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ORDINANCE 26-08

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 24 OF THE
ROSWELL CITY CODE RELATING TO FINES AND PENALTIES ASSESSMENTS**

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

WHEREAS, the City of Roswell's penalty assessments for traffic offenses were not amended following the State of New Mexico eliminating court fees throughout the state; and

WHEREAS, the City Council intends hereby to update and clarify certain sections of Chapter 24 relating to Uniform Traffic Ordinance as adopted in an effort to encourage responsible and safe driving within the City limits.

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

SECTION 1. Section 24-2 of the Roswell Code is amended as follows:

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

(a) *Penalty assessment established.*

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

Common Name of Offense	Section Violated	Penalty Assessment
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Pedestrian Control Signals	12-5-7	\$50.00
Flashing signals	12-5-8	\$50.00
Display of unauthorized signs, signals or markings	12-5-10	\$50.00
Speed regulations	12-6-1	
Up to and including ten miles an hour over speed limit		\$50.00
From 11 up to and including 15 miles an hour over speed limit		\$75.00
From 16 up to and including 20 miles an hour over speed limit		\$100.00
From 21 up to and including 25 miles over speed limit		\$250.00
From 26 up to and including 30 miles an hour over speed limit		\$375.00
From 31 up to and including 35 miles over speed limit		\$450.00
More than 36 miles per hour		\$500.00
Minimum speed regulations	12-6-1.5	\$35.00
Overtaking a vehicle on the left	12-6-2.3	\$50.00
Limitations on overtaking on the left	12-6-2.4	\$50.00

1	No passing zones and restrictions on passing	12-6-2.7	\$50.00
2	Following too closely	12-6-2.13	\$75.00
3	Driving on divided streets	12-6-2.14	\$50.00
4	Vehicle approaching or entering intersection	12-6-4.1	\$50.00
5	Vehicles turning left at intersection	12-6-4.2	\$50.00
6	Vehicle entering stop or yield intersection	12-6-4.3	\$50.00
7	Limitations on turning around	12-6-5.5	\$35.00
8	Starting parked vehicle	12-6-5.7	\$35.00
9	Turning and stopping movements and required signals	12-6-5.8	\$50.00
10	Stopping, standing and parking	12-6-6	\$50.00
11	Special stops required	12-6-7	\$75.00
12	Stopping for school bus	12-6-7.3	\$250.00
13	Careless driving	12-6-12.4	\$125.00
14	Operators and chauffeurs must be licensed	12-6-12.5	\$150.00
15	Limitations on backing	12-6-12.9	\$75.00
16	Restriction on use of video in motor vehicles	12-6-12.11	\$75.00
17	Coasting Prohibited	12-6-12.12	\$50.00
18	Animals on street	12-6-13.10	\$75.00
19	Driving on mountain streets	12-6-13.11	\$50.00
20	Child not in restraint device or safety belt	12-6-13.12	\$125.00
21	Unfastened safety belt	12-6-13.13	\$75.00
22	Possession or consumption of alcoholic beverages in open containers, first offense	12-6-13.14	\$100.00
23			
24	Destructive or injurious material on roadway	12-6-13.5	\$125.00
25	Littering	12-6-13.15	\$300.00
26	Pedestrian violation	12-6-14	\$35.00
27	Pedestrian right of way in crosswalks	12-6-14.2	\$50.00
28	Pedestrians to use right half of sidewalks	12-6-14.3	\$35.00
29	Crossing at other than crosswalks	12-6-14.4	\$50.00
30	Pedestrians on streets	12-6-14.5	\$50.00
31	Drivers to exercise due care	12-6-14.8	\$50.00
32	Prohibited acts	12-10-1.1	\$50.00
33	When lighted lamps are required	12-10-1.3	\$50.00
34	Headlamps on vehicles	12-10-1.5	\$75.00
35	Dimming of lights	12-10-1.6	\$50.00
36	Tail lamps	12-10-1.7	\$50.00
37	Vehicles to be equipped with reflectors	12-10-1.8	\$50.00
38	Mufflers, prevention of noise	12.1-1.10	\$75.00
39	Lamp or flag on projecting load	12-10-1.11	\$75.00

1	Display of current valid registration plate	12-10-4	\$75.00
2	Evidence of registration to be signed and exhibited on demand	12-10-5	\$50.00
3	Unlawful riding	12-6-13.2	\$100.00
4	Boarding or alighting from vehicle	12-6-13.7	\$50.00
5	School zone	12-6-1.2	\$150.00
6	Plus \$10.00 every mile over the limit; not to exceed \$500.00		
7	Stop lamps, signal lamps, and signal devices	12-10-1.9	\$75.00
8	Turning and stopping movements and required signals	12-6-5.8	\$50.00
9	Windshield to be unobstructed	12-10-1.12	\$75.00
10	Basic rule	12-6-1.1	\$50.00
11	Emerging from alley, private	12-6-7.1	\$50.00
12	Lights and their application vehicle red light	12-5-6c	\$75.00
13	Window tint	12-10-1.12	\$75.00
14	Permitting unauthorized person to drive	12-6-12.23	\$150.00
15	Avoid traffic control device	12-5-3	\$75.00
16	Racing on street/exhibition driving	12-6-12.19	\$500.00
17	Driving on streets laned for traffic	12-6-2.12	\$75.00
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SECTION 2. Section 24-8 is hereby amended as follows:

Sec. 24-8. ~~Reserved~~ 12-6-12.3 Reckless Driving.

A. Nothing in the Uniform Traffic Ordinance withstanding, any person who drives any vehicle carelessly or heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

B. Every person convicted of reckless driving shall be punished:

(1) Upon a first conviction by imprisonment for not less than five days nor more than thirty days.

(2) On a second or subsequent conviction by imprisonment for not less than thirty days nor more than sixty days.

(3) In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section, the motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the

1 motor vehicle poses an imminent danger to the health, safety or employment
2 of the convicted person's immediate family or the family of the owner of
3 the motor vehicle. The convicted person shall bear the cost of immobilizing
4 the motor vehicle.
5

6 SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby
7 repealed to the extent of such inconsistency. This repealer shall not be construed to revive any
8 ordinance or part of any ordinance heretofore repealed.
9

10 SECTION 4. If any section, paragraph, clause or provision of this ordinance for any reason shall
11 be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph,
12 clause or provision shall not affect any other part of this ordinance.
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14 SECTION 5. This ordinance shall be effective five (5) days after its publication, as required by
15 law.
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18 PASSED, ADOPTED, SIGNED AND APPROVED this 10th day of September 2026.
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23 _____
24 Timothy Z. Jennings, Mayor
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26 CITY SEAL
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31 ATTEST
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33 _____
34 Amalia Martinez, City Clerk