

ORDINANCE NO. 1212

AN ORDINANCE OF THE CITY OF ROSWELL ADOPTING THE 1990 NEW MEXICO UNIFORM TRAFFIC ORDINANCE; AMENDING SECTIONS 29-1 THROUGH 29-6 IN THE ROSWELL CITY CODE TO REFLECT ADOPTION OF THE 1990 NEW MEXICO UNIFORM TRAFFIC ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the 1983 edition of the New Mexico Uniform Traffic Ordinance has been superceded by the 1990 edition and will no longer be updated by periodic supplements, and

WHEREAS, the City of Roswell has heretofore adopted the 1983 edition of the New Mexico Uniform Traffic Ordinance and desires to, at this time, adopt the 1990 edition,

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

Section 1. In the Roswell City Code, 1984, Chapter 29, Article I the following listed sections are amended to read as shown here. Sections not listed here shall continue unamended and in full effect. The amended sections are:

Sec. 29-1. Uniform Traffic Ordinance - Adopted

(a) The 1990 New Mexico Uniform Traffic Ordinance, as promulgated by the New Mexico Municipal League, is hereby adopted as if set forth in its entirety in this chapter. In said ordinance Option B is adopted as the text of Section 12-6-12.2. A copy of such Uniform Traffic 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) Unless otherwise expressly provided any person violating the provisions of the Uniform Traffic Ordinance shall, upon conviction, be guilty of a misdemeanor.

Sec. 29-2. Same - Amendments.

The 1990 New Mexico Uniform Traffic Ordinance is hereby amended in the following respects:

Section 12-6-6.12(F) is hereby created and shall read as follows:

12-6-6.12(F) Penalties for violations of the parking time limits provided for in this section shall be as provided in Section 12-12-12 of this ordinance, relating to parking meter penalties, and the issuance of notices and citations hereunder shall conform to the provisions of said section.

Section 12-6-7.3(E) is hereby created and shall read as follows:

12-6-7.3(E) The driver of a school bus shall operate the flashing warning signal lights on the school bus when stopping or stopped within the city limits for the purpose of permitting school children to board or alight from the school bus. The flashing warning signal lights shall be kept in operation until the school bus is in motion and the children are clear of the traveled portion of the roadway. Use of flashing lights will not be required when a school bus is parked in a bus loading zone adjacent to schools. A bus loading zone, for purposes of this paragraph, shall be a yellow painted curb with the words "Bus Loading Zone" stenciled along the curb every 15 feet but with the words appearing at least twice in each zone.

Section 12-6-12.20, paragraph (D), is hereby amended to read as follows:

(D) For parade requirements see Article II of Chapter 29 of the Roswell City Code.

Section 12-10-6 is hereby amended by deletion of paragraph (F).

Section 12-12-12 is hereby amended to read as follows:

12-12-12 CITATION OF ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any restrictions imposed by this ordinance it shall be the duty of the police officers of the city, acting in accordance with instructions issued by the chief of police, to report:

(1) The state license number of any vehicle parked in violation of this article.

(2) The number of each parking meter which indicates that a vehicle occupying a parking space adjacent to such parking meter is or has been parking in violation of any provisions of this division.

(3) The time at which such vehicle is parked in violation of any of the provisions of this article.

(4) Any other facts the knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Each officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this article and instructing the owner or operator to report to the municipal judge of the city in regard to such violation. Each such owner or operator shall, within seventy-two (72) hours of the time when such notice is attached to such vehicle, either pay the municipal judge as a penalty for, and in full satisfaction of, said violation, the sum of two dollars (\$2.00) or make his appearance before such court and answer thereto. The failure of the owner or operator in violation to make such payment or enter his appearance therein within seventy-two (72) hours shall be deemed a misdemeanor.

Upon failure of such owner or operator in violation to make such payment or enter his appearance before the municipal court and answer thereto, as aforesaid, the chief of police shall thereafter, with all diligence, ascertain the name and address of such parking meter violator, and cause a citation to be issued against him, citing him to be and appear before the municipal court within five (5) days from the date of service thereof, then and there to show cause, if any there be, why he failed to make such payment or appear as above provided. Upon conviction in such case, the municipal court, within its discretion, may impose a fine not to exceed the sum of ten dollars (\$10.00).

Section 12-12-13 is hereby deleted from the Uniform Traffic Ordinance.

Sec. 29-6 Penalty amounts. In this section the reference to the 1983 New Mexico Uniform Traffic Ordinance is hereby amended to refer to the 1990 New Mexico Uniform Traffic Ordinance.

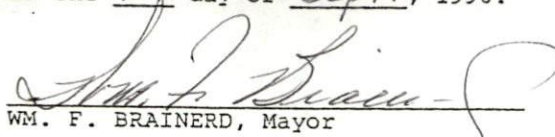
Section 2. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 3. If any section, paragraph, clause or provision 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 4. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED AND APPROVED the 11th day of Sept., 1990.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


Ruth May, City Clerk