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## Chapter 1 GENERAL PROVISIONS

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## **Chapter 1 GENERAL PROVISIONS**

### **Sec. 1-1. How Code is Designated and Cited.**

The ordinances embraced in this and the following chapters shall constitute and be designated "The Code of the City of Aztec, New Mexico," and may be so cited. Such ordinances may also be cited as "Aztec City Code."

(Code 2007, 1-1)

### **Sec. 1-2. Rules of Construction and Definitions.**

In the construction of the Code and of all ordinances the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance. All words and phrases shall be construed and understood according to the common and approved usage of language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Code 2007, 1-2)

#### **Agent**

A person acting on behalf of another.

#### **City**

The City of Aztec.

#### **Code**

The Code of the City of Aztec as adopted and subsequently amended.

#### **Commission or City Commission**

The governing body of the city.

#### **Computation of time**

The time within which an act is required to be done shall be computed by excluding the first day and including the last, except that the last shall be excluded if it is Sunday.

#### **County**

San Juan County.

#### **Day**

The period of time between any midnight and the midnight following.

#### **Daytime**

The period of time between sunrise and sunset.

#### **Delegation of authority**

Provisions requiring an officer or employee of the city to do some act are to be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the required act.

**Employee**

An employee of the city.

**Fee**

A sum of money charged by the city for the carrying on of a business, profession or occupation.

**Gender**

A word importing the masculine gender only shall extend and be applied to females and to firms, associations, partnerships and corporations as well as to males.

**Governing body**

The city commission.

**Manager**

The city manager.

**May**

Is to be construed as being permissive.

**May not**

Has a prohibitory effect and states a prohibition.

**Month**

A calendar month.

**Nighttime**

The period of time between sunset and sunrise.

**NMSA 1978**

New Mexico Statutes Annotated, 1978 Compilation as amended.

**Number**

A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

**Oath**

An affirmation in all cases in which, by law, an affirmation may be substituted for an oath. In such cases, the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."

**Officials, employees, boards, commissions, etc.**

Whenever reference is made to officials, employees, boards, commissions or other agencies of the city by title only, i.e., "mayor," "clerk," "manager," "chief of police," etc., they shall be deemed to refer to the officials, employees, boards, commissions or other agencies of the city.

**Owner**

Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

**Person**

Any individual, association, society, club, firm, partnership, corporation, state, political subdivision of any state, body politic and corporate, or any other form of association or organization.

**Personal property**

Every species of property except real property, as herein defined.

**Preceding, following**

Next before and next after, respectively.

**Property**

Real, tangible and intangible personal property.

**Real property**

Land, tenements and hereditaments,

**Shall**

Is to be construed as being mandatory.

**Sidewalk**

Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

**Signature or subscription**

Includes a mark when the person cannot write.

**State**

The State of New Mexico.

**Street**

Any thoroughfare that can accommodate pedestrian or vehicular traffic, is open to the public and is under the control of the city.

**Tenant, occupant**

When applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

**Tense**

Words used in the past or present tense include the future as well as the past or present.

**Written, in writing**

Includes any representation of words, letters or figures, whether by printing or otherwise.

**Year**

A calendar year.

**Sec. 1-3. Catch Lines of Sections, Effect of History Notes, and References in Code.**

1. The catch lines of the several sections of this Code, set in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
2. The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the sources of matter contained in the section. Cross references, editor's notes and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.
3. All references to chapters, articles, divisions, subdivisions or sections are to the chapters, articles, divisions, subdivisions and sections of this Code unless otherwise specified.  
(Code 2007, 1-3)

**Sec. 1-4. Effect of Repeals.**

The repeal of an ordinance or any portion thereof shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Code 2007, 1-4)

**Sec. 1-5. Amendments.**

1. Any additions or amendments to this Code shall be adopted by ordinance as required by state law, and when passed in such a form as to indicate the intention to make the same a part thereof, shall be incorporated into this Code so that reference to it as "The Code of the City of Aztec" shall be understood as including such additions or amendments.
2. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number(s) of this Code. The new provisions shall then be set out in full as desired with the ordinance number following each subsection amended.
3. If new material not heretofore in the Code is to be added, such provisions should be made by specific reference to the new section number(s) to be placed within this Code. The new provisions shall then be set out in full as desired with the ordinance number following each subsection added.
4. All provisions of this Code should be specially repealed by section reference to the specific provisions to be repealed.  
(Code 2007, 1-5)

**Sec. 1-6. Publication of Code.**

1. Publication of this Code shall be prepared and printed whenever necessary or directed. A publication to the Code shall include the most current legislation, including amendments and additions from ordinances.
2. The pages of a Chapter shall be uniquely numbered and sequentially within each Chapter. The first page of each chapter is numbered by the chapter followed by a hyphen (-) and the numeral "1." Thus Chapter 1 begins on page 1-1, Chapter 2 begins on page 2-1, etc. By use of this system, it is possible to add or remove pages within a chapter without affecting subsequent chapters.
3. In preparing new publications to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
4. When publishing this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections to" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
  - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.  
(Code 2007, 1-6)

**Sec. 1-7. Severability of Code.**

1. The provisions of this Code are severable and if any provision of this Code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of this Code, since the same would have been enacted without the incorporation in this Code of such provision.
2. If any provision of this Code or the application thereof to any person, fact, situation or circumstance is held invalid, the remainder of this Code and the application of such

provision to other persons, facts, situations or circumstances shall not be affected thereby.

(Code 2007, 1-7)

### **Sec. 1-8. General Penalty For Violations; Injunctive Relief Authorized.**

1. In this section "violation of this Code" means:
  - (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
  - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
  - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
2. In this section "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
3. Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding five hundred dollars (\$500.00), imprisonment in jail for a term not exceeding ninety (90) days, or both. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.
4. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
5. Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.  
(Code 2007, 1-8)

### **Sec. 1-9. Certain Ordinances Not Affected By Code.**

1. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:
  - (1) Promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;
  - (2) Granting any right or franchise;
  - (3) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;
  - (4) Making any appropriation;
  - (5) Levying or imposing taxes;

- (6) Establishing or prescribing grades in the city;
  - (7) Providing for local improvements or local improvement districts and assessing taxes therefore;
  - (8) Dedicating or accepting any plat or subdivision or otherwise relating to subdivisions;
  - (9) Extending or contracting the boundaries of the city;
  - (10) Prescribing the number, classification benefits or compensation of any city officers or city employees, not inconsistent herewith;
  - (11) Pertaining to subdivisions, signs or zoning;
  - (12) Adopted for purposes that have been consummated;
  - (13) That is temporary, although general in effect;
  - (14) That is special, although permanent in effect.
2. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the clerk's office.  
(Code 2007, 1-9)

**Sec. 1-10. Code Does Not Affect Prior Offenses, Rights, Etc.**

1. Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
2. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on the date of adoption of this Code.
3. Prosecution for violations of ordinances prior to the effective date of this Code shall be governed, prosecuted and punished under the .ordinances existing at the time the violations were committed.  
(Code 2007, 1-10)

**Sec. 1-11. Provisions Deemed Continuations of Existing Ordinances.**

The provisions appearing in this Code, so far as they are the same in substance as ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.  
(Code 2007, 1-11)

**Sec. 1-12. Mandatory Penalty and Fees; Disposition and Use of Fees.**

1. Mandatory Penalty. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance shall be as follows:

- (1) Except for those violations of ordinances described in subsections 1-2 and 1-3 of this section, a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both;
- (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) or imprisonment for not more than one hundred seventy-nine (179) days or both; and
- (3) For violations of a industrial user waste-water pretreatment ordinance as required by the United States Environmental Protection Agency, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) a day for each violation.  
(Code 2007, 1-12-1)

2. Specific Penalty Schedule. A fine and fee schedule for specific penalties.

(1) *Traffic and Offenses*. In reference to Chapter 12 and 24.

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-3-1	Vehicle Subject To Registration	No	\$40	\$29	\$69
12-1/66-3-4.A	Register and Certificate of Title	No	\$30	\$29	\$59
12-1/66-3-6	Temporary Permit Required	No	\$30	\$29	\$59
12-1/66-3-13	Registration Required	No	\$40	\$29	\$69
12-1/66-3-17	License Tag Expired	No	\$40	\$29	\$69
12-1/66-3-17.A	Registration Renewals/Sticker Only	No	\$40	\$29	\$69
12-1/66-3-17.B	Replacement of Plate	No	\$45	\$29	\$74
12-1/66-3-17.C	Owner Shall Apply & Obtain Replacement Plate	No	\$45	\$29	\$74
12-1/66-3-18	Display of Registration Plates	No	\$40	\$29	\$69
12-1/66-3-19	Renewal of Registration	No	\$50	\$29	\$79
12-1/66-3-23	Registration Address Change	No	\$30	\$29	\$59
12-1/66-3-104	Use Registration Wrong Vehicle	No	\$50	\$29	\$79
12-1/66-3-105	Transfer of Ownership	No	\$30	\$29	\$59
12-1/66-3-301	Registration By Non-residents	No	\$30	\$29	\$59
12-1/66-3-401	Operate Vehicle with Special Plate	No	\$30	\$29	\$59
12-1/66-3-701	Bicycles; Effect of Regulations	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-702	Traffic Laws Apply To Persons Riding	Yes	Set at	\$29	Set at

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
	Bicycles		Hearing		Hearing
12-1/66-3-703	Riding On Bicycles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-704	Clinging To Vehicles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-705	Riding On Roadways and Bicycle Paths	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-706	Carrying Articles On Bicycle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-707	Lamps and Other Equipment On Bicycles	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-801	Equipment Violation	No	\$20	\$29	\$49
12-1/66-3-802	When Lighted Lamps Required	No	\$35	\$29	\$64
12-1/66-3-804	Headlamps Required (# Required)	No	\$30	\$29	\$59
12-1/66-3-805	Tail Lamps Required (LP Lamp)	No	\$35	\$29	\$64
12-1/66-3-806	Motor Vehicle To Be Equipped with Reflectors	No	\$35	\$29	\$64
12-1/66-3-807	Stop Lamps & Turns Signals	No	\$35	\$29	\$64
12-1/66-3-810	Color of Lamps - Front/Side/Rear/License	No	\$35	\$29	\$64
12-1/66-3-813	Lamps/Reflectors On Trailers	No	\$30	\$29	\$59
12-1/66-3-824	Lamp/Flag Projecting Load	No	\$30	\$29	\$59
12-1/663-825	Lamps On Parked Vehicles	No	\$30	\$29	\$59
12-1/66-3-827	Stop Lamps / Auxiliary Lamp	No	\$35	\$29	\$64
12-1/66-3-828	Signal Lamps & Devices (Brake Lamps White)	No	\$35	\$29	\$64
12-1/66-3-829	Additional Lighting Equipment	No	\$30	\$29	\$59
12-1/66-3-831	Multiple-Beam Equipment (Dimming)	No	\$40	\$29	\$69
12-1/66-3-834	Number of Driver Lamps Required	No	\$30	\$29	\$59
12-1/66-3-835	Spec Restrict On Lamps (Driving Lights)	No	\$30	\$29	\$59
12-1/66-3-840	Brakes	No	\$35	\$29	\$64
12-1/66-3-841	Improper Height / Handle Bar Mc	No	\$20	\$29	\$49
12-1/66-3-842	M/C Maneuverability	No	\$30	\$29	\$59
12-1/66-3-843	Horns and Warning Devices	No	\$20	\$29	\$49
12-1/66-3-844	Mufflers	No	\$30	\$29	\$59
12-1/66-3-845	Mirrors	No	\$20	\$29	\$49
12-1/66-3-846	Obstructed Windshield	No	\$30	\$29	\$59
12-1/66-3-846.1	Tinting on Windshields and Windows	Yes	Set at	\$29	Set at

Citing	Title	Appearance Required	Fine	Court	Total
			Amount	Costs	Fine
			Hearing		Hearing
12-1/66-3-847	Restrictions As To Tire Equipment	No	\$30	\$29	\$59
12-1/66-3-852	Stop Vehicle Interfere with Traffic	No	\$35	\$29	\$64
12-1/66-3-874	Safety Belts Required In Vehicles	No	\$200	\$29	\$229
12-1/66-3-887	Slow-Moving Vehicle Identification	No	\$30	\$29	\$59
12-1/66-3-901	Unsafe Condition – Vehicle	No	\$40	\$29	\$69
12-1/66-3-1003	Off Hwy Motor Vehicle Registration	No	\$30	\$29	\$59
12-1/66-3-1011	Operation On Streets or Highways	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-1012	Movement of off-Highway Vehicles Adjacent To Highway	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-3-1101	Mopeds: Standard, Operator Requirement	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-2	Drivers Must Be Licensed	No	\$50	\$29	\$79
12-1/66-5-5	Person Not To Be Licensed	No	\$50	\$29	\$79
12-1/66-5-7	Drives License Class / Exam	No	\$30	\$29	\$59
12-1/66-5-8	Instruction Permit / Temp License	No	\$30	\$29	\$59
12-1/66-5-9	Appl For License / Temp License	No	\$30	\$29	\$59
12-1/66-5-14	No Motorcycle Endorsement	No	\$30	\$29	\$59
12-1/66-5-16	Driver License Carried/Exhibited On Demand	No	\$40	\$29	\$69
12-1/66-5-18	Altered / Forged / Fictitious License	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-19	Restricted Licenses	No	\$50	\$29	\$79
12-1/66-5-20	Duplicate Licenses	No	\$50	\$29	\$79
12-1/66-5-22	Drivers License Address Change	No	\$30	\$29	\$59
12-1/66-5-34	No Operation Under Forged License On Suspension	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-37.A	Unlawful Use of License	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-38	False Affidavit Perjury	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-39	Drivers License Suspended/Revoked	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-40	Permit Minor To Drive	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-41	Permit Unauthorized Person To Drive	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-59	Commercial Drivers License Required	No	\$30	\$29	\$59
12-1/66-5-205	Vehicle Must Have Insurance	No	\$300	\$29	\$329

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-5-205.1	Uninsured Motorist/Req Following Accident	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-230	Surrender of License and Registration	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-231	Forged Evidence of Insurance	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-5-409	Unlawful Use of Identification Card	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-4	Obedience To Police Officers	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-6	Authorized Emergency Vehicles	No	\$50	\$29	\$79
12-1/66-7-7	Traffic Laws Apply To Riding/Driving/Animals	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-104	Obedience Traffic Devices (Cover All)	No	\$50	\$29	\$79
12-1/66-7-105	Traffic Control Signal Legend (Lights)	No	\$50	\$29	\$79
12-1/66-7-106	Pedestrian Control Signal	No	\$30	\$29	\$59
12-1/66-7-108	Display Unauthorized Sign	No	\$30	\$29	\$59
12-1/66-7-109	Interfere with Traffic Dev	No	\$50	\$29	\$79
12-1/66-7-201	Duty Accident - Death or Injury	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-202	Accident Involving Damage Vehicle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-203	Duty To Give Information / Render Aid	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-204	Duty Upon Striking Unattended Vehicle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-205	Duty Upon Striking Fixtures/Other Objects	No	\$300	\$29	\$329
12-1/66-7-206	Immediate Notice of Accident	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-207	Written Reports On Accident	No	\$50	\$29	\$79
12-1/66-7-208	Driver Unable To Report	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-210	False Report	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-301.A.1	Speeding School Zone	No	\$55	\$29	\$84
12-1/66-7-301.A.2	Speeding 1 To 15 Mph Over	No	\$50	\$29	\$79
12-1/66-7-301.A.3	Speeding 16 To 25 Mph Over	No	\$65	\$29	\$94
12-1/66-7-301.A.4	Speeding 26 Mph and Up	No	\$100	\$29	\$129
12-1/66-7-301.B.1	Speeding Basic Rule	No	\$45	\$29	\$74
12-1/66-7-303.1	Construction Zone	No	\$55	\$29	\$84
12-1/66-7-303.A.4	Construction Zone with Sign	No	\$110	\$29	\$139

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-7-303.D	Restricted Speed Zone	No	\$45	\$29	\$74
12-1/66-7-305	Minimum Speed	No	\$40	\$29	\$69
12-1/66-7-308	Improper Lane - Wrong Side	No	\$50	\$29	\$79
12-1/66-7-309	Improper Pass - Opposite Direct	No	\$40	\$29	\$69
12-1/66-7-310	Improper Pass - Overtake - Left	No	\$40	\$29	\$69
12-1/66-7-311	Improper Pass - On Right	No	\$40	\$29	\$69
12-1/66-7-312	Limitations On Overtaking On The Left	No	\$40	\$29	\$69
12-1/66-7-313	Further Limit On Driver/Left of Center of Roadway	No	\$40	\$29	\$69
12-1/66-7-314	Hazardous Vehicles Movement/Escort	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-315	No Passing Zone	No	\$40	\$29	\$69
12-1/66-7-316	One Way Roadway	No	\$40	\$29	\$69
12-1/66-7-317	Driving On Roadways Laned For Traffic	No	\$65	\$29	\$94
12-1/66-7-318	Following Too Closely	No	\$50	\$29	\$79
12-1/66-7-319	Driving On Divided Highway		\$40	\$29	\$69
12-1/66-7-320	Restricted Access Violation	No	\$20	\$29	\$49
12-1/66-7-321	Controlled Access Violation	No	\$20	\$29	\$49
12-1/66-7-322	Required Position/ Method Turning	No	\$30	\$29	\$59
12-1/66-7-323	Turn On Curve or Crest	No	\$20	\$29	\$49
12-1/66-7-324	Starting Parked Vehicle	No	\$40	\$29	\$69
12-1/66-7-325	Turn Movement & Required Signals	No	\$40	\$29	\$69
12-1/66-7-326	Signals By Hand / Arm or Signal Device	No	\$40	\$29	\$69
12-1/66-7-327	Method of Giving Hand / Arm Signals	No	\$40	\$29	\$69
12-1/66-7-328	Fail Yield / Approach Enter	No	\$40	\$29	\$69
12-1/66-7-329	Fail Yield / Turn Left	No	\$40	\$29	\$69
12-1/66-7-330	Vehicles Entering Stop or Yield Intersection	No	\$40	\$29	\$69
12-1/66-7-331	Fail Yield / Enter Private Drive	No	\$40	\$29	\$69
12-1/66-7-332	Operation of Vehicle On Approach of Emergency Vehicle	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-332.1	Approach of Oncoming Vehicle: Yield Right of Way	No	\$40	\$29	\$69
12-1/66-7-333	Pedestrian - Violation	No	\$30	\$29	\$59
12-1/66-7-334	Pedestrian – Right-of-Way	No	\$30	\$29	\$59

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
12-1/66-7-335	Cross - Other Than Crosswalks	No	\$30	\$29	\$59
12-1/66-7-336	School Crossings	No	\$50	\$29	\$79
12-1/66-7-337	Drivers To Exercise Due Care	No	\$40	\$29	\$69
12-1/66-7-339	Pedestrian On Roadways	No	\$30	\$29	\$59
12-1/66-7-340	Pedestrians Solicit Rides/Bus in Roadway	No	\$30	\$29	\$59
12-1/66-7-345	Fail Stop - Stop / Yield Sign	No	\$40	\$29	\$69
12-1/66-7-346	Fail Stop - Alley / Private Drive	No	\$30	\$29	\$59
12-1/66-7-347	Passing School Bus	No	\$100	\$29	\$129
12-1/66-7-349	Stop / Stand / Park Districts	No	\$10	-	\$10
12-1/66-7-350	Remove Illegally Stopped Vehicle	No	\$10	-	\$10
12-1/66-7-351	Stop / Stand / Parking Prohibited	No	\$10	-	\$10
12-1/66-7-352	Additional Parking Regulations	No	\$10	-	\$10
12-1/66-7-352.5	Unauthorized Use: Penalty (Handicap Parking)	No	\$100	-	\$100
12-1/66-7-353	Unattended Motor Vehicle	No	\$40	\$29	\$69
12-1/66-7-354	Limitation On Backing	No	\$40	\$29	\$69
12-1/66-7-355	Improper Riding - Motorcycles	No	\$40	\$29	\$69
12-1/66-7-356	Helmets Required	No	\$30	\$29	\$59
12-1/66-7-357	Obstructing Drivers View / Mech	No	\$40	\$29	\$69
12-1/66-7-360	Coasting Prohibited	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-361	Following Fire Apparatus	No	\$60	\$29	\$89
12-1/66-7-362	Crossing Fire Hose	No	\$50	\$29	\$79
12-1/66-7-363	Animals On Highway	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-7-364	Put Glass, Etc On Highway	No	\$100	\$29	\$129
12-1/66-7-366	Occupy Moving House Trailer	No	\$20	\$29	\$49
12-1/66-7-367	Improper Opening of Doors	No	\$30	\$29	\$59
12-1/66-7-369.A	Child Restraint Device Required – 1st offense	No	\$45	\$29	\$74
12-1/66-7-369.A	Child Restraint Device Required - 2nd offense	No	\$55	\$29	\$84
12-1/66-7-369.A	Child Restraint Device Required - 3rd offense	No	\$65	\$29	\$94
12-1/66-7-372	Mandatory Seatbelts Law	No	\$45	\$29	\$74
12-1/66-7-401	Weight & Size Limitations	No	\$30	\$29	\$59
12-1/66-7-402	Width of Vehicles	No	\$30	\$29	\$59

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
12-1/66-7-403	Projecting Loads / Passing Vehicle	No	\$30	\$29	\$59
12-1/66-7-404	Height & Length - Vehicles	No	\$30	\$29	\$59
12-1/66-7-405	Minimum Vehicle Size	No	\$30	\$29	\$59
12-1/66-7-406	Special Load Limitations	No	\$30	\$29	\$59
12-1/66-7-407	Improper Load	No	\$30	\$29	\$59
12-1/66-7-408	Trailers & Towed Vehicles	No	\$30	\$29	\$59
12-1/66-7-413.A	Overload Permit	No	\$30	\$29	\$59
12-1/66-7-416.B	Liability For Damage	No	\$100	\$29	\$129
12-1/66-8-2	Improper Use of Registration	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-10	Duplicate or Replacement Registration Plate	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-102	DWI	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-102.D	DWI Aggravated	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-113	Reckless Driving	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-114	Careless Driving	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-115	Racing on Highways	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-120	Parties to a Crime	Yes	Set at Hearing	\$29	Set at Hearing
12-1/66-8-121	Offenses Person Owning/Controlling Vehicle	No	\$50	\$29	\$79
12-1/66-8-138	Open Container In Vehicle	No	\$100	\$29	\$129
12-2	Aiding An Illegal Activity	Yes	Set at Hearing	\$29	Set at Hearing
12-3	Concealing	Yes	Set at Hearing	\$29	Set at Hearing
12-21	Assault	Yes	Set at Hearing	\$29	Set at Hearing
12-22	Battery	Yes	Set at Hearing	\$29	Set at Hearing
12-23	Libel	Yes	Set at Hearing	\$29	Set at Hearing
12-41	Criminal Damage To Property	Yes	Set at Hearing	\$29	Set at Hearing
12-42	Destructing/Defacing of Property	Yes	Set at Hearing	\$29	Set at Hearing
12-43	Tamper with Utilities	Yes	Set at Hearing	\$29	Set at Hearing
12-61	Petty Larceny	Yes	Set at Hearing	\$29	Set at Hearing

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
12-62	Shoplifting	Yes	Set at Hearing	\$29	Set at Hearing
12-63	Falsely Receive Services	Yes	Set at Hearing	\$29	Set at Hearing
12-64	Fraud	Yes	Set at Hearing	\$29	Set at Hearing
12-65	Receiving Stolen Property	Yes	Set at Hearing	\$29	Set at Hearing
12-81	Worthless Check – Notice	Yes	Set at Hearing	\$29	Set at Hearing
12-82	Worthless Check – Purpose	Yes	Set at Hearing	\$29	Set at Hearing
12-83	Worthless Check – Exception	Yes	Set at Hearing	\$29	Set at Hearing
12-84	Unlawful To Issue Worthless Check	Yes	Set at Hearing	\$29	Set at Hearing
12-85	Intent To Defraud - Worthless Check	Yes	Set at Hearing	\$29	Set at Hearing
12-101	Criminal Trespass	Yes	Set at Hearing	\$29	Set at Hearing
12-102	Wrongful Entry Public Facility	Yes	Set at Hearing	\$29	Set at Hearing
12-103	Wrongful Use of Public Property	Yes	Set at Hearing	\$29	Set at Hearing
12-104	Simple Trespassing	Yes	Set at Hearing	\$29	Set at Hearing
12-105	Idling, Loitering or Prowling	Yes	Set at Hearing	\$29	Set at Hearing
12-121	Disorderly Conduct	Yes	Set at Hearing	\$29	Set at Hearing
12-121.A	Disorderly House	Yes	Set at Hearing	\$29	Set at Hearing
12-122	Unlawful Assembly	Yes	Set at Hearing	\$29	Set at Hearing
12-123	Disturbing The Peace	Yes	Set at Hearing	\$29	Set at Hearing
12-124	Obstructing Movement	Yes	Set at Hearing	\$29	Set at Hearing
12-125	Unreasonable Noise	Yes	Set at Hearing	\$29	Set at Hearing
12-141	Removal of Barricades	Yes	Set at Hearing	\$29	Set at Hearing
12-142	Open Container	Yes	Set at Hearing	\$29	Set at Hearing
12-161	Unlawful Use of Deadly Weapon	Yes	Set at Hearing	\$29	Set at Hearing
12-162	Negligent Use of a Deadly Weapon	Yes	Set at Hearing	\$29	Set at Hearing
12-163	Unlawful Propulsion of Missiles	Yes	Set at Hearing	\$29	Set at Hearing

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
12-164	Unlawful Possession of Weapons	Yes	Set at Hearing	\$29	Set at Hearing
12-165	Firing of Rifle or Pistol	Yes	Set at Hearing	\$29	Set at Hearing
12-181	Curfew of Minors	Yes	Set at Hearing	\$29	Set at Hearing
12-182	Drinking in Public	Yes	Set at Hearing	\$29	Set at Hearing
12-183	Unlawful Possession of Marijuana	Yes	Set at Hearing	\$29	Set at Hearing
12-184	Obscenity	Yes	Set at Hearing	\$29	Set at Hearing
12-185	Prostitution	Yes	Set at Hearing	\$29	Set at Hearing
12-186	Patronizing Prostitutes	Yes	Set at Hearing	\$29	Set at Hearing
12-187	Indecent Exposure	Yes	Set at Hearing	\$29	Set at Hearing
12-206	Impersonating Public Officer	Yes	Set at Hearing	\$29	Set at Hearing
12-207	False Reports of Crimes	Yes	Set at Hearing	\$29	Set at Hearing
12-208	Resisting or Obstructing an Officer	Yes	Set at Hearing	\$29	Set at Hearing
12-209	Escape from Custody	Yes	Set at Hearing	\$29	Set at Hearing
12-210	False Alarms	Yes	Set at Hearing	\$29	Set at Hearing

(2) *Alcohol*. In reference to Chapter 4.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
4-9	Persons Unlawful To Serve	Yes	Set at Hearing	\$29	Set at Hearing
4-10	Minor in Licensed Premises Over 18	Yes	Set at Hearing	\$29	Set at Hearing
4-11	Purchases by Minor	Yes	Set at Hearing	\$29	Set at Hearing
4-12	False ID of Minor	Yes	Set at Hearing	\$29	Set at Hearing

(3) *Animals*. In reference to Chapter 5.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
5-223	Unauthorized Removal Of Animals	No	\$100		\$100
5-301	Liability Of Damages Caused By	Yes	Set at	\$29	Set at

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
	Animal		Hearing		Hearing
5-302	Restraint Of Animal	No	\$100	--	\$100
5-303	Restraint Devices	No	\$150	--	\$150
5-304	Confinement Of Female Dogs & Cats	No	\$50	--	\$50
5-305	Dog And Cat Licenses	No	\$65		\$65
5-401	Interference With Animal Control Officer	Yes	Set at Hearing	\$29	Set at Hearing
5-402	Service Animals	No	\$300	--	\$300
5-403	Fraudulent Use Of Rabies & License Tags	No	\$100	--	\$100
5-404	Number Of Dogs Cats Wolves & Coyotes	No	\$200	--	\$200
5-421	Cruelty Animals	Yes	Set at Hearing	\$29	Set at Hearing
5-422	Work Cruelty	Yes	Set at Hearing	\$29	Set at Hearing
5-423	Neglect	Yes	Set at Hearing	\$29	Set at Hearing
5-424	Abandonment	Yes	Set at Hearing	\$29	Set at Hearing
5-425	Poisoning	Yes	Set at Hearing	\$29	Set at Hearing
5-426	Injury By Motorist	Yes	Set at Hearing	\$29	Set at Hearing
5-427	Keeping Of Diseased Or Painfully Crippled Animals	Yes	Set at Hearing	\$29	Set at Hearing
5-428	Animal Fights	Yes	Set at Hearing	\$29	Set at Hearing
5-429	Confining Or Crating Of Fowl	Yes	Set at Hearing	\$29	Set at Hearing
5-430	Birds	Yes	Set at Hearing	\$29	Set at Hearing
5-431	Leg hold Traps Prohibited	Yes	Set at Hearing	\$29	Set at Hearing
5-451	Animals Running At Large				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$150	-	\$150
	3 <sup>rd</sup> Offense	No	\$200	--	\$200
	4 <sup>th</sup> Offense	No	\$300	-	\$300
5-452	Animals Disturbing The Peace				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$150	-	\$150

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
	3 <sup>rd</sup> Offense	No	\$200	-	\$200
	4 <sup>th</sup> Offense	No	\$300	-	\$300
5-453	Animal Defecation Clean-Up	No	\$100	-	\$100
5-454	City Parks - Animals Prohibited	No	\$100	-	\$100
5-461	Sale Or Gift Of Animals	No	\$200	-	\$200
5-462	Slaughterhouses And Slaughtering	No	\$300	-	\$300
5-463	Animals On Unenclosed Premises				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$150	-	\$150
	3 <sup>rd</sup> Offense	No	\$200	-	\$200
	4 <sup>th</sup> Offense	No	\$300	-	\$300
5-464	Unlawful Retention Of Strays	No	\$75	-	\$75
5-465	Confining Of Animals In A Motor Vehicle	No	\$100	-	\$100
5-466	Poultry	No	\$50	-	\$50
5-501	Rabies Vaccination Required	No	\$75	-	\$75
5-502	Human Exposure Animal Symptom Of Rabies	No	\$75	-	\$75
5-505	Possession Of Skunks	No	\$60	-	\$60
5-601	Vicious Animal	Yes	Set at Hearing	\$29	Set at Hearing
5-603	Dangerous Animal	Yes	Set at Hearing	\$29	Set at Hearing
5-722	Permit Required	No	\$250	-	\$250
5-731	Limit Number Of Dogs And Cats	No	\$250	-	\$250
5-741	Hobby Breeder Or Litter Permit Required	No	\$250	-	\$250
5-743	Enclosure For Breeding	No	\$50	-	\$50
5-801	Mandatory Spaying And Neutering	No	\$250	-	\$250
5-901	Wild Or Exotic Animals	No	\$200	-	\$200
5-922	Guard Dog Permit Required	No	\$200	-	\$200

(4) *Tobacco*. In reference to Chapter 10.

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
10-54	Smoking Prohibited (Except in Permitted Areas)	No	\$10-\$25	-	\$10-\$25

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
10-77	Distribution to Minors	No	\$10-\$25	-	\$10-\$25
10-78	Distribution Through Vending Machines	No	\$10-\$25	-	\$10-\$25
10-79	Sealed Packages	No	\$10-\$25	-	\$10-\$25

(5) *Nuisances*. In reference to Chapter 14.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
14-28	Prohibited (Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicles)	No	\$100	-	\$100
14-62	Declaration of Nuisance; Unlawful (Accumulation of Junk, Trash and Refuse)	Yes	Set at Hearing	\$29	Set at Hearing
14-63	Disposal Restricted Generally (Littering)	Yes	Set at Hearing	\$29	Set at Hearing
14-64	Unsanitary Premises	Yes	Set at Hearing	\$29	Set at Hearing
14-65	Hazardous Premises	Yes	Set at Hearing	\$29	Set at Hearing
14-66	Accumulation of Solid Waste	Yes	Set at Hearing	\$29	Set at Hearing
14-67	Storage on Private Property	Yes	Set at Hearing	\$29	Set at Hearing
14-68	Weeds, Responsibility of Owner	Yes	Set at Hearing	\$29	Set at Hearing

(6) *Fires*. In reference to Chapter 8.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
8-2	Fires	No	\$90	-	\$90
8-3	Interference with Alarms	Yes	Set at Hearing	\$29	Set at Hearing
8-58	Fireworks Violation	Yes	Set at Hearing	\$29	Set at Hearing
8-60	Permissible Fireworks	No	\$50	-	\$50

(7) *Code Compliance*.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
20-21	Sign Area Restrictions	Yes	Set at Hearing	\$29.00	Set at Hearing
20-73	Prohibited Signs	Yes	Set at Hearing	\$29.00	Set at Hearing

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
21-28	Use of Containers	Yes	Set at Hearing	\$29.00	Set at Hearing
21-29	Scavenging Prohibited	Yes	Set at Hearing	\$29.00	Set at Hearing
22-96	Unlawful Encroachment on City Property	Yes	Set at Hearing	\$29.00	Set at Hearing
25-76	Water Conservation	Yes	Set at Hearing	\$29.00	Set at Hearing
26.1.11.B.F.1	Storage of Trailer, Boat or Motor Home	Yes	Set at Hearing	\$29.00	Set at Hearing
26-1.21-1	Skirting - Duty of Owner	Yes	Set at Hearing	\$29.00	Set at Hearing
26-2-32	Uses Permitted	Yes	Set at Hearing	\$29.00	Set at Hearing
26-14-1.1	Violations of Land Use Regulations	Yes	Set at Hearing	\$29.00	Set at Hearing

(Ord. 2010-391, eff. 2010-Dec-01; Ord. 2009-376, eff. 2009-Aug-19; Ord. 2007-346; Code 2007, 1-12-2)

*(Editor's Note: Additions due to omissions and corrections to typographical errors were made on 5 Aug 2010 as a result of review of Ordinance 2010-388)*

3. **Mandatory Fees Collected Upon Conviction.** In addition to any fine or imprisonment described in Sections 1-12-1 and 1-12-2 above, there is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term or any ordinance relating to the operation of a motor vehicle the following mandatory fees:
- (1) A corrections fee of twenty dollars (\$20);
  - (2) A judicial education fee of three dollars (\$3.00); and
  - (3) A court automation fee of six dollars (\$6.00).
  - (4) A lab fee of seventy five dollars (\$75.00) on Possession of Controlled Substance Charge.

These fees are included in Sec. 1-12-2 above and shown in the tables as "Court Costs".

As used in this section, "convicted" means the defendant has been found guilty of a criminal charge by the municipal judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial.

(Ord. 2010-392, eff. 2011-Jan-14; Ord. 2010-388, eff. 2010-Aug-04; Ord. 2009-376, eff. 2009-Aug-19; Code 2007, 1-12-3)

4. **Disposition and Use of Fees Collected.**

- (1) All corrections fees collected shall be deposited in a special corrections fund in the municipal treasury and shall be used only for municipal jailer training, for construction planning, construction, operation and maintenance of the municipal jail, for paying the costs of housing the municipality's prisoners in other detention facilities in the state, or for complying with match or contribution requirements relating to jails.

- (2) All judicial education fees collected shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training including production of bench books and other written materials; of municipal judges and other municipal court personnel.
- (3) All court automation fees collected shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation systems shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council.  
(Code 2007, 1-12-4)