

Chapter 24 TRAFFIC

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Chapter 24 TRAFFIC

ARTICLE I. IN GENERAL

Sec. 24-1. Penalty.

Violations of this Chapter are punishable as provided in [Section 1-8](#).
(Code 2007, 24-1)

Sec. 24-2. Windows Must Be Unobstructed and Transparent and Windshields Must Be Equipped With Working Wipers.

1. No person shall drive, or permit to be driven, a motor vehicle upon the streets of the city if the driver and passengers are not clearly visible to any observer from a distance of fifty (50) feet or closer than fifty (50) feet from the vehicle, through the front windshield and through the windows in the left and right front doors.
2. No person shall drive or permit to be driven, a motor vehicle in which the front windshield or windows in the left or right front doors have less than twenty (20) percent of available light transmitted through any tinting material.
3. No person shall drive or permit to be driven a motor vehicle with a tinted rear view window unless the vehicle is equipped with exterior rear view mirrors on both the left and right sides.
4. 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 rearmost window if the latter is used for driving visibility. The rearmost window is not necessary for driving where outside rear-view mirrors are attached to the vehicle.
5. 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.
6. Every windshield wiper upon a motor vehicle shall be maintained in good working order.
7. A violation of one (1) or more of these provisions shall be punishable according to Section 1-8 of this Code. Persons who are found in violation of more than one (1) of these provisions for any given car at a given time shall not be fined for more than one (1) violation. Persons cited for a violation of this section by the city shall have three (3) working days after the violation in which to repair or alter the vehicle or its contents to remedy the defect in the vehicle causing the violation. Should the vehicle be stopped again for the violation during the three-day period, the person may present the previous citation to the patrol officer, who shall then refrain from a further citation for the person for this violation. After the three-working-day repair period, subsequent violations are punishable.

(Code 2007, 24-2)

Secs. 24-3 to 24-20. Reserved.

ARTICLE II. MOTOR VEHICLE CODE

Sec. 24-21. Adopted by Reference; Amendments.

1. Except as otherwise provided in this article, the following sections of the New Mexico Motor Vehicle Code, a traffic code, are adopted by reference pursuant to section [NMSA 1978 3-17-6](#). All references are to sections of the NMSA 1978.

Section(s)	Title
Section 3-17-6	Definitions
Sections 66-3-1, 66-3-4, 66-3-6, 66-3-19, 66-3-23, 66-3-104, 66-3-105, 66-3-301, 66-3-401	Registration and Ownership
Sections 66-3-13, 66-3-17 and 66-3-18	Registration Plates
Sections 66-3-701 to 66-3-707 inclusive	Bicycles
Sections 66-3-801 to 66-3-1101 inclusive, except Sections 66-3-876 to 66-3-886	Equipment and Safety of Vehicles
Sections 66-5-1 to 66-5-43, and 66-5-229 (c), inclusive, except that portion of Section 66-5-39, fixing a maximum penalty of 364 days in jail	
Sections 66-5-59 and 66-5-230	Licensing
Section 66-5-205	Uninsured Motorist Citation
Sections 66-5-231 and 66-5-409	Insurance and Identification
Sections 66-7-1 to 66-7-416 inclusive	Traffic Laws
Sections 66-8-1 to 66-8-140, except:	
Sections providing felony penalties and that portion of Section 66-8-102 permitting a maximum penalty of 364 days in jail.	
Section 66-8-116 is deleted in part and the fine schedule attached to Ordinance No. 2005-324 substituted for all listed penalty provisions. Any provision not included in the fine schedule is hereby retained.	

2. All amendments to the sections of the New Mexico Motor Vehicle Code listed in Section 24-21-1 of this section and all new sections passed by the state legislature in Articles 7 and 8 of such code, except those prescribing felony penalties, shall become city ordinances without further action on the part of the city commission.
(Code 2007, 24-21)

Sec. 24-22. Short Title; Form of Citation.

1. This article may be cited as "City of Aztec Motor Vehicle and Traffic Code."
2. In traffic citations for violations of the motor vehicle code sections incorporated by Article II of this Chapter and other references to such sections, the form of citation shall be to Section 12-1 followed by the appropriate reference to the state code section incorporated (Example: A speeding violation would be 12-1/66-7-301. Such reference shall indicate a violation of or reference to this article, and not the state statute.)
(Code 2007, 24-22)

Sec. 24-23. Ordinance Available for Inspection.

A copy of the 1999 New Mexico Motor Vehicle Code is available for inspection during the municipal clerk's normal and regular business hours at City Hall, City of Aztec, 201 West Chaco, Aztec, New Mexico.
(Code 2007, 24-23)

Sec. 24-24. Warrant Fee.

In addition to any fine, court cost or imprisonment prescribed elsewhere in the Municipal Code, there is imposed upon any person for whom a warrant is issued by the municipal court a warrant fee of one hundred dollars (\$100.00). The warrant fee may be waived at the discretion of the municipal judge.
(Code 2007, 24-24)

Sec. 24-25. Handheld Mobile Communication Device.

1. Prohibited.
 - 1) No person shall use a handheld mobile communication device while operating a motor vehicle to engage in a call to receive and transmit voice communication; read or view a message or manually type on a handheld mobile communication device for any purpose.
 - 2) Violations will be charged a penalty fine and fee as established in [Section 1-12 Mandatory Penalty and Fees of Chapter 1 General Provisions](#).
2. Exemptions.
 - 1) The use of a mobile communication device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department; or a police department.
 - 2) The use of a hands-free mobile communication device when being used in a hands free manner.

- 3) The use of mobile communication devices by Police or Emergency Responders while in the course of their duties.

3. Definitions.

Handheld mobile communication device

A wireless communication device that is designed to engage in a call and receive and transmit voice, text or image communication, using at least one hand (or prosthetic device or aid in the case of a physically disabled person).

Operating

In actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but operating excludes operating a motor vehicle when the vehicle has pulled over to the side of or off of an active roadway and has stopped at a location in which it can safely remain stationary.

(Ord.2019-493, eff. 2019-Sept-15)

Sec. 24-26. Operation on Streets or Highways.

1. A person shall not operate an off-highway motor vehicle on any:
 - (1) Limited access highway or freeway at any time;
 - (2) Paved street or highway except as provided in Subsection (2) or (3) of this section;
 - (3) Walking trails; or
 - (4) City parks.
2. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.
3. A recreational off-highway vehicle may be operated on paved streets owned and controlled by the city if:
 - (1) The vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act, Sec. 66-3-1001 through 66-3-1021, NMSA 1978; and
 - (2) The vehicle has brakes, side mirrors on the right and left side of the driver, turn signals, horn, speedometer illuminated for nighttime operation and mufflers; and
 - (3) The operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit; and
 - (4) The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and
 - (5) A person shall not operate an off-highway motor vehicle or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.
4. The speed limit for recreational off-highway vehicles operated within the city shall be 45 miles per hour or the posted speed limit, whichever is less. A recreational off-highway vehicle traveling on a paved street shall travel at a speed that complies with the Off-Highway Motor Vehicle Act.

5. A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.
6. Any person operating an off-highway motor vehicle shall obey all traffic laws, city code, rules, and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].
7. Violations will be charged a penalty fine and fee as established in Section 1-12 Mandatory Penalty and Fees of Chapter 1 General Provisions.
8. As used in this division, the following definition shall apply:

Off-highway motor vehicle

A motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (1) "Recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons.
- (2) By-rule of the state department of game and fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

(Ord.2023-538, eff. 2024-JAN-17)

Secs. 24-27 to 24-40. Reserved.

ARTICLE III. PARADES

DIVISION 1. GENERALLY**Sec. 24-41. Definition.**

In this article "parade" means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

(Code 2007, 24-41)

Sec. 24-42. Penalty.

Violations of this article are punishable as provided in Section 1-8.

(Code 2007, 24-42)

Sec. 24-43. Exceptions.

This article shall not apply to:

1. Funeral processions;
2. Students going to and from school classes or participating in education activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
3. A governmental agency acting within the scope of its functions.

(Code 2007, 24-43)

Sec. 24-44. Compliance with Law Required.

A permittee under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(Code 2007, 24-44)

Secs. 24-45 to 24-60. Reserved.

DIVISION 2. PERMIT**Sec. 24-61. Required.**

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.

(Code 2007, 24-61)

Sec. 24-62. Application.

1. A person seeking issuance of a parade permit shall file an application with the chief of police not less than seven (7) days before the date on which it is proposed to conduct the parade on forms provided by such officer.
2. The application for a parade permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such parade;
 - (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 - (4) The date when the parade is to be conducted;
 - (5) The route to be traveled, the starting point and the termination point;
 - (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
 - (7) The hours when such parade will start and terminate;
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (9) The location by streets of any assembly areas for such parade;
 - (10) The time at which units of the parade will begin to assemble at any such assembly areas;
 - (11) The interval of space to be maintained between units of the parade;

- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.
3. The chief of police, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than seven (7) days before the date such parade is proposed to be conducted.
(Code 2007, 24-62)

Sec. 24-63. Standards for Issuance.

The chief of police shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
2. The conduct of the parade will not require the diversion of so great a number of police officers of this city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this city;
3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this city other than that to be occupied by the proposed line of march and areas contiguous thereto;
4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
5. The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire;
6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
(Code 2007, 24-63)

Sec. 24-64. Notice of Rejection.

If the chief of police disapproves the parade permit application, he shall mail to the applicant, within three (3) days after the date upon which the application was filed, a notice of his action.
(Code 2007, 24-64)

Sec. 24-65. Alternative Permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit.

(Code 2007, 24-65)

Sec. 24-66. Contents of Permit.

Each parade permit shall state the following information:

1. Starting time;
2. Minimum speed;
3. Maximum speed;
4. Maximum interval of space to be maintained between the units of the parade;
5. The portions of the streets to be traversed that may be occupied by the parade;
6. The maximum length of the permit in miles or fractions thereof;
7. Such other information as the chief of police shall find necessary to the enforcement of this article.

(Code 2007, 24-66)

Sec. 24-67. Possession.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

(Code 2007, 24-67)

Sec. 24-68. Revocation.

The chief of police shall have the authority to revoke a parade permit upon application of the standards for issuance as herein set forth.

(Code 2007, 24-68)

Secs. 24-69 to 24-80. Reserved.

ARTICLE IV. CASUAL SALES OF MOTOR VEHICLES

Sec. 24-81. Statute Adopted by Reference.

Except as otherwise provided in this chapter, the following section of the New Mexico State Statute regarding casual sales of motor vehicles, a portion of the New Mexico Motor Vehicle Code, is adopted by reference pursuant to [NMSA 1978, Section 3-17-6\(10\)](#):
(Code 2007, 24-81)

1. [NMSA 1987, Section 66-3-126](#) Casual Sales; Place of Sale; Advertising; Penalty
2. [NMSA 1987, Section 66-3-127](#) Warning of Violation; Removal of Vehicle

Secs. 24-82 to 24-90. Reserved.

ARTICLE V. HANDICAP PARKING ZONES

Sec. 24-91. Handicapped Zones.

1. Parking zones are required for the parking of passenger vehicles driven by disabled and handicapped persons, on city streets or parking lots, or on private parking lots, shall be designated by a conspicuously posted sign, pursuant to standards established by the chief of police, bearing the international handicapped symbol of a wheelchair. Where such a zone has been designated and posted, it shall be unlawful for any person to stop, stand or park any vehicle within the zone except when exhibiting registration plates from the state or a sticker from the police department indicating disability.
2. Any person convicted of a violation of the provisions of this section shall pay a fine of not less than one hundred dollars (\$100.00).
(Code 2007, 24-91)

Sec. 24-92. Parking for the Physically Handicapped.

1. Wherever fifteen (15) or more parking spaces are required for nonresidential uses, or twenty-five (25) or more parking spaces are required for residential uses, the following formula shall be used to determine the number of spaces that must be reserved for use by the physically handicapped.

Total Spaces in Parking Lot	Minimum Designated Disabled Parking Spaces
1 to 14	0
15 to 25	1
26 to 35	2
36 to 50	3
51 to 100	4
101 to 300	8
301 to 500	12
501 to 800	16
801 to 1,000	20
more than 1,000	20, plus 1 for each additional 200 spaces

2. All spaces reserved for disabled persons shall have a minimum stall width of twelve (12) feet.
3. All spaces reserved for disabled persons shall be designated by a conspicuously posted sign bearing the international symbol of a wheel-chair.

4. All spaces reserved for disabled persons shall be located to provide the most convenient access to the building served and situated in proximity to building entrances or the nearest curb cut.
5. All spaces reserved for disabled persons shall be located so that occupants of vehicles in these spaces can go to the related building unobstructed by bumpers, curbs, or other obstacles to wheelchairs, along a path at least thirty-six (36) inches in width.
6. Any person convicted of a violation of this section shall pay a fine of not less than one hundred dollars (\$100.00).
(Code 2007, 24-92)