

**ORDINANCE 22-04**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 24 OF THE  
ROSWELL CITY CODE RELATING TO TRAFFIC**

**WHEREAS**, Chapter 24 of the Roswell City Code governs traffic within the City limits;  
and

**WHEREAS**, the City Council intends hereby to update and clarify certain sections of Chapter 24 relating to the Uniform Traffic Ordinance and administrative suspended licenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. Section 24-1 is hereby amended as follows:

**Sec. 24-1. Uniform traffic ordinance—Adopted.**

- (a) The ~~most recent version~~ 2010 Compilation of the New Mexico Uniform Traffic Ordinance, as promulgated by the New Mexico Municipal League, and revised through July, 2018, is hereby adopted by reference pursuant to NMSA 1978, § 3-17-6. In said ordinance, Option B is adopted as the text of Section 12-6-12.2. A copy of such uniform ordinance shall be on file in the office of the clerk, and copies shall be available for inspection and purchase during regular business hours.
- (b) All amendments, revisions and new sections to the uniform ordinance shall only be adopted by ordinance through an affirmative vote of the city council. Upon adoption, amendments shall be available for inspection in the city clerk's office.
- (c) Unless otherwise expressly provided, it shall be unlawful for any person to violate the provisions of the uniform traffic ordinance.

SECTION 2. Section 24-2 is hereby amended as follows:

**Sec. 24-2. Same—Amendments to penalty assessments.**

- (a) *Penalty assessment established.*
  - (1) As used in the New Mexico Uniform Traffic Ordinance adopted by reference by the city, penalty assessment misdemeanor means violation of any of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

Common Name of Offense	Section Violated	Penalty Assessment	
Pedestrian Control Signals	12-5-7	\$25.00	

Flashing signals	12-5-8	25.00	
Display of unauthorized signs, signals or markings	12-5-10	25.00	
Speed regulations	12-6-1		
Up to and including ten miles an hour over speed limit		25.00	
From 11 up to and including 15 miles an hour over speed limit		35.00	
From 16 up to and including 20 miles an hour over speed limit		75.00	
From 21 up to and including 25 miles over speed limit		150.00	
From 26 up to and including 30 miles an hour over speed limit		250.00	
From 31 up to and including 35 miles over speed limit		350.00	
More than 36 miles per hour		450.00	
Minimum speed regulations	12-6-1.5	25.00	
Overtaking a vehicle on the left	12-6-2.3	15.00	
Limitations on overtaking on the left	12-6-2.4	15.00	
No passing zones and restrictions on passing	12-6-2.7	25.00	
Following too closely	12-6-2.13	30.00	
Driving on divided streets	12-6-2.14	25.00	
Vehicle approaching or entering intersection	12-6-4.1	25.00	
Vehicles turning left at intersection	12-6-4.2	25.00	
Vehicle entering stop or yield intersection	12-6-4.3	25.00	
Limitations on turning around	12-6-5.5	15.00	
Starting parked vehicle	12-6-5.7	15.00	
Turning and stopping movements and required signals	12-6-5.8	25.00	
Stopping, standing and parking	12-6-6	25.00	
Special stops required	12-6-7	25.00	
Stopping for school bus	12-6-7.3	100.00	
Careless driving	12-6-12.4	75.00	
Operators and chauffeurs must be licensed	12-6-12.5	50.00	
Limitations on backing	12-6-12.9	25.00	
Restriction on use of video in motor vehicles	12-6-12.11	25.00	
Coasting Prohibited	12-6-12.12	25.00	
Animals on street	12-6-13.10	25.00	
Driving on mountain streets	12-6-13.11	25.00	
Child not in restraint device or safety belt	12-6-13.12	50.00	
Unfastened safety belt	12-6-13.13	30.00	
Possession or consumption of alcoholic beverages in open containers, first offense	12-6-13.14	50.00	

Destructive or injurious material on roadway	12-6-13.5	125.00	
Littering	12-6-13.15	300.00	
Pedestrian violation	12-6-14	15.00	
Pedestrian right of way in crosswalks	12-6-14.2	25.00	
Pedestrians to use right half of sidewalks	12-6-14.3	25.00	
Crossing at other than crosswalks	12-6-14.4	25.00	
Pedestrians on streets	12-6-14.5	25.00	
Drivers to exercise due care	12-6-14.8	25.00	
Prohibited acts	12-10-1.1	25.00	
When lighted lamps are required	12-10-1.3	25.00	
Headlamps on vehicles	12-10-1.5	25.00	
Dimming of lights	12-10-1.6	20.00	
Tail lamps	12-10-1.7	25.00	
Vehicles to be equipped with reflectors	12-10-1.8	25.00	
Mufflers, prevention of noise	12-1-1.1-	20.00	
Lamp or flag on projecting load	12-10-1.11	20.00	
Display of current valid registration plate	12-10-4	25.00	
Evidence of registration to be signed and exhibited on demand	12-10-5	20.00	
Unlawful riding	12-6-13.2	100.00	
Boarding or alighting from vehicle	12-6-13.7	15.00	
School zone	12-6-1.2	35.00	
			plus 5.00 every mile over
Stop lamps, signal lamps, and signal devices	12-10-1.9	15.00	
Turning and stopping movements and required signals	12-6-5.8	20.00	
Windshield to be unobstructed	12-10-1.12	25.00	
Basic rule	12-6-1.1	25.00	
Emerging from alley, private	12-6-7.1	20.00	
Lights and their application vehicle red light	12-5-6c	30.00	
Window tint	12-10-1.12	40.00	
Permitting unauthorized person to drive	12-6-12.23	40.00	
Avoid traffic control device	12-5-3	50.00	
Racing on street/exhibition driving	12-6-12.19	100.00	
Driving on streets laned for traffic	12-6-2.12	\$50.00	

- (2) The term penalty assessment misdemeanor does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person.
- (3) When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular

penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed 90 days.

(4) The penalty assessment for speeding in violation of Section 12-6-1.2 (4) or the Uniform Traffic Ordinance is twice the penalty assessment established in section 24-2(a) of this article for the equivalent mile per hour over the speed limit.

(5) In addition to the penalty assessment established for each penalty assessment misdemeanor pursuant to this section, there shall be assessed the following fees for each penalty assessment misdemeanor: a \$20.00 corrections fee; a \$6.00 court automation fee; and a \$3.00 judicial education fee.

(b) *Penalty assessment misdemeanors; option; effect.*

(1) Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor, the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation.

(2) Payment of any penalty assessment must be made by mail to the Municipal Court, Traffic Violations Bureau, City of Roswell, New Mexico within 30 days from the date of arrest. Payments of penalty assessments are timely if postmarked within the time limits set from the date of the arrest. The traffic violations bureau shall issue a receipt when a penalty assessment is paid by currency, but checks tendered by the violator upon which payment is received are sufficient receipt.

(3) No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

(c) *Failure to pay penalty assessment.*

(1) If a penalty assessment is not paid within 30 days from date of arrest, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if a penalty assessment notice had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided by the New Mexico Uniform Traffic Ordinance (Section 12-12-1.1) or other law relating to motor vehicles for the particular offense charged, and the schedule of penalty assessments shall not apply.

(2) In addition to the prosecution provided for in subsection 4(a), it is a misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within 30 days from the date of arrest.

(3) The office of the municipal court shall notify the Motor Vehicle Division of the State of New Mexico when a person fails to pay a penalty assessment within the required period of time. The motor vehicle division shall report the notice upon the

driver's record and shall not renew the person's license to drive until the municipal court notifies the motor vehicle division that the penalty assessment, or its equivalent, as well as any penalties imposed are properly disposed of.

SECTION 3. Section 24-7 is hereby amended as follows:

**Sec. 24-7. Reserved Administratively suspended licenses.**

Nothing in the Uniform Traffic Ordinance withstanding, a person who drives a motor vehicle on any public highway of this state at a time when the person's privilege to do so is administratively suspended, pursuant to NMSA 1978 § 66-5-30(B), is guilty of a penalty assessment misdemeanor and shall be subject to a penalty assessment of \$25.00.

SECTION 4. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

SECTION 5. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

SECTION 6. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED April 15, 2022.

CITY SEAL



ATTEST

Amalia Martinez  
Amalia Martinez, Interim City Clerk

Timothy Z. Jennings  
Timothy Z. Jennings, Mayor