



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, OCTOBER 8, 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 – OCTOBER 1, 2018

6. APPROVAL OF CASH BALANCE REPORT

7. APPROVAL OF BILLS

8. MAYOR'S REPORT

9. CLERK'S REPORT

10. DEPARTMENT REPORTS

a. EMS

b. FIRE

c. MARSHAL

d. JUDGE

e. PUBLIC WORKS

f. LIBRARY

11. INGRID KOEBEL – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO BLOCK OFF A PORTION OF S. MAIN STREET FOR STREET BAND

12. JIM SAUER – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO CREATE A CASH ACCOUNT IN THE AGENCY FUND FOR KIDS CAFÉ

- 13. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF PARTNERSHP AGREEMENT BETWEEN THE PUBLIC REGULATION COMMISSION, STATE FIRE MARSHAL DIVISION AND LOCAL GOVERNMENTS OPERATING NEW MEXICO CERTIFIED DEPARTMENTS**
- 14. FINAL READING – DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO PUBLISH ORDINANCE NO. 2018-05, AN ORDINANCE ADOPTING THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE BY REFERENCE**
- 15. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT**
- 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 8723. 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, October 1, 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, Lynda Middleton, Donna Dawson, Clark Brown, Stephanie Finch - Clerk/Treasurer, Attorney Kathy Riley

Guests: John Larson, Alejandra Paez, Von Apachito, Michael Zamora, Tyler Scartaccini, Mike Daniels, Carleen Gomez - Deputy Clerk

Mayor Richard Rumpf requested that Joint Utility Worker Von Apachito 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: Mr. Nelson motioned to approve the minutes of the Regular Meeting held on September 10, 2018, as presented, seconded by Ms. Dawson. The motion carried unanimously.

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: Clerk Finch stated that she had two bills come in that she would like to add to the bill list. She stated that they included: Med-Tech for \$532.95 for patches for the Fire Department and Stryker for \$310.00 for labor charges for the stretcher for the ambulance.

Mr. Brown motioned to approve the bills, as amended, seconded by Mr. Nelson. The motion carried unanimously.

Admin Office of Courts	\$384.00	Amazon Credit Plan	\$1,063.32
Baker Utility	294.96	Book Systems, Inc.	995.00
Bound Tree Medical	3,792.84	Bugs Or Us Pest	140.00
Consultant Pharmacist	431.50	Don Chalmers Ford	250.00
El Defensor Chieftain	118.89	Emergency Medical Prod.	45.49
HollyFrontier Ref.	26,010.74	ICom America, Inc	3,161.34
Konica Minolta	256.23	Leseberg's Auto	98.04

MCT, Inc.	\$4,086.43	Med-Tech	\$532.95
MES-Arizona	\$911.80	NM Fire	1,589.37
NM Judicial Education	192.00	NM Municipal League	680.00
NTS Communications	38.96	Quill	184.95
Rak's	4.69	RC Plumbing	144.88
Rice & Assoc., CPA	4,200.00	SealMaster	330.00
Socorro Electric	4,161.85	Stryker	3,787.26
Tricor Direct, Inc	509.95	Tyler Technologies	3,969.31
W.S. Darley	1,173.47	Winston's Auto	202.86

Mayor's Report

Mayor Rumpf reported that Joint Utility Workers Von Apachito and Lenny Baldonado passed their Water I test and the whole crew of four are now certified in water. Mayor Rumpf stated that Joint Utility Manager Jacob Finch will now be testing in Waste Water II and Joint Utility Worker Nehemiah Peralta will be testing in Waste Water I.

Mayor Rumpf stated that the Old Senior Center has been empty for years and only used for a few events here and there. Mayor Rumpf stated that Mr. & Mrs. Jim Sauer who are both teachers at the Magdalena Schools approached him concerning the use of the Old Senior Center for a Science Café. He stated that this would be on Thursdays after school and maybe on Fridays. Mr. Sauers stated that he received a \$3,000.00 grant to cover sit down meals for the kids while they are learning about Science. They will be studying about robotics, rockets, telescopes and astronomy and solar powered cars. Mayor Rumpf stated that they will have an Advisory Board of High School students in place and they are moving ahead. He stated that they will pay for propane in the winter. He stated that there will be parents to chaperone and it will be a good thing for the kids. Mayor Rumpf stated that there would be an Open House at the mid to the end of the month. Mrs. Middleton stated that it was all a good thing but will the Village's insurance cover this. Clerk Finch stated that it is covered. Ms. Dawson asked who would be responsible for any repairs. Mayor Rumpf stated that they would be, and Mr. Sauer is aware of it.

Mayor Rumpf stated that he and Trustee Nelson had just finished the second session of the Municipal Officials Leadership Institute (MOLI).

Mr. Nelson asked if the Village was going to paint the Old Senior Center. Mayor Rumpf stated that the outside needed stucco patch work first. Ms. Dawson asked if the Joint Utility Workers could repair the road to the cemetery.

Mayor Rumpf reported that there will be an Open House at the Magdalena Volunteer Fire Department on Saturday, October 6th, 2018 from 10:00 a.m. to 2:00 p.m.

Mayor Rumpf stated that he attended the Fire Conference in Ruidoso in the past week. He stated that the conference was good.

Clerk's Report

Clerk Finch reported that the Socorro Electric Cooperative has placed a pay station in the lobby of Village Hall. She stated that there is no charge to use a debit or credit card but there is a \$1.50 charge to use cash. She stated that if you use the pay station this month you will be entered into a drawing for a \$250.00 gift certificate to Cabela's.

Clerk Finch reported that this month Assistant Clerk Alejandra Paez will be attending her first year of Clerk's School and Clerk Finch will be attending her second year of Master Clerk's School.

Clerk Finch reported that the Court computer had been hacked and the information on the computer was encrypted and ransom-ware was left on it. Clerk Finch stated that in speaking with the Village's IT representative he stated that these people are not after the information, but they are after collecting ransom. Clerk Finch added that a Government agency cannot pay ransom. Clerk Finch stated that the Court software, InCode, will be installed on the Village's server and a firewall will be put in at the Court for the court computer and the Marshal's computers. She explained that the main software will be installed in Village Hall and be protected and be backed up five-times daily. She stated that there will be remote access on the Court's computer. She stated that the Administrative Office of the Courts will reimburse the \$3,000.00 that this is going to cost.

Clerk Finch stated that the Audit for Fiscal Year 2018 is nearly complete, with about one more day of work to be done.

She reported that the Village will now have a new DFA Analyst.

Clerk Finch reported that the Meter Fund at Wells Fargo Bank was now closed and moved over to First State Bank. She stated that all other banking with First State had begun on September 1st.

a. Discussion & Possible Decision Regarding Approval Of Budget Adjustment Resolution No. 2019-02

Clerk Finch presented the Budget Adjustment Resolution and explained the increases in revenues and expenditures.

Mrs. Middleton motioned to approve Budget Adjustment Resolution No. 2019-02, as presented, seconded by Ms. Dawson.

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

Mr. Brown AYE

Mr. Nelson AYE

Ms. Dawson AYE

Mrs. Middleton AYE

The motion carried unanimously.

Tyler Scartaccini - Discussion & Possible Decision Regarding Community Park

Mr. Tyler Scartaccini began by saying that there were fifteen people who attended that meeting that was held concerning a Community Park. He stated that because of that there is a lot of help coming from a lot of places. Mr. Scartaccini stated that the biggest question is what area at the Rodeo Grounds will the Village allow for the Community Park to be placed. He asked how large the area would be. He stated that there are now a lot of people who are interested in donating to the cause. Mr. Scartaccini asked if the Village could act as the Fiscal Agent for the project. Clerk Finch stated that a cash account could be placed in the Agency Fund for this. Mr. Scartaccini stated that there are good ideas flowing in, some of them being playground equipment, a fitness path, picnic tables and barbeque grills. Mr. Scartaccini also stated that they are trying to find a name for the park. Mayor Rumpf stated that the area that is just on the other side of Ms. Catherine DeMaria's property would be the area. He stated that the area has water running to it already.

Ms. Dawson motioned to approve request for the Village to be the Fiscal Agent for said project, seconded by Mrs. Middleton.

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

Mr. Nelson AYE

Ms. Dawson AYE

Mrs. Middleton AYE

Mr. Brown AYE

The motion carried unanimously.

Final Reading - Discussion & Possible Decision To Approve 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 It's Employees

Ms. Dawson asked if there was not supposed to be a section that talked about using your vacation time or losing it and if there was a cap on the allowed accrued time. Clerk Finch explained that a cap of up to 192 hours can be accrued for a step five employee and if it is not used it will be lost.

Mrs. Middleton motioned to approve 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

Mrs. Middleton AYE

Mr. Nelson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Memorandum Of Understanding Between Children, Youth And Families Department And Magdalena Marshal's Office

Marshal Michael Zamora stated that this will allow for a better relationship between his department and CYFD. He stated that this would also allow for important information to be shared between agencies. Marshal Zamora requested approval from the Mayor, the Board and the Village Attorney concerning the MOU as presented. Mrs. Middleton stated that the MOU reads that policies will be developed by the Marshal's office through this MOU. Marshal Zamora stated that yes, that is true.

Ms. Dawson motioned to approve the MOU between CYFD and the Magdalena Marshal's Office, seconded by Mr. Nelson.

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

Mrs. Middleton AYE

Mr. Brown AYE

Mr. Nelson AYE

Ms. Dawson AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval Of Christmas Parade

Clerk Finch stated that she would like to request approval to have a Christmas Parade. She stated that it would be a Christmas light parade and she would like to do it on a Saturday night. Clerk Finch stated that she would be contacting businesses and the Chamber of Commerce. She stated that Village staff would help and any volunteers who were in the spirit. She stated that after the parade she would like to have hot chocolate at the Fire Department with Santa. She stated that pictures with Santa could also be taken at that time. She added that the entry fee for the parade could go towards the purchase of a plaque for first place in the parade as well as the Secret Santa fund. Clerk Finch stated that she checked with the Village's insurance and an event of this sort is covered. She stated that it could turn into an annual event if it was successful. Mrs. Middleton stated that businesses should be encouraged to be open during the event.

Mrs. Middleton motioned to approve the request, seconded by Mr. Brown.

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

Mr. Nelson	AYE
Ms. Dawson	AYE
Mrs. Middleton	AYE
Mr. Brown	AYE

The motion carried unanimously.

Public Input - 1-Topic Per Person - 3 Minute Limit
No public input was given.

Executive Session - NMSA 10-15-1(H) (7) - Potential Litigation

Mr. Nelson motioned to go into Executive Session at 6:54 p.m., to discuss Potential Litigation, seconded by Ms. Dawson.

Clerk Finch requested a roll call vote:

Mr. Brown	AYE
Mrs. Middleton	AYE
Ms. Dawson	AYE
Mr. Nelson	AYE

The motion carried unanimously.

a. Unpaid Lodger's Tax

Ms. Dawson motioned to go back into Regular Session at 7:19 p.m., and certified that only Potential Litigation concerning unpaid Lodger's Tax was discussed and no decisions were made,

seconded by Mr. Brown.

Clerk Finch requested a roll call vote:

Mr. Nelson AYE

Mr. Brown AYE

Ms. Dawson AYE

Mrs. Middleton AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval For Clerk To Audit Local Motel(s) For Lodger's Tax

Mrs. Middleton motioned to draw from the pool of Lodging places for auditing purposes, seconded by Ms. Dawson. The motion carried unanimously.

Clerk Finch requested that Mr. Nelson draw from the names. The establishment that was picked was the Western Motel & RV Park.

Ms. Dawson motioned to designate Clerk Finch to do the audit on the Western Motel & RV Park, seconded by Mr. Brown. The motion carried unanimously.

Ms. Dawson motioned to adjourn the meeting at 7:20 p.m., seconded by Mr. Nelson. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, EMC, CPO
Clerk/Treasurer

Richard Rumpf
Mayor

Minutes Taken By:

Carleen Gomez, CMC
Deputy Clerk

Stephanie Finch

From: Michael Bisbee <michael_bisbee@yahoo.com>
Sent: Monday, October 1, 2018 12:57 PM
To: Stephanie Finch
Subject: VILLAGE of MAGDALENA FIRE / EMS REPORT September 2018

VILLAGE of MAGDALENA FIRE / EMS REPORT September 2018

FIRE

9/8/2018 - Community Service / Training; Burned brush pile at Rodeo Grounds

9/11/2018 - Extinguish trash fire in yard on Elm Street

EMS

Magdalena Volunteer EMS Department responded to 6 calls for service

Best Regards,
Michael Bisbee: Chief MVFD/EMS

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								01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5	47571	47837	266	22.36	64.4			05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9								10 Tire Repair 15
10								11 Wash and Wax
11								(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13	47837	48057	220	19.69	56.7			10
14								Invoice No.: _____ Amt.\$ _____
15								Date _____
16								Invoice No.: _____ Amt.\$ _____
17								Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19								Code: _____ Date: _____
20								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	48057	48280	223	20.54	60.8			Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29								Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals			709	62.59	181.5			

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

Signature:  Title: **MARSHAL**

Magdalena Marshal's Office

<i>Monthly Report</i>	<u>September</u>	<u>Year: 2018</u>
Michael Zamora	556	
Total Miles Driven:	256	
<u>GENERAL CALLS:</u>	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	16	951
TRAFFIC CITATIONS: State Statutes	0	
CRIMINAL CITATIONS		
ANIMAL CONTROL CITATIONS		
TRAFFIC ACCIDENTS	0	
D.W.I. ARRESTS	0	
FELONY ARRESTS		
MISDEMEANOR ARRESTS	4	
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	6	
JUVENILE CASES		
DOMESTIC CASES	1	
CRIMINAL DAMAGE / PROPERTY	1	
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE	3	
PUBLIC SERVICE		
NM STATE POLICE	1	
SHERIFF'S OFFICE	3	
NM FISH & GAME	0	
US BORDER PATROL	0	
US FOREST SERVICE	0	
<u>OTHER:</u>		
ALARM CALLS		
FINGERPRINTING	0	
Driving Tests		
Misc. Cases	13	
<u>TOTALS:</u>	48	951

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
For the month of : September year: 2018

License Number: G94937
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	44334	44415	81	15.09	40			01 Chassis Maintenance
1	44415	44600	185	10.8	28.43			02 Electrical Maintenance
3	44600	44705	105	7.3	20.84			03 Engine Maintenance
4								04 General Supplies
5	44705	44900	195	17.4	50.38			05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9								10 Tire Repair
10	44900	45200	300	18.63	53.65			11 Wash and Wax
11								(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13								Date: _____
14	45200	45410	210	24.3	70.13			Invoice No.: _____ \$15.01
15								Code:10 Date 8/17/18
16								Invoice No.: _____ Amt.\$ _____
17								Code:10 Date: _____
18								Invoice No.: _____ Amt.\$ _____
19								Code: _____ Date: _____
20								Invoice No.: _____ Amt.\$ _____
21	45410	45805	395	15.78	45.14			Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23								Code: _____ Date: _____
24								Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$ _____
27	45805	46005	200	22.31	66.02			Code: _____ Date: _____
28	46005	46306	301	22.39	66.28			Invoice No.: _____ Amt.\$ _____
29								Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals								

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

Signature: 

Title: Deputy *Miller*

Magdalena Marshal's Office

<i>Monthly Report</i>	<i>Month: September</i>	<i>Year: 2018</i>
Marshal's Office - K.Miller ID#:Mag-2		
Total Miles Driven:	1972	
<u>GENERAL CALLS:</u>	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	8	97
TRAFFIC CITATIONS: State Statutes		
CRIMINAL CITATIONS		
ANIMAL CONTROL CITATIONS		
TRAFFIC ACCIDENTS	1	
D.W.I. ARRESTS		
FELONY ARRESTS	1	
MISDEMEANOR ARRESTS	2	
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS		
JUVENILE CASES		
DOMESTIC CASES	1	
CRIMINAL DAMAGE / PROPERTY	1	
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE		
PUBLIC SERVICE		
NM STATE POLICE		
SHERIFF'S OFFICE		
NM FISH & GAME		
US BORDER PATROL		
US FOREST SERVICE		
<u>OTHER:</u>		
ALARM CALLS		
FINGERPRINTING	1	
Driving Tests		
Misc. Cases		
TOTALS:	15	97

Librarian's Report

Report for SEPTEMBER 2018 (Numbers in parenthesis are last years)

Days open: 20 (22) Days le.: 215 (121) Hours.

Days closed (besides Sundays, and Wednesdays) September 3rd Labor Day. (1)

EVENTS: 4 (2) 66 (59) people attending.

8/05/2018 Dr. Love: Easter Island, Archaeology & geology. - 26 attendees.

8/08/2018 Rolf Magener: Around the World in 80 days? - 28 attendees.

8/12/2018 Daniela Imre: Dyslexia & Literacy - 12 attendees.

8/22/2018 Voter Registration w Cricket Courtney & others: 1 person registered.

Total Events: Adults 4 / 65 ppl Children specific 0 / 0 attendees. Adults / children

Workforce held three interviews with potential applicants. (1 no show)

Library Usage:

Number of people visiting Library: **639 Total** - 520, 66, 53 Incl. Events & Museum. (365)

Museum visits: **53 (closed)**

Books/DVDs/ audio checked out: **Total: 361 (450)**

Books: 151 (225), DVD's: 205 (225), audio: 5 (5).

Total including ebooks/audio: (361 & 128) = 489 - (450 & 115 = 565)

eBooks/audio books checked out: 128 (115) - 15/32 (place in consortium), eBooks: 85 (84) audio: 43!! (31)

New membership cards issued: **7 - 6 adults, 1 child. (5)**

Inter Library Loan requests processed: **3 books, 7 articles. (2)**

Volunteers: **9 (xx)** volunteers helped in the library, shelving, cataloging and labeling books etc., Nelda & Russell Baker, Celia LaTasa, Judyth Shamosh, Gary Etter, Don Phillips, Linda Montoya, Cricket Courtney, Kenda Willey **Total of 32+ hrs. (x)**

Number of computer users and hours used:

65 (88) people signed in to use computers. 186 (223) hours used. Chromebook usage: 2 hrs. (0) Various people using wireless inside and outside as well. Various tourists using wifi...

Y. went to Broadband meeting in Abq. 8/19/2018 and NM Humanities council meeting in Abq. 8/20/2018

Village dumped earth S. of railroad ties and put drain pipe on down spout.

Replaced some of the bulbs with new LED bulbs. Have requested that Village check the fan in Ladies bathroom, as it works intermittently. Also asked them to look into replacing bulbs in foyer and fix three false ceiling pieces that have moved due to strong wind gusts.

Respectfully submitted,
Yvonne Magener, Library Director



VILLAGE OF MAGDALENA

REQUEST TO BE PLACED ON AGENDA

Todays Date: 10/4/2018
Date of Meeting: ? October 8th, 2018
Name: Ingrid Koebel / MAGDALENA Cafe owner
Address: 109 S. main street Zip: 87825
Phone Number: 575 517 7297
Email Address: Ingrid Koebel@icloud.com

Item request will be for: (Please check one)

☐ Information Only

☒ Action Item

☐ Discussion/Action

☐ Public Hearing

☐ Report

☐ Other: _____

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic. We do allow handouts at meeting.

Block off to traffic on the EAST SIDE of
S. main street Between Hwy 60 & 2nd Street
Between 11am - 2:30pm on Saturday October 13th, 18
For A Street Band.

Signature: _____

Please return to:
Stephanie Finch, Clerk/Treasurer
Village of Magdalena
Magdalena, NM 87825

Phone: 575-854-2261 * Fax: 575-854-2273 * Email: clerk@villageofmagdalena.com

Mayor's Approval: _____

Date: 10-4-18

Stephanie Finch

From: donotreply@godaddy.com
Sent: Friday, October 5, 2018 8:34 AM
To: Stephanie Finch
Subject: villageofmagdalena.com Request to be Placed on Agenda: Form Submission

Date of Meeting Requested:

10/08/2018

Name:

Jim Sauer

Phone

505-977-3134

Email:

jsauer@magdalena.k12.nm.us

Subject:

Cash Account for Kid's Cafe

Item request will be:

Discussion/Action

Brief description of topic to be discussed:

On behalf of the Kid's Cafe, I would like to request that the Village of Magdalena act as a "fiscal agent" for the program by opening a cash account within the Agency Fund so that people may donate to the cause.

Submitted File 1:

This message was submitted from your website contact form:

<https://www.villageofmagdalena.com/request-to-be-placed-on-agenda.html>

Use your free GoDaddy Email Marketing Starter account to follow up with contacts who agreed to receive email campaigns! Click [here](#) to get started.



NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 CYNTHIA B. HALL, VICE-CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES, CHAIR



P.O. Box 1269
1120 Paseo de Peralta
Santa Fe, NM 87504-1269

CHIEF OF STAFF
Ernest D. Archuleta, P.E.

NOTICE

Date: August 21, 2018

To: New Mexico Fire Chiefs and City/County Administrators

From: Don Shanin, New Mexico State Fire Marshal
Ray Torres, Deputy State Fire Marshal Code Enforcement Bureau
Randal Arnold, Deputy Fire Marshal Fire Investigations Bureau

Subject: Partnership Agreement

Attached is the Partnership Agreement application between the Public Regulation Commission's Fire Marshal Division, and the New Mexico Municipal and County Fire District (Departments). Please read the agreement over and indicate what your Fire District (Department) is applying for. Return the completed and signed original to the State Fire Marshal Office Code Enforcement Bureau at the address indicated below.

Please be advised that the application for your District's (Department's) participation in the annual partnership agreement should be forward either to your Mayor or County Commission Chairman of your local governing body for approval and signature. The signatures of the Fire Chief/Fire Marshal and the local Government Representative are required. The deadline for receipt of the application by the State Fire Marshal Division is on or before November 1, 2018.

Thank you for your assistance.

Physical and Mailing Addresses:

New Mexico State Fire Marshal's Office
State Fire Marshal Office Code Enforcement Bureau

1120 Paseo de Peralta
Santa Fe, NM 87501

P.O. Box 1269
Santa Fe, NM 87504-1269

**PARTNERSHIP AGREEMENT BETWEEN
THE PUBLIC REGULATION COMMISSION, STATE FIRE MARSHAL DIVISION
AND
LOCAL GOVERNMENTS OPERATING NEW MEXICO CERTIFIED FIRE DEPARTMENTS**

PURPOSE: To allow Fire Districts (or Departments) the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections, to enter upon building and premises for the purpose of examination and inspection, and to conduct origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal Division is authorized to make investigations of any fire or explosion within the state and the State Fire Marshal may also appoint designated persons for these tasks (NMSA 1978, § 59A-52-10). The State Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (NMSA 1978, § 59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (NMSA 1978, § 59A-52-19). The State Fire Marshal is authorized to cooperate with agencies in this state (NMSA 1978, § 59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

COOPERATIVE DISCLAIMER: This Partnership Agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other pertaining to any fire code enforcement inspection or origin and cause investigation. Notwithstanding any agreement between the State Fire Marshal Division and any Fire Department, including this Partnership Agreement, the State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the

State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms currently used by the Fire Department.

Please write legibly. If the content is illegible, the application will be rejected.

Full name of local government: Village of Magdaleha

☒

Municipality

☐

County

If a County, does this Partnership Agreement include all County Fire Districts (Departments)?

☐

Yes

☐

No

If no, indicate which Fire Districts (Departments) are participating (use additional page(s) if necessary):

Fire Districts (Departments) included in this Partnership Agreement:

Fire Districts (Departments) not included in this Partnership Agreement:

Name of Municipal or County Fire Chief (or Marshal): Michael Bisbee

1. Origin and Cause Investigations

The Fire District (Department) accepts responsibility for the following fire investigation activities (in order to qualify for this activity you must at least agree to secure and restrict access to fire scenes until the arrival of a State Fire Inspector/Investigator): If the Fire District (Department) accepts responsibility for all origin and cause investigations then it must also maintain records of the same and make the records open to public inspection at reasonable hours:

- ☒ Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.
- ☐ Conduct all origin and cause investigations within the District's (Department's) jurisdiction.
- ☐ Conduct all origin and cause investigations within the Department's jurisdiction, collect evidence, interview witnesses and work with local fire/law enforcement officials and the district attorney for full prosecution. Provide training for investigators (copies of certificates are not required).

Detail:

2. Fire Code Enforcement Inspections

The Fire District (Department) accepts responsibility for the following code enforcement activities (code enforcement is limited to the areas of territorial jurisdiction for the Fire District (Department) and under no circumstances does this Partnership Agreement include the inspection by Fire Districts (Departments) of state-owned or leased buildings):

- ☒ None
- ☐ Conduct all fire code inspections within the District's (Department's) jurisdiction.
- ☐ Conduct plans review and acceptance testing of fire suppression and detection systems (including all other types of fire protection systems).

Your District (Department) must provide copies of training records and certifications for those personnel performing plans reviews, acceptance testing, or fire code enforcement inspections to the State Fire Marshal Division annually from the date of execution of this Partnership Agreement. Your District (Department) must also provide the State Fire Marshal Division with copies of all fire code inspections, plans reviews and acceptance testing records

annually. The State Fire Marshal Division will annually audit these inspections, reviews, and records to ensure compliance with current Fire Code per rule 10.25.5 NMAC.

Detail:

Indicate the types of properties your District (Department) declines to accept code inspection and enforcement responsibility for:

☐ None

☒ Public Schools

☐ Charter Schools

☐ Other – Explain: _____

NOTE: The State Fire Marshal Division retains all code enforcement and inspection responsibility for Universities, Colleges and all State Buildings in your District (Department).

FOR SCHOOLS AND CHARTER SCHOOLS: A report of the school(s) name, address, date of inspection, and name of District's (Department's) personnel performing the inspection will be required to be sent to the State Fire Marshal Division Code Enforcement Bureau within 30 days of the inspection. Full reports are required.

Does your local government have a building code official?

☐ Yes

☒ No

If yes, please provide the name, physical address, and phone number of such building code official:

Name of Local Building Code Official (please print)

Address

City, State, and Zip Code

Telephone Number

Detail:

The State Fire Marshal Division views a local government and fire department's approval of plans review shop drawings or the conducting of acceptance tests as an indicator that the local jurisdiction has taken full fire code responsibility for that building including all future fire code enforcement activity at that particular address.

3. Accord and Required Signatures

A change in the Fire District's (Department's) inspection personnel requires the Fire District (Department) to notify the State Fire Marshal Division within 30 days of the name of the new personnel along with his/her training records and certifications. A failure by the Fire District (Department) to notify the State Fire Marshal Division of the requirements of this paragraph is grounds to cancel the Partnership Agreement, retroactive to the date of the change.

The appointment of a new Fire Marshal or Fire Chief in a Fire District (Department) requires this Partnership Agreement to be re-executed within 30 days. If not re-executed within 30 days of the appointment of a new Fire Marshal or Fire Chief for a Fire District (Department), any current Partnership Agreement is void.

For any reason, the State Fire Marshal Division may cancel this Partnership Agreement with 30 days written notice to the local Fire Marshal or Fire Chief. For any reason, the Fire District (Department) may cancel this Partnership Agreement with 30 days written notice to the State Fire Marshal Division.

Local Government Official:

Richard Rumpf

Printed Name of Local Government Official

Mayor

Title (Mayor, City/County Manager, etc.)

Signature

Date

Local Fire Chief or Fire Marshal:

Michael Bisbee

Printed Name of Local Fire Chief or Fire Marshal

Signature

Date

State Fire Marshal:

Printed Name of State Fire Marshal

Signature

Date

**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 ration 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)