

City of Rio Communities, New Mexico

Ordinance No: 2019-XX UNIFORM TRAFFIC ORDINANCE

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2017-59, DATED: OCTOBER 24, 2017. CHAPTER 12, VEHICLES AND TRAFFIC

2018 UNIFORM TRAFFIC ORDINANCE CHANGES

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.)

Underline = new material

[—] = deletion

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. A 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 ONSTREETS.

- 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 10-10-1.4B 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 WINDSIDELDS 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)~~

PASSED, APPROVED AND ADOPTED THIS xx DAY OF xxx 2019 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Arturo Sais,
Councilor

ATTEST:

Elizabeth (Lisa) Adair,
Municipal Clerk