor  
16 Vehicles, if not paid within 10 days of the occurrence of the violation, shall be  
17 two times the amount of the fine, and if not paid within 20 days of the  
18 occurrence of the violation, shall be three times the amount of the fine, unless  
19 the person cited has initiated court proceedings to answer the charges within  
20 [10] ~~[five]~~ days of the issuance of the citation.”

21 SECTION 3. COMPILATION. The amendments set forth in Section 1 and  
22 Section 2 above shall amend, be incorporated in and made part of the Revised  
23 Ordinances of Albuquerque, New Mexico, 1994.

24 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
25 clause, word or phrase of this ordinance is for any reason held to be invalid or  
26 unenforceable by any court of competent jurisdiction, such decision shall not  
27 affect the validity of the remaining provisions of this ordinance. The Council  
28 hereby declares that it would have passed this ordinance and each section,  
29 paragraph, sentence, clause, word or phrase thereof irrespective of any  
30 provisions being declared unconstitutional or otherwise invalid.

31 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five days  
32 after publication by title and general summary.



# CITY OF ALBUQUERQUE

Office of the Mayor

One Civic Plaza NW, Albuquerque, NM 87103

Richard J. Berry, Mayor

## INTER-OFFICE MEMORANDUM

September 8, 2016

**TO:** Dan Lewis, President, City Council

**FROM:** Richard J. Berry, Mayor

**SUBJECT:** Ordinance Revisions of the Traffic Code Section 8-5-1-5 Relating to Meter Parking and Expired Meter Parking and Expired Meter Parking, and Revisions to Section 8-1-3-99 (B)(4) Related to the Time Frame to Initiate Court Proceedings

The Ordinance revision to section 8-5-1-5 will apply payment requirements evenly to all vehicles by eliminating exemptions for motorcycle, motorscooter or moped parking within the Ordinance of the Traffic Code Section 8-5-1-5. This will allow the ability to collect payment on all vehicles. The revision to Section 8-1-3-99 (B)(4) provides for consistency in the amount of time to pay a fine from the date of occurrence and the amount of time to initiate court proceedings. Both changes provide consistency in the ordinance. At this time the financial impact cannot be measured.

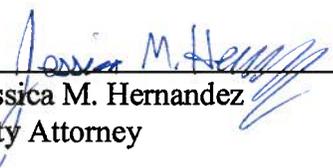
This Ordinance is forwarded to the City Council for its approval.

Ordinance Revisions of the Traffic Code Section 8-5-1-5 Relating to Meter Parking and Expired  
Meter Parking and Expired Meter Parking, and Revisions to Section 8-1-3-99 (B)(4) Related to  
the Time Frame to Initiate Court Proceedings

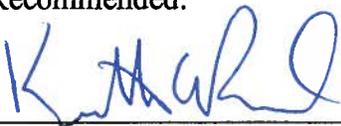
Approved:

Approved as to Legal Form:

  
\_\_\_\_\_  
Robert J. Perry                      Date  
Chief Administrative Officer                      10/10/16

  
\_\_\_\_\_  
Jessica M. Hernandez                      Date  
City Attorney                      9/28/16

Recommended:

  
\_\_\_\_\_  
for Melissa Lozoya, P.E.                      Date  
Acting Director, DMD                      9/8/16  
MSW 9/8/16

## Cover Analysis

### **1. What is it?**

Revision of portions of the Traffic Code Section 8-5-1-5, relating to meter parking and expired meter parking and revision of Section 8-4-3-99 (B)(4) relating to the time to initiate court proceedings.

### **2. What will this piece of legislation do?**

Apply payment requirements evenly to all vehicles by eliminating exemptions for motorcycle, motorscooter or moped parking within the Ordinance of the Traffic Code Section 8-5-1-5, relating to meter parking and expired meter parking. Revision of Section 8-4-3-99(B)(4) will change the amount of time to initiate court proceedings to answer the charges from five (5) days to ten (10) days. This is the same amount of time a citizen has to pay the fine.

### **3. Why is this project needed?**

This amendment is needed to have consistency in the ordinance.

### **4. How much will it cost and what is the funding source?**

Not applicable.

### **5. Is there a revenue source associated with this Plan? If so, what level of income is projected?**

By amending the ordinance the City will be able to collect revenue on all vehicles including any motorcycle, motorscooter or moped that is parked in an expired metered parking space. At this time the financial impact cannot be measured.

**FISCAL IMPACT ANALYSIS**

TITLE: **Ordinance Revisions to the Traffic Code Section 8-5-1-5 Relating to Meter Parking and Expired Meter Parking and Revisions to Section 8-1-3-99 (B)(4) Related to the Time Frame to Initiate Court Proceedings** R: O:  
 FUND:  
 DEPT:

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2016	Fiscal Years 2017	2018	Total
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs	-	-	-	-
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
[ ] Estimated revenues not affected				
* Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
<b>Total Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created

**COMMENTS:**

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

PREPARED BY:

C. Chang  
 FISCAL ANALYST

APPROVED:

K. [Signature] 9/8/16  
 for DIRECTOR (date)

REVIEWED BY:

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER (date)

CITY ECONOMIST