

**AN ORDINANCE AMENDING LAS CRUCES MUNICIPAL CODE SECTION 27-2 CONTAINING AMENDMENTS TO THE NEW MEXICO UNIFORM TRAFFIC CODE SECTION 12-6-6.15 PARKING CERTAIN TRUCKS RESTRICTED TO PROVIDE CLARIFICATION ON THE PROHIBITION OF PARKING SEMI TRACTORS AND/OR TRAILERS ON RESIDENTIAL STREETS WITHIN THE CITY.**

The City Council is informed that:

**WHEREAS**, Section 27-2 of the Las Cruces Municipal Code, amending Section 12-6-6.15 Parking Certain Trucks Restricted of the New Mexico Uniform Traffic Code establishes a provision (Subsection "A") that reads:

"No person shall park a tractor trailer semi rig in any residential street within the city except for purposes of loading and unloading;" and,

**WHEREAS**, based on discussions with the Police Department, and the City Attorney's office, it is unclear as to the intent and definition of a "tractor trailer semi rig" within the section of the Municipal Code; and,

**WHEREAS**, to ensure that the Municipal Code is clear and enforceable, a modification is suggested to clarify this language.

**NOW THEREFORE**, the City Council of the City of Las Cruces, New Mexico does hereby ordain as follows:

(I)

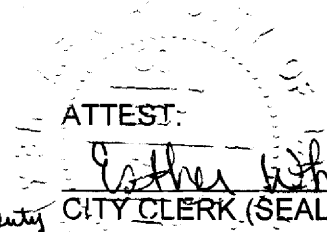
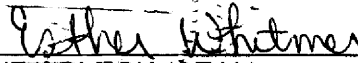
**THAT** Section 27-2 of the Las Cruces Municipal Code, amending Section 12-6-6.15 of the New Mexico Uniform Traffic Code Section 12-6-6.15 is amended to read: "No person shall park a semi tractor and/or a semi trailer whether connected or unconnected on any residential street within the City except for purposes of loading and unloading".

**DONE AND APPROVED** this 15th day of November, 1999.

APPROVED:

  
MAYOR RUBEN A. SMITH

ATTEST:

  
  
Deputy CITY CLERK (SEAL)

Moved by: Tomlin

Seconded by: Haltom

VOTE:

Mayor Smith:	<u>Aye</u>
Councillor Fietze:	<u>Aye</u>
Councillor Gustafson:	<u>Aye</u>
Councillor Valencia:	<u>Aye</u>
Councillor Stevens:	<u>Aye</u>
Councillor Tomlin:	<u>Aye</u>
Councillor Haltom:	<u>Aye</u>

APPROVED AS TO FORM:

  
CITY ATTORNEY

**Sec. 27-1. Traffic code—Adopted.**

For the purpose of regulation of vehicular and pedestrian traffic within the city, there is adopted by the city council the 1990 New Mexico Uniform Traffic Ordinance, and the provisions thereof shall be controlling within the city to the same extent as if such provisions were set out in full in this chapter.

(Code 1988, § 28-1)

**Sec. 27-2. Same—Amendments.**

The traffic code adopted by section 27-1 is altered, amended and changed in the following respects:

*Section 12-1-47 Park or Parking* is amended to read as follows:

"Park or parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading.

**State law reference**—Similar provisions, NMSA 1978, § 66-1-4.14.

*Section 12-1-49 Pedestrian* is amended to read as follows:

"Pedestrian" means any natural person on foot.

**State law reference**—Similar provisions, NMSA 1978, § 66-1-4.14.

*Section 12-1-50 Person* is amended to read as follows:

"Person" means every natural person, firm, copartnership, association, corporation, or other legal entity.

**State law reference**—Similar provisions, NMSA 1978, § 66-1-4.14.

*Section 12-1-51 Pole Trailer* is amended to read as follows:

"Pole trailer" means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes or

structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**State law reference**—Similar provisions, NMSA 1978, § 66-1-4.14.

*Section 12-6-6.15 Parking Certain Trucks Restricted* is enacted to read as follows:

A. No person shall park a tractor trailer semi rig in any residential street within the city except for purposes of loading and unloading;

B. It shall be unlawful for any person to leave any type of trailer, boat trailer, etc., unhitched upon a public way.

*Section 12-6-6.16 Parking in Fire Lanes Prohibited* is enacted to read as follows:

A. The marking of fire lanes on private property devoted to public use and on public property shall be approved by the chief of police;

B. Parking of all motor vehicles other than authorized fire department equipment is prohibited from fire lanes at all times;

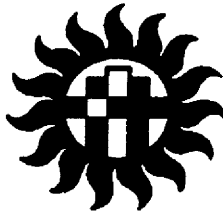
C. Violation of this subsection shall be enforced by the police department.

*Section 12-6-6.17 Parking Adjacent to Public Buildings* is enacted to read as follows:

A. Except when necessary to avoid conflict with other traffic, or the directions of a police officer, no person shall stop, stand, or park a motor vehicle on any parking area adjacent to any public building which is owned or controlled by the city:

- (1) Except within marked parking stalls provided for that purpose;
- (2) At any place which would impede the movement of other vehicles;
- (3) At any place that is properly signed and reserved for special vehicles;
- (4) At any place where parking is prohibited by officials sign.

Vehicles in violation of the foregoing provision may be towed to the nearest storage area, at the expense of the owner of the vehicle.



CITY OF LAS CRUCES  
INTER-DEPARTMENTAL  
MEMORANDUM

TO: Jesus Nava, City Manager	
FROM: Jim Ericson, Director of Development Services Division	
SUBJECT: <b>Work Session - Semi Truck Parking</b>	November 18, 1998
	F#98-521JE.MMO

On the issue of semi-trucks parking on residential streets, please find attached the packet I sent forward for consideration by the Council at its work session Monday night. I reviewed this again and it appears to be a reasonable course of action if the Council wishes to take some action on this issue.

I will note that I will need to make a number of modifications to the sections stated within the Las Cruces Municipal Code since the Council has subsequently approved recodification.

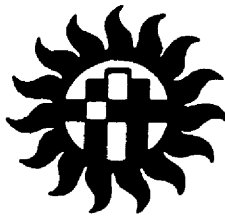
However, with those changes, the packet can be ready for action by the Council at such time as they may wish to consider modifications of the Las Cruces Municipal Code to address this issue.

I will be prepared to present this Monday night.

In the interim, if you have questions or require additional information, please advise.

jm

Attachment: As noted



# CITY OF LAS CRUCES

## INTER-DEPARTMENTAL MEMORANDUM

TO: Jesus Nava, City Manager	
FROM: Jim Ericson, Director of Development Services	
SUBJECT: <i>JE</i> Complaint On Semi Tractor Trailer Parking	June 12, 1998
	F#98-262JE.MMO

Within the last several weeks, your office had forwarded to me a complaint related to the parking of a semi tractor and/or trailer on a City street. After review of the Ordinance and discussions with Lt. Jerry Farris, Police Department, and Fermin Rubio, City Attorney, it appears that the provisions currently in the Municipal Code are not sufficiently clear to address the issue of parking a semi-tractor without the connected trailer on a residential street in the City.

I am uncertain as to whether or not you and the Council consider this a problem sufficient to bring forward to amend the Municipal Code. However, if you would like to review it with the City Council on an informal basis, I have prepared a preliminary draft for your review and review by the City Attorney and Police Chief. A copy of that draft document is attached for your information. I am also forwarding a copy to the City Attorney and Police Chief.

I am not certain if this is a significant issue or not, and I am not advocating a modification to the Ordinance. This draft is only for review and possible discussion if the Council wishes something on this issue formally brought forward for its consideration.

If you have questions or require additional information, please advise.

jm

Attachment: As noted

c: Fermin Rubio, City Attorney  
Jim Bonnell, Police Chief

**CITY OF LAS CRUCES  
COUNCIL ACTION FORM**

For Meeting of November 1, 1999

**AGENDA ITEM TITLE:**

**AN ORDINANCE AMENDING LAS CRUCES MUNICIPAL CODE SECTION 27-2 CONTAINING AMENDMENTS TO THE NEW MEXICO UNIFORM TRAFFIC CODE SECTION 12-6-6.15 PARKING CERTAIN TRUCKS RESTRICTED TO PROVIDE CLARIFICATION ON THE PROHIBITION OF PARKING SEMI TRACTORS AND/OR TRAILERS ON RESIDENTIAL STREETS WITHIN THE CITY.**

**BACKGROUND:**

There have been several complaints raised by residents within the City on the parking of semi tractors and/or trailers on residential streets within City limits.

The Police Department and the City Attorney's office have reviewed the provision of the Las Cruces Municipal Code as outlined in Section 27-2 of the Municipal Code which amends the New Mexico Uniform Traffic Ordinance to provide restrictions on the parking of these trucks on residential streets. The section of the New Mexico Uniform Traffic Ordinance as codified under Section 27-2 of the Las Cruces Municipal Code is Section 12-6-6.15.

This specific section of the Uniform Traffic Ordinance within the Municipal Code within Subsection A currently states: "No person shall park a tractor trailer semi rig in any residential street within the city except for purposes of loading and unloading."

In order to provide clarification to ensure that this provision of the Municipal Code is clear and is enforceable, it is recommended that Subsection A be rewritten to read as follows: "No person shall park a semi tractor and/or a semi trailer whether connected or unconnected on any residential street within the City except for purposes of loading and unloading".

By providing this modification, this section of the Municipal Code will clearly prohibit the parking of a semi trailer, the semi tractor itself, or the semi tractor and trailer when connected to one another on any residential street with the City.

**SUPPORT INFORMATION:**

1. Ordinance
2. Section 27-2 of the Las Cruces Municipal Code.
3. Correspondence.

(continued on page 2)

Name of Drafter: Juana Johnson	Division/Department: Development Services	Phone: 528-3350
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**STAFF COORDINATION**

Division/Department	Signature	Phone
FIRE		
POLICE		
FINANCE		
UTILITIES		
COMM FACILITIES		
DEVELOPMENT SVCS	<i>J. A. E.</i>	528-3350

Division/Department	Signature	Phone
ADMINISTRATION		
LEGAL	<i>[Signature]</i>	2300
BUDGET	<i>[Signature]</i>	2300
ASST CITY MANAGER		
CITY MANAGER	<i>[Signature]</i>	

**OPTIONS FOR COUNCIL INCLUDE:**

1. Vote yes on the Ordinance. This will result in a modification of the Uniform Traffic Ordinance as codified in Section 27-2 of the Las Cruces Municipal Code. Based on review by the Police Department and the City Attorney's office, it will clearly state that the parking of a semi tractor and/or the parking of a semi trailer whether individually parked or connected as a single unit is prohibited on any residential street.
2. Vote no on the Ordinance. This will result in the provisions within the Municipal Code remaining as they currently are. Based on review by the Police Department and City Attorney's office, it is their interpretation that this only prohibits the parking of a trailer or a semi tractor when connected to the trailer as a single unit. It does not prohibit the parking of a semi tractor only on a residential street.

# PROOF OF PUBLICATION

David E. McCollum, being duly sworn, deposes and says that he is the Publisher of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 22879 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive days, the first publication was in the issue dated November 28, 1999 and the last publication was November 28, 1999.


Deponent further states this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed David E. McCollum

Publisher  
Official Position

STATE OF NEW MEXICO

ss.  
County of Dona Ana

Subscribed and sworn before me this 30<sup>th</sup> day of December 1999  
 OFFICIAL SEAL  
JUDY M. LUNA  
NOTARY PUBLIC—STATE OF NEW MEXICO  
My Commission Expires 3-10-03

Notary Public in and for  
Dona Ana County, N.M.

## CITY OF LAS CRUCES

### NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, hereby gives notice of the adoption of the following Ordinances at the Regular meeting of November 15, 1999:

1. Council Bill No. 00-022: Ordinance No. 1771: An Ordinance Amending Las Cruces, Municipal Code Section 27-2 Containing Amendments to the New Mexico Uniform Traffic Code Section 12-6-6.15 Parking Certain Trucks Restricted to Provide Clarification on the Prohibition of Parking Semi Tractors and/or Trailers of Residential Streets within the City.

Complete Copies of these Ordinances Are on File in the City Clerk and Are available for Public Inspection During Regular Office hours.

Witness my hand and seal of the City of Las Cruces on this on this 24th day of November, 1999.

Shirley Clark  
CMC/AE  
City Clerk

Pub No. 22879  
Publish November 28, 1999

# City of Las Cruces

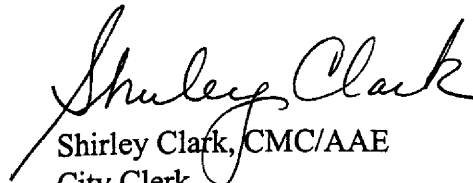
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Complete Copies of these Ordinances Are on File in the Office of the City Clerk and Are Available for Public Inspection During Regular Office Hours.

Witness my hand and seal of the City of Las Cruces on this the 24th day of November, 1999.

  
Shirley Clark, CMC/AAE  
City Clerk

**Please publish in the Legal Section on Sunday, November 28, 1999 and furnish proof of publication at your earliest convenience.**

BILL TO: City Clerk's Office  
P O Box 20000  
Las Cruces, NM 88004

**PLEASE CONFIRM RECEIPT OF THIS NOTICE BY RETURN FAX  
541-2117**

### CITY OF LAS CRUCES

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Shirley Clark  
CMC/AAE  
City Clerk

Pub No. 22879  
Publish November 28, 1999

# PROOF OF PUBLICATION

David E. McCollum, being duly sworn, deposes and says that he is the Publisher of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 22694 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive days, the first publication was in the issue dated October 24, 1999 and the last publication was October 24, 1999.

Deponent further states this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

*David M. Collum*

Signed \_\_\_\_\_

Publisher  
Official Position

STATE OF NEW MEXICO

ss.

County of Dona Ana

Subscribed and sworn before me this 2 day of November.

*Luiza Lopez*

Notary Public in and for  
Dona Ana County, NM

COMMERCIAL  
Luis A. Lopez  
6/28/00

**CITY OF LAS CRUCES**  
**NOTICE OF INTENT TO ADOPT**  
The City Council of the City of Las Cruces, New Mexico, hereby gives notice of its intent to adopt the following Ordinance at the regular meeting to be held on November 15, 1999:  
**Council Bill No. 00-002: Ordinance No. 1771:** An Ordinance Amending Las Cruces Municipal code Section 27-2 Containing Amendments to the New Mexico Uniform Traffic Code Section 12-6-6, 15 Parking Certain Trucks Restricted to Provide Clarification on the Prohibition of Parking Semi Tractors and/or Trailers on Residential Streets Within the City.  
Witness my hand and seal this 19th day of October, 1999.  
Shirley Clark  
CMC/AEE  
City Clerk  
Pub No: 22694  
Publish October 24, 1999