



VILLAGE OF MAGDALENA
PO BOX 145, MAGDALENA, NM 87825
P. 575.854.2261 F. 575.854.2273
WWW.VILLAGEOFMAGDALENA.COM

AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
MONDAY, SEPTEMBER 10, 2018
VILLAGE HALL 108 N. MAIN STREET 6:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES**
 - a. REGULAR MEETING – AUGUST 27, 2018**
- 6. APPROVAL OF CASH BALANCE REPORT**
- 7. APPROVAL OF BILLS**
- 8. MAYOR'S REPORT**
- 9. CLERK'S REPORT**
 - a. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF BUDGET ADJUSTMENT RESOLUTION NO. 2019-01**
- 10. DEPARTMENT REPORTS**
 - a. EMS**
 - b. FIRE**
 - c. MARSHAL**
 - d. JUDGE**
 - e. PUBLIC WORKS**
 - f. LIBRARY**
- 11. FINAL READING – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2018-03, AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY THE VILLAGE OF MAGDALENA; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF**

- 12. FIRST READING – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO PUBLISH ORDINANCE NO. 2018-05, AN ORDINANCE ADOPTING THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE BY REFERENCE**
- 13. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT**
- 14. EXECUTIVE SESSION – 10-15-1(H)(2) – LIMITED PERSONNEL MATTER**
 - a. JOINT UTILITY MANAGER**
- 15. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO HIRE JOINT UTILITY MANAGER**
- 16. ADJOURNMENT**

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 8725. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

**Minutes of the Regular Meeting of the Village of Magdalena
Board of Trustees
Held Monday, August 27, 2018 at 6:00 p.m.**

DRAFT

Mayor Richard Rumpf called the meeting to order at 6:00 p.m.

Present: Mayor Richard Rumpf, James Nelson, Donna Dawson, Clark Brown, Stephanie Finch - Clerk/Treasurer, Attorney Kathy Riley

Absent: Lynda Middleton

Guests: Monique Marquez, Judith Shamosh, John Larson, Sarita Johnson, Mike Danielsen, Bryan Romkey, Carleen Gomez - Deputy Clerk

Mayor Richard Rumpf requested that Trustee Donna Dawson lead the gallery in reciting the Pledge of Allegiance.

Approval of Agenda: Mr. Nelson motioned to approve the agenda as presented, seconded by Ms. Dawson. The motion carried unanimously.

Approval of Minutes: Ms. Dawson motioned to approve the minutes of the Regular Meeting held on August 13, 2018, as amended, seconded by Mr. Brown. The motion carried unanimously.

Ms. Dawson motioned to approve the minutes of the Special Meeting held on August 20, 2018, as presented, seconded by Mr. Brown.

Approval of Cash Balance Report: Ms. Dawson motioned to approve the cash balance report, as presented, seconded by Mr. Brown. The motion carried unanimously.

Approval of Bills: Ms. Dawson motioned to approve the bills, as presented, seconded by Mr. Nelson. The motion carried unanimously.

Amazon Credit Plan	\$802.04	Bugs Or Us Pest Control	\$140.00
DPC Industries	497.67	EQC Technologies	134.30
Gall's	147.97	Gilbert Garcia & Son	1,098.86
Konica Minolta	670.30	KSA Engineers	2,842.78
Med-Tech Resources	98.78	Napa Auto Parts	1,306.59
O'Reilly Auto Parts	47.44	Printing Systems	530.26
Purchase Power	320.99	Quill	397.69

Rak's Building Supply	\$47.16	Sierra Propane	\$128.32
Socorro Electric Coop	4,020.48	The Water & Ice Store	200.00
Valley Tractor LLC	171.97	Verizon Wireless	321.99
W.S. Darley	1,429.20	Winston's Auto	84.40

Mayor's Report

Mayor Rumpf stated that he attended the Rural Water Board of Directors meeting in Chama, New Mexico. He stated that it was a good and productive meeting.

Clerk's Report

Clerk Finch stated that the Auditors would begin this week and could be here two to three weeks.

Monique Marquez - New Mexico Workforce Connection

Mrs. Marquez introduced herself and gave an update on what services are available through the New Mexico Workforce Connection program. She stated that she wanted to be present to answer any questions that the Board or public may have. She stated that the program offers classes on how to write resumes, do interviews and those types of things. She stated that they help employers pay up to 250 hours of wages. She stated that they are currently hiring in their office. She added that their main focus is to get people employed and help them get their GED's if needed.

Judyth Shamosh - Discussion & Possible Decision Regarding Landscaping Project South Of Magdalena Public Library

Ms. Shamosh stated that within 36 hours she has received approximately \$1,800.00 for the trees. She stated that about \$350.00 is needed for the water tank. Ms. Shamosh stated that the Village would be digging the holes for the trees, which will cost the Village in labor and dirt work. She stated that she and Mr. Jim Nelson would be putting in the drip system and the water tank. Mr. Brown asked who would be responsible for maintenance and weeding of the area. Ms. Shamosh stated that she and Mr. Nelson will maintain the system if something goes wrong with it. She added that maybe the individuals that have trees will have a vested interest in keeping the area clean and maintained. Mrs. Marquez with the NM Workforce Connections Program stated that they could pay employees for that type of work. Mayor Rumpf stated that they may have a mural painted on the tank. He also stated that the tank will be set up where the fire truck can fill it up. Ms. Shamosh stated that Bob Mack is making the plaques for the trees. She stated that because of all of the interest and donations she believes that people do want to see this happen.

Mr. Nelson motioned to approve the landscaping project, seconded by Mr. Brown.

Mayor Rumpf recommended that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mr. Brown AYE

Ms. Dawson NAY

The motion carried by majority.

Public Hearing - Discussion & Possible Decision Regarding Resolution No. 2018-14, A Resolution Adopting The 2020-2024 Local Government Infrastructure Capital Improvement Plan (ICIP)
Ms. Dawson motioned to approve Resolution No. 2018-14, seconded by Mr. Brown.

Mayor Rumpf recommended that Clerk Finch request a roll call vote:

Mr. Brown AYE

Mr. Nelson AYE

Ms. Dawson AYE

The motion carried unanimously.

Discussion & Possible Decision Concerning Approval Of Resolution No. 2018-15, Participation In Capital Outlay Program Administered By New Mexico Department Of Transportation
Clerk Finch stated that \$75,000.00 was received last year with a 0% match. She stated that the Village needed to pass this resolution to have the money released and available to the Village.

Mr. Nelson motioned to approve Resolution No. 2018-15, seconded by Ms. Dawson.

Mayor Rumpf recommended that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mr. Brown AYE

Ms. Dawson AYE

The motion carried unanimously.

First Reading - Discussion & Possible Decision To Publish Ordinance No. 2018-04, An Ordinance Relating To Administration, Adopting A Personnel Policy; Setting Forth Personnel Rules And Regulations Establishing Consistent, Basic Policies And Practices Concerning Relations Between The Village And Its Employees

Clerk Finch stated that all of the changes were made from the work session that was held.

Mr. Nelson motioned to publish Ordinance No. 2018-04, seconded by Mr. Brown.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Ms. Dawson AYE

Mr. Brown AYE

Mr. Nelson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Payout Of Vacation Days
Payout was requested as follows:

Interim Joint Utility Manager - 79 hours

Clerk-Treasurer - 196.88 hours

Deputy Clerk - 52.5 hours

Mr. Nelson motioned to approve the payout of requested vacation days, seconded by Mr. Brown.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mr. Brown AYE

Ms. Dawson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Quote For Powerload For Ambulance

Clerk Finch stated that the EMS Department received \$13,643.00 from the EMS Fund Act and those monies could be used to purchase the powerload. She stated that the remainder could come from the Ambulance Fund.

Mr. Nelson motioned to approve the purchase of the powerload in the amount of \$29,150.75, seconded by Ms. Dawson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Ms. Dawson AYE

Mr. Brown AYE

Mr. Nelson AYE

The motion carried unanimously.

Public Input - 1 Topic Per Person - 3 Minute Limit

Ms. Sarita Johnson stated that she was curious about the truck that had caught fire a few days earlier. Mayor Rumpf stated that

the engine started on fire, causing the entire truck to be engulfed. He also stated that no one was hurt.

Executive Session - 10-15-1(H) (2) - Limited Personnel Matter

Ms. Dawson motioned to go into Executive Session at 6:31 p.m., seconded by Mr. Nelson.

Clerk Finch requested a roll call vote:

Mr. Nelson AYE

Mr. Brown AYE

Ms. Dawson AYE

The motion carried unanimously.

a. Deputy Marshal

Ms. Dawson motioned go back into regular session at 6:38 p.m. certifying that no other items were discussed, seconded by Mr. Nelson.

Clerk Finch requested a roll call vote:

Mr. Brown AYE

Mr. Nelson AYE

Ms. Dawson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Mayor's Recommendation Concerning Statutory Eligibility For Continued Employment Of Deputy Marshal

Ms. Dawson motioned to approve the Mayor's decision to terminate Deputy Marshal, John Brannan, seconded by Mr. Brown.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Brown AYE

Mr. Nelson AYE

Ms. Dawson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval To Post Deputy Marshal Position

Ms. Dawson motioned to post the Deputy Marshal position, seconded by Mr. Nelson. The motion carried unanimously.

Ms. Dawson motioned to adjourn the meeting at 6:41 p.m., seconded by Mr. Brown. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, CMC, CPO
Clerk/Treasurer

Richard Rumpf
Mayor

Minutes Taken By:

Carleen Gomez, CMC
Deputy Clerk

**VILLAGE OF MAGDALENA
BOARD OF TRUSTEES
BUDGET ADJUSTMENT RESOLUTION NO. 2019-01**

WHEREAS, the Board of Trustees of the Village of Magdalena met in regular session on _____ did propose to make certain transfer(s) or increase(s); and

WHEREAS, the Village of Magdalena asks that authorization for the following transfer(s) or increase(s) be granted:

(List funds and/or items involved) From 101 to 503

1. Transfer \$10,000.00 out of the General Fund (101)
2. Transfer \$10,000.00 into the Wastewater (Sewer) Fund (503)

And **WHEREAS**, the reason(s) for the above transfer(s) or increase(s) is (are):

1. Transfer \$10,000.00 out of the General Fund (101) to help cover cost of Sewer Preliminary Engineering Report
2. Transfer \$10,000.00 into the Wastewater (Sewer) Fund (503) to help cover cost of Sewer Preliminary Engineering Report

NOW THEREFORE, it is respectfully requested that authorization to make the above transfer(s) or increase(s) be granted by the Local Government Division of the Department of Finance and Administration.

PASSED, SIGNED AND APPROVED BY the Governing Body of the Village Magdalena, this _____ day of _____, 20____.

Mayor

Attested:

Clerk/Treasurer

Magdalena Marshal's Office

Monthly Report	August	Year: 2018
K.Miller		
Total Miles Driven:	2,991	
GENERAL CALLS:	AMOUNT	REVENUE
TRAFFIC CITATIONS: Village Ordinances	12	499
TRAFFIC CITATIONS: State Statutes	0	
CRIMINAL CITATIONS	0	
ANIMAL CONTROL CITATIONS	0	
TRAFFIC ACCIDENTS	1	
D.W.I. ARRESTS	0	
FELONY ARRESTS	1	
MISDEMEANOR ARRESTS	3	
12 HOUR HOLD ARREST	0	
CRIMINAL INVESTIGATIONS	4	
JUVENILE CASES	0	
DOMESTIC CASES	2	
CRIMINAL DAMAGE / PROPERTY	1	
ASSISTANCE CALLS:		
AMBULANCE/FIRE	2	
PUBLIC SERVICE	0	
NM STATE POLICE	0	
SHERIFF'S OFFICE	0	
NM FISH & GAME	0	
US BORDER PATROL	0	
US FOREST SERVICE	0	
OTHER:		
ALARM CALLS	1	Magdalena High School
FINGERPRINTING	0	
Driving Tests	0	
Misc. Cases	0	
TOTALS:	27	0

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
 For the month of : ~~April~~ August Year: 2018

License Number: G97490
 Make and Model: 2016 SILVERADO

Report due in NO LATER THAN THE 10th OF THE MONTH

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1	41343	41558	215	21.17	53.33			01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5	41558	41886	328	13.93	44.56			05 Interior Maintenance
6			0					06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9	41886	42227	341	20.46	65.46			10 Tire Repair 15
10			0					11 Wash and Wax
11	42227	42546	319	21.78	69.7			(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13								10 4/28/2018
14								Invoice No.: _____ Amt.\$ _____
15	42546	42830	284	23.05	64.53			Date _____
16								Invoice No.: _____ Amt.\$ _____
17	42830	43160	330	19.62	63.86			Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19	43160	43301	141	11.77	33.2			Code: _____ Date: _____
20	43301	43410	109	9.09	25.65			Invoice No.: _____ Amt.\$ _____
21	43410	43682	272	16.45	46.06			Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23	43682	44000	318	22.05	62.18			Code: _____ Date: _____
24			0					Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$ _____
27								Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29	44000	44334	334	22.19	62.58			Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals			<u>29910</u>	201.6	<u>591.11</u>		0	\$2500

I certify that the above is correct to the best of my knowledge.

Signature: [Signature] Title: Deputy Marshal [Signature]

Magdalena Marshal's Office

<i>Monthly Report</i>	<i>August</i>	<i>Year: 2018</i>
Michael Zamora		
Total Miles Driven:	806	
<u>GENERAL CALLS:</u>	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	36	2191
TRAFFIC CITATIONS: State Statutes	0	
CRIMINAL CITATIONS		
ANIMAL CONTROL CITATIONS	5	
TRAFFIC ACCIDENTS	0	
D.W.I. ARRESTS	0	
FELONY ARRESTS		
MISDEMEANOR ARRESTS		
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	3	
JUVENILE CASES	2	
DOMESTIC CASES	2	
CRIMINAL DAMAGE / PROPERTY	1	
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE		
PUBLIC SERVICE		
NM STATE POLICE	1	
SHERIFF'S OFFICE	1	
NM FISH & GAME	0	
US BORDER PATROL	0	
US FOREST SERVICE	0	
<u>OTHER:</u>		
ALARM CALLS		
FINGERPRINTING	0	
Driving Tests		
Misc. Cases	15	
TOTALS:	66	2191

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
 For the month of : AUGUST Year: 2018

License Number: G93062
 Make and Model: FORD EXPID.2015

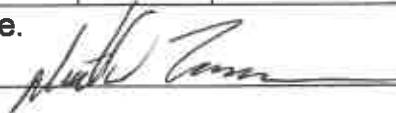
Report due in NO LATER THAN THE 10th OF THE MONTH

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1	46765	46964	199	19.41	62.1			01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5								05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9	46964	47201	237	22.82	73			10 Tire Repair 15
10								11 Wash and Wax
11								(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13								10
14								Invoice No.: _____ Amt.\$ _____
15								Date
16								Invoice No.: _____ Amt.\$ _____
17								Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19								Code: _____ Date: _____
20	47201	47366	165	20.1	56.9			Invoice No.: _____ Amt.\$ _____
21								Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23								Code: _____ Date: _____
24								Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$ _____
27								Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29	47366	47571	205	59.45	21.08			Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals				121.78	213.08			

I certify that the above is correct to the best of my knowledge.

Signature:

Title: MARSHAL



**VILLAGE OF MAGDALENA
ORDINANCE 2018-03**

AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY THE VILLAGE OF MAGDALENA; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF MAGDALENA, NEW MEXICO:

SECTION 1.

This Ordinance may be cited as the Village of Magdalena Penalty Assessment Program.

SECTION 2.

A. As used in the New Mexico Uniform Traffic Ordinance adopted by the Village of Magdalena, New Mexico, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

<u>COMMON NAME OF OFFENSE</u>	<u>SECTION VIOLATED</u>	<u>PENALTY ASSESSMENT</u>
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	
(1) Up to and including ten miles an hour over speed limit		25.00
(2) From eleven up to and including fifteen miles an hour over speed limit		30.00
(3) From sixteen up to and including twenty miles an hour over speed limit		65.00
(4) From twenty-one up to and including twenty- five miles an hour over speed limit		100.00
(5) From twenty-six up to and including thirty miles an hour over the speed limit		125.00

(6) From thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) More than thirty-five miles an hour over the speed limit		200.00
MINIMUM SPEED REGULATIONS	12-6-1.5	25.00
OVERTAKING A VEHICLE ON THE LEFT	12-6-2.3	10.00
LIMITATIONS ON OVERTAKING ON THE LEFT	12-6-2.4	10.00
NO PASSING ZONES & RESTRICTIONS ON PASSING	12-6-2.7	25.00
FOLLOWING TOO CLOSELY	12-6-2.13	25.00
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	10.00
STARTING PARKED VEHICLE	12-6-5.7	10.00
TURNING & STOPPING MOVEMENTS AND REQUIRED SIGNALS	12-6-5.8	25.00
STOPPING, STANDING & PARKING	12-6-6	25.00
SPECIAL STOPS REQUIRED	12-6-7	25.00
STOPPING FOR SCHOOL BUS	12-6-7.3	100.00
OPERATORS & CHAUFFEURS MUST BE LICENSED	12-6-12.5	25.00
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
DESTRUCTIVE OR INJURIOUS MATERIAL ON ROADWAY	12-6-13.5	100.00
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	25.00
MANDATORY USE OF SEAT BELTS	12-6-13.13	25.00
POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS- FIRST OFFENSE	12-6-13.14	25.00
LITTERING	12-6-13.15	50.00
PEDESTRIAN VIOLATION	12-6-14	10.00

PEDESTRIANS RIGHT-OF-WAY IN CROSSWALKS	12-6-14.2	25.00
PEDESTRIANS TO USE RIGHT HALF OF SIDEWALK	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
PARKING IN DESIGNATED DISABLED PARKING SPACES	12-9-9	250-500.00
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	10.00
TAIL LAMPS	12-10-1.7	25.00
VEHICLES TO BE EQUIPPED WITH REFLECTORS	12-10-1.8	25.00
MUFFLERS, PREVENTION OF NOISE	12-10-1.10	10.00
LAMP OR FLAG ON PROJECTING LOAD	12-10-1.11	10.00
WINDSHIELD MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS; WINDOWS MUST BE TRANSPARENT; EXCEPTIONS	12-10-1.12	25.00
SUN SCREENING MATERIALS ON WINDSHIELDS AND WINDOWS; REQUIREMENTS; VIOLATIONS PENALTY	12-10-1.12A	25.00
DISPLAY OF CURRENT VALID REGISTRATION PLATE	12-10-4	25.00
EVIDENCE OF REGISTRATION TO BE SIGNED AND EXHIBITED ON DEMAND	12-10-5	10.00

- B. 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.
- C. 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 ninety days.
- D. The penalty assessment for speeding in violation of Section 12-6-1.2 (4) of the Uniform Traffic Ordinance is twice the penalty assessment established in Subsection A of Section 2 of this ordinance for the equivalent miles per hour over the speed limit.
- E. 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 twenty dollar (\$20) Corrections Fee; a six dollar (\$6) Court Automation Fee; and a three dollar (\$3) Judicial Education Fee.

SECTION 3. PENALTY ASSESSMENT MISDEMEANORS: OPTION; EFFECT

- A. 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 acknowledgement of guilt of the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation.
- B. Payment of any penalty assessment must be made by mail to the Municipal Court, Traffic Violations Bureau, Village of Magdalena, New Mexico within _____ days from the date of arrest. Payments of penalty assessments are timely if postmarked within the time limits set from the date of 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 is sufficient receipt.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

SECTION 4. FAILURE TO PAY PENALTY ASSESSMENT

- A. If a penalty assessment is not paid within _____ days from the date of arrest, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if the 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 scheduled penalty assessments shall not apply.
- B. In addition to the prosecution provided for in Section 4A, it is a misdemeanor for any person who has elected to pay a penalty assessment to failure to do so within _____ days from the date of arrest.
- D. 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 additional penalties imposed are properly disposed of.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 20 _____.

Mayor

ATTEST:

Village Clerk

**VILLAGE OF MAGDALENA
ORDINANCE 2018-05**

**AN ORDINANCE ADOPTING THE NEW MEXICO UNIFORM TRAFFIC
ORDINANCE BY REFERENCE**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF
MAGDALENA, NEW MEXICO.**

SECTION 1. ADOPTION BY REFERENCE

The New Mexico Uniform Traffic Ordinance, and 2018 amendments, is herewith adopted by reference, pursuant to Section 3-17-6 NMSA 1978.

SECTION 2. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED, APPROVED AND ADOPTED THIS _____ DAY OF
_____, 2018.**

Richard Rumpf, Mayor

ATTEST:

Stephanie Finch
Clerk/Treasurer

2018 Uniform Traffic Ordinance (2010 Compilation) Amendments by Section
(The following sections of the UTO show the 2018 changes for the individual sections. Also included are the replacement pages for each of the Articles that include the changes.)

[—] = deleted
_____ = additions

12-5-7 PEDESTRIAN CONTROL SIGNALS.

A. Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place:

(1) "walk" indicates that pedestrians facing the signal may proceed across the street in the direction of the signal and shall be given the right of way by drivers of all vehicles; and

(2) "don't walk" indicates that no pedestrian shall start to cross the street in the direction of the signal, but any pedestrian who has partially completed ~~[his]~~ the pedestrian's crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-106 NMSA 1978)

12-5-8 FLASHING SIGNALS.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) flashing red (stop signal)--when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

(2) flashing yellow (caution signal)--when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Sections 12-6-7.5 - 12-6-7.8 of this ordinance.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-107 NMSA 1978)

12-5-10 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

A. No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movements of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

B. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the administrator is hereby empowered to remove the ~~[same]~~ sign, signal marking or device or cause it to be removed without notice.

C. The provisions of this section shall not prohibit the erection of signs upon private property adjacent to streets if the signs give useful directional information and are of a type that cannot be mistaken for official signs. (*)

D. A person who violates provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-108 NMSA 1978)

12-6-12.11 RESTRICTION ON USE OF ~~[TELEVISION]~~ VIDEO IN MOTOR VEHICLES.

A. It is unlawful to operate in this municipality any motor vehicle equipped with a ~~[television]~~ video screen, of whatever type, upon which images may be projected or shown, if the screen is within the normal view of the driver of the motor vehicle unless the ~~[television]~~ video screen is solely used as an aid to the driver in the operation of the vehicle.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor.

C. As used in this section "~~[television]~~ video screen" does not include closed circuit monitors or computer terminal monitors used by law enforcement agencies in law enforcement motor vehicles. (66-7-358 NMSA 1978)

12-6-12.12 COASTING PROHIBITED.

A. The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-360 NMSA 1978)

12-6-13.10 ANIMALS ON STREET.

A. It is unlawful for any person, during the hours of darkness to ride a horse or other animal upon the traveled portion of any street which is normally used by motor vehicles.

B. It is unlawful for any person negligently to permit livestock to wander or graze upon any fenced street at any time or, during the hours of darkness, to drive livestock along or upon any street which is normally used by motor vehicles.

C. Owners of livestock ranging in pastures through which unfenced roadways pass shall not be liable for damages by reason of injury or damage to persons or property occasioned by collisions of vehicles using said roadways and livestock or animals ranging in said pastures unless such owner of livestock is guilty of specific negligence other than allowing [~~his animals~~] livestock to range in said pasture.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-363 NMSA 1978)

12-6-13.11 DRIVING ON MOUNTAIN STREETS.

A. The driver of a motor vehicle traveling through defiles or canyons or on mountain streets shall hold such motor vehicle under control and as near the right-hand edge of the street as reasonably possible.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-359 NMSA 1978)

12-6-13.15 LITTERING

A. Littering consists of discarding refuse:

(1) on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by the responsible governmental authorities, or otherwise in accordance with lawful direction; or

(2) on private property not owned or lawfully occupied or controlled by the person, except with the consent of the owner, lessee or occupant [~~thereof. (30-8-4 NMSA 1978)~~] .

B. Whoever commits littering is guilty of a petty misdemeanor, and notwithstanding the provisions of Section 31-9-1 NMSA 1978, shall be punished by a fine of fifty dollars (\$50.00). The use of uniform traffic citations is authorized for the enforcement of this section. The court may to the extent permitted by law, as a condition to suspension of any other penalty provided by law, require a person who commits littering to pick up and remove

from any public place or any private property, with prior permission of the legal owner, any litter deposited thereon. (30-8-4 NMSA 1978)

~~[C. Any jail sentence imposed pursuant to Subsection B of this section may be suspended, in the discretion of the magistrate or judge, upon conditions that the offender assist in litter clean-up in the jurisdiction for a period not to exceed the length of the suspended sentence. (*)]~~

12-6-14.2 PEDESTRIANS RIGHT OF WAY IN CROSSWALKS.

A. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the street within a crosswalk when the pedestrian is in the crosswalk.

B. ~~[No]~~ A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection A shall not apply under the conditions stated in Section 12-6-14.4.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the street, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor (66-7-334 NMSA 1978)

12-6-14.3 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

A. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

B. A person who violates provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-338 NMSA 1978)

12-6-14.4 CROSSING AT OTHER THAN CROSSWALKS.

A. ~~[Every]~~ A pedestrian crossing a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the street.

B. Any pedestrian crossing a street at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the street.

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

D. No pedestrian shall cross a street intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (*)

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-335 NMSA 1978)

12-6-14.5 PEDESTRIANS ON STREETS.

A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

B. Where sidewalks are not provided any pedestrian walking along and upon a street shall when practicable walk only on the left side of the street or its shoulder facing traffic which may approach from the opposite direction.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-339 NMSA 1978)

12-8-1 EFFECT OF REGULATIONS.

A. It is a penalty assessment misdemeanor for a person to do any act forbidden or fail to perform any act required by Sections 12-8-1 through 23 or the Uniform Traffic Ordinance.

[A] B. The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of this ordinance.

[B] C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (66-3-701 NMSA 1978)

12-10-1.1 PROHIBITED ACTS.

A. Except as otherwise provided in this section, it is a penalty assessment misdemeanor for any person to drive or move, or for the owner to cause or permit to be driven or

moved, on any street, any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with such lamps and other equipment, in proper condition and adjustment, as is required by Sections 12-10-1.1 through 12-10-1.51, or which is equipped in any manner that is in violation of those sections, or for any person to do any act forbidden, or fail to perform any act required under those sections.

B. Nothing contained in Sections 12-10-1.1 through 12-10-1.51 shall be construed to prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with the provisions of such sections.

C. The provisions of Sections 12-10-1.1 through 12-10-1.51, with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as made applicable in those sections. (66-3-801 NMSA 1978)

12-10-1.3 WHEN LIGHTED LAMPS ARE REQUIRED.

A. Every vehicle upon a street within this municipality at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor (66-3-802 NMSA 1978)

12-10-1.5 HEAD LAMPS ON MOTOR VEHICLES.

A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this ordinance.

B. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this ordinance.

C. Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty inches to be measured as set forth in Section 12-10-1.4B. The provisions of this paragraph shall apply only to new motor vehicles sold after July 1, 1953. (66-3-804 NMSA 1978)

D. For the purposes of Sections 12-10-1.1 through 12-10-1.5 parking lamps shall not be used in lieu of head lamps.(*)

E. No headlight shall emit a glaring or dazzling light. (66-3-828 NMSA 1978)

F. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-804 NMSA 1978)

12-10-1.7 TAIL LAMPS.

A. Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear; provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required shall comply with the provisions of this section.

B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

C. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. (66-3-805 NMSA 1978)

D. No tail lamp shall emit a glaring or dazzling light. (66-3-828 NMSA 1978)

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-805 NMSA 1978)

12-10-1.8 VEHICLES TO BE EQUIPPED WITH REFLECTORS.

A. Every new motor vehicle hereafter sold and operated upon a street, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section.

B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in Section 12-10-1.4B, and shall be of such size and characteristics and so mounted as to be visible at night from all

distances within three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of headlamps.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-806 NMSA 1978)

12-10-1.12 WINDSHIELD MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS; WINDOWS MUST BE TRANSPARENT; EXCEPTIONS.

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon or in the front windshield, windows to the immediate right and left of the driver or in the rear-most window if the latter is used for driving visibility except as provided in Section 12-10-1.12A. The rear-most window is not necessary for driving visibility where outside rear-view mirrors are attached to the vehicle.

B. The windshield on every motor vehicle, except a motorcycle, shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

C. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-846 NMSA 1978)

12-10-1.12A SUN SCREENING MATERIAL ON WINDSHIELDS AND WINDOWS; REQUIREMENTS; VIOLATION; PENALTY.

A. A person shall not operate on any street or highway a motor vehicle that is registered or required to be registered in this state if that motor vehicle has a sun screening material on the windshield or any window that does not comply with the requirements of this section.

B. Except as otherwise provided in this section, a sun screening material:

- (1) when used in conjunction with the windshield, shall be nonreflective, shall not be red, yellow or amber in color and shall be used only along the top of the windshield, not extending downward beyond the ASI line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield; and
- (2) when used in conjunction with the safety glazing materials of the side wings or the side windows located at the immediate right and left of the driver, the side windows behind the driver and the rearmost window shall be nonreflective, shall have a light transmission of not less than twenty percent and shall be used only on the windows of a motor vehicle equipped with one right and one left outside rearview mirror.

C. Each manufacturer shall:

(1) certify to the division that a sun screening material used by that manufacturer is in compliance with the nonreflectivity and light transmission requirements of this section;

(2) provide a label not to exceed one and one-half square inches in size that:

(a) is installed permanently and legibly between the sun screening material and each glazing surface to which it is applied;

(b) contains the manufacturer's name, the date the sun screening material was manufactured and the percentage of light transmission; and

(c) is placed in the left lower corner of each glazing surface when facing the motor vehicle from the outside; and

(3) include instructions with the sun screening material for proper installation, including the affixing of the label specified in this subsection.

D. No person shall:

(1) offer for sale or for use any sun screening material for motor vehicle use not in compliance with this section; or

(2) install any sun screening material on motor vehicles intended for operation on any street or highway without permanently affixing the label specified in subsection C of this section.

E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.

F. The light transmission requirement of this section does not apply to windows behind the driver on truck tractors, buses, recreational vehicles, multipurpose passenger vehicles and motor homes. The provisions of this section shall not apply to motor vehicle glazing which complies with federal motor vehicle standards.

G. The provisions of this section do not apply to motor vehicles that have sun screening material on the windshield or any window prior to July 1, 1997.

H. As used in this section:

(1) "light transmission" means the ratio of the amount of total light that passes through a product or material, expressed in percentages, to the amount of total light falling on the product or material;

(2) "manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

(3) "nonreflective" means designed to absorb light rather than to reflect it; and

(4) sun screening material means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

I. ~~[Any]~~ A person who violates ~~[any]~~ a provision of this section is guilty of a ~~[petty] penalty assessment~~ misdemeanor ~~[and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00)]~~. (66-3-846.1 NMSA 1978)