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1 WHEREAS, it shall be improper for vehicles associated with multiple ASE
2 system fine notices which are in default to park on city-owned property, on or
3 in city-owned facilities; or on or in city-managed facilities; and

4 WHEREAS, the City should seek to accomplish the objectives set forth in the
5 ASE Ordinance in a manner that preserves the safety of all residents and
6 exhausts alternative avenues to promote compliance.

7 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
8 ALBUQUERQUE:

9 SECTION 1. CHAPTER 7, ARTICLE 15 of the Albuquerque Municipal Code is
10 amended to add the following subsection:

11 § 7-15-4 ENFORCEMENT

12 [(l) Effect of Multiple ASE System Fine Notices in Default

13 (1) Jurisdiction This section of the ASE ordinance shall be enforced on all
14 streets and roadways within the city; on or in any City-owned parking facility;
15 on or in any City-managed parking facility; or on any other City-owned real
16 property within the city limits. When a street is the boundary line between
17 the city and the county, the entire public way shall be deemed within the city.

18 (2) Notice of Multiple Concurrent ASE System Fine Notices in Default If an
19 alleged violator is concurrently in default on two or more ASE system fines,
20 a letter shall be sent to the registered owner of such vehicle setting forth:

- 21 (a) the name of the registered owner;
- 22 (b) the dates of the ASE system fines were incurred;
- 23 (c) the type of violation,
- 24 (d) the dates, times, and locations of the violations;
- 25 (e) the license plate number(s) of the vehicle(s);
- 26 (f) the amount of the respective fines;
- 27 (g) the citation numbers associated with the unpaid fines;
- 28 (h) the response due date;
- 29 (i) and the return address;
- 30 (j) The notice shall furthermore recite the prescribed “Responses to an
31 ASE fine notice” as set forth in § 7-15-4(C). The notice shall also inform
32 the registered owner that the time to appeal the fine notice or elect to
33 complete community service in lieu of payment has expired; and that if

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1 the registered owner fails to resolve a sufficient number of unpaid ASE
2 finest within twenty (20) calendar days, such that the registered owner no
3 longer has more than two (2) unpaid ASE system fine notices
4 concurrently in default for any given vehicle, the registered owner may
5 be subject to a parking citation and immobilization and impoundment of
6 their vehicle, if their vehicle is found to be parked on any street or
7 roadway within the city; on or in any City-owned parking facility; on or in
8 any City-managed parking facility; or on any other City-owned real
9 property within the city limits.]

10 SECTION 2. CHAPTER 7, ARTICLE 15, Part 5, Subsection A of the
11 Albuquerque Municipal Code is amended as follows:

12 § 7-15-5 ADMINISTRATION

13 (A) The Albuquerque Police Department [and the Department of Municipal
14 Development] shall be responsible for administration of this article. Reasonable
15 rules and regulations may be promulgated by the Mayor or the Mayor’s
16 designee to carry out the intent and purpose of this article.

17 SECTION 3. CHAPTER 8, ARTICLE 5, Part 1 of the Albuquerque Municipal
18 Code is amended to add the following Section 43:

19 § 8-5-1 GENERAL PROVISIONS

20 [§ 8-5-1-43 Repeated Nonpayment of Automated Speed Enforcement System
21 Fines.

22 (A) Repeated Nonpayment of Automated Speed Enforcement (“ASE”) System
23 Fines consists of a vehicle owner who has accrued and defaulted upon three or
24 more ASE system fines, as described in § 7-15-4(I);

25 (B) It shall be unlawful for any vehicle to park on any City streets or roadways,
26 on or in any City-owned parking facility; on or in any City-managed parking
27 facility; or on any other City-owned real property, if the vehicle has three or more
28 accrued and defaulted ASE system fines, as described in § 8-5-1-43(A).]

29 SECTION 4. CHAPTER 8, ARTICLE 5, Part 3, Section 1, Subsection C of the
30 Albuquerque Municipal Code is amended as follows:

31 § 8-5-3-1 FREQUENCY OF PARKING CITATIONS

32 (C) *Parking Citation No More Frequently Than One For Every 24-Hour*
33 *Period.* Whenever a vehicle is parked in violation of §§ 8-5-1-12, 8-5-1-

1 19[.][and] 8-5-1-25 [and 8-5-1-43] and parking citations shall not be issued more
2 frequently than one for every 24-hour period.

3 SECTION 5. COMPILATION. Sections 1 and 2 of this ordinance shall amend,
4 be incorporated in and made part of the Revised Ordinances of Albuquerque,
5 New Mexico.

6 SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days
7 after publication by title and general summary.

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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

March 7, 2023

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor *TK*

SUBJECT: Amendments to Revised Ordinances of Albuquerque to Enable the City to Create Parking Offense for Vehicles with Multiple Automated Speed Enforcement Fines Concurrently in Default

The attached Ordinance would amend Chapter 7, Article 15, Section 4 to enable the City to create a parking offense for vehicles with multiple Automated Speed Enforcement (ASE) fines concurrently in default and Chapter 8, Article 5, Section 1 to create a petty misdemeanor offense for parking a vehicle on City streets or in City owned or managed parking facilities with multiple ASE fines concurrently in default.

The ASE Ordinance is an effective tool to improve public safety and additional enforcement mechanisms are needed to discourage scofflaws from chronic nonpayment of fines issued pursuant to the ASE Ordinance. These amendments would make it unlawful for persons with chronic nonpayment of ASE fines to park their vehicle on City streets and in City owned or managed parking facilities to encourage these persons to pay their defaulted fines and to increase the effectiveness of the ASE Ordinance in improving public safety in the City.

This is forwarded for your consideration and favorable action.

Approved: *[Signature]*

Lawrence Rael
Chief Administrative Officer

Date: 6/9/23

Approved as to Legal Form:

DocuSigned by:
Lauren Keefe

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Lauren Keefe
City Attorney

Date: 3/8/2023 | 2:16 PM MST

Recommended:

DocuSigned by:
Patrick Montoya

TE093102F75A41F...
Patrick Montoya
Director, Department of Municipal Development

Date: 3/7/2023 | 5:24 PM PST

Cover Analysis

1. What is it?

This Ordinance would amend the Revised Ordinances of Albuquerque to create a parking offense for vehicles with multiple Automated Speed Enforcement (ASE) fines concurrently in default.

2. What will this piece of legislation do?

This legislation will make it unlawful to park a vehicle on any City street or City owned or managed facility if that vehicle has three (3) or more unpaid ASE fines in default. Upon passage of this legislation, the Department of Municipal Development will notify all persons with two (2) or more unpaid ASE fines in default that defaulting on any additional ASE fines or not resolving current ASE fines in default may result in a parking citation and vehicle immobilization and impoundment if the person parks their vehicle on any City street or in a City owned or managed facility. Municipal Development will then issue parking citations to vehicles that are unlawfully parked under the ordinance and may immobilize vehicles in accordance with Article 8, Article 5.

3. Why is this needed?

While many ASE fines are paid or resolved through community service, as prescribed under the ASE Ordinance, there remains persons that refuse to pay or resolve ASE fines and continue to accumulate ASE fines in default. The City seeks additional enforcement mechanisms to discourage these scofflaws from chronic nonpayment of fines.

4. How much will it cost and what is the funding source?

The funding source is the Parking Enterprise Fund, Fund 641. The cost is undetermined as parking enforcement is a regular part of Parking Enforcement Officer duties, and the Ordinance creates an additional parking offense.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

The City anticipates additional parking revenues associated with creating a new parking offense; however, the amount is to be determined.

6. What will happen if the project is not approved?

Individuals may continue to not to pay or resolve ASE fines.

FISCAL IMPACT ANALYSIS

TITLE:
Parking Offense for Multiple ASE fines in Default

O:
FUND: 641

DEPT: Parking/Municipal Develop

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2023	Fiscal Years 2024	2025	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH				
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS: Financial impact to be determined in 6 months following implementation of Ordinance.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

DocuSigned by:
Christine Chig
FISCAL ANALYST

APPROVED:

DocuSigned by:
Patrick Montoya 3/7/2023 | 5:24 PM PST
DIRECTOR (date)

REVIEWED BY:

DocuSigned by:
Jennifer Brokaw
EXECUTIVE BUDGET ANALYST

DocuSigned by:
Lawrence L. Davis 3/8/2023 | 1:27 PM
BUDGET OFFICER (date)

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Christine Boerner
CITY ECONOMIST