CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-16-28 ENACTMENT NO. _____

SPONSORED BY: Brad Winter, by request

ORDINANCE

Revising Portions Of The Traffic Code Section 8-5-1-5 Relating To Meter Parking And Expired Meter Parking; And Revising Section 8-1-3-99(B) Relating To Penalties For Parking Violations (Winter, by request)

REVISING PORTIONS OF THE TRAFFIC CODE SECTION 8-5-1-5 RELATING TO METER PARKING AND EXPIRED METER PARKING; AND REVISING SECTION 8-1-3-99(B) RELATING TO PENALTIES FOR PARKING VIOLATIONS.

WHEREAS, the traffic code was revised by ordinance 0-2016-011 to, among other changes, apply requirements evenly to all vehicles; and

WHEREAS, notwithstanding the overarching intent to treat all vehicles the same, the prior amendments inadvertently failed to eliminate certain parking exemptions for motorcycle, motorscooter or moped parking payment; and

WHEREAS, in order to have consistency in the ordinance; and

WHEREAS, the most recent amendment to §8-1-3-99(B)(4) of the traffic code enlarged the amount of time for a citizen to pay fines for parking violations; and

WHEREAS, §8-1-3-99(B)(4) allows a citizen 10 days to pay a fine from the date of the occurrence of the violation before incurring doubling of the fine; and

WHEREAS, in order to be consistent in the ordinance, a citizen should have the same amount of time to initiate court proceedings to answer the charges.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

ALBUQUERQUE:

SECTION 1. SECTION 8-5-1-5(A) METER PARKING, EXPIRED METER IS HEREBY AMENDED AS FOLLOWS:

“(A) Except in a period of emergency determined by an officer of the Fire Department or Police Department, or except in compliance with a uniformed police officer engaged in directing traffic, any vehicle parked or standing in a space regulated by a parking meter between the hours and on the days specified on the meter shall be lawfully parked or standing only when the owner, operator or driver of such vehicle, upon parking or standing a vehicle in the metered parking space, shall immediately deposit payment as specified on the meter regulating such parking space. Failure to deposit the proper payment as required shall constitute a violation of this section. When the "VIOLATION" indicator is showing, it shall be presumptive evidence that any vehicle found parked or standing in a regulated metered space is parked or standing in violation of this section. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles.

(B) In areas where on-street parking is regulated by parking meters, at least three on-street parking spaces shall be designated as free motorcycle, moped, or motorscooter parking for every three contiguous blocks of metered on-street parking. This provision does not apply if it would require the removal of any regular on-street metered parking space. This provision should not be interpreted as exempting motorcycles, mopeds, or motoscooters from payment when a meter is present.

(C) A green vehicle that is registered in the State of New Mexico to a New Mexico resident or business is exempt from paying to park in an on street space regulated by a parking meter. A green vehicle parked in an on street space regulated by a meter shall have city issued identification posted on the left rear bumper or the left rear window that authorizes the exemption set forth in this paragraph. A green vehicle shall not be parked in an on street space regulated by a meter for more than two hours. After the free two-hour timeframe has expired, the vehicle cannot park within a one block radius of that parking space free of charge for 24 hours.

(D) Within 90 days of the adoption of these divisions (C) - (D), the Mayor shall develop the following:

(1) a form of identification to post on the vehicles;

(2) the procedures to issue such identification;

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(3) a training program for police officers and other City employees authorized to issue parking citations; and

(4) a reasonable and nominal fee the City can impose for the issuance of a Green Vehicle permit.

(E) To qualify for an exemption for a green vehicle, the owner must present the vehicle to the City's Parking Division for verification of green vehicle eligibility.

(F) This program shall be evaluated by the Department of Municipal Development every two years. This evaluation will be brought before the City Council with recommendations of alteration to the Green Vehicle Program, as necessary."

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

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

SECTION 3. Section 8-1-1-2 ROA 1994, DEFINITIONS, is amended to add definitions for GREEN VEHICLE and GREEN VEHICLE GUIDE in proper alphabetical order, to read:

GREEN VEHICLE. A Vehicle that is rated by the U.S. Environmental Protection Agency, Green Vehicle Guide with minimum Environmental Performance Scores for Greenhouse Gas and Air Pollution of 9 and a total combined score of 17 or higher.

GREEN VEHICLE GUIDE. A consumer guide developed by the U.S. Environmental Protection Agency to provide information about the environmental performance of vehicles.

SECTION 4. COMPILATION. The amendments set forth in Sections 1 through 3 above shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by

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title and general summary.

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