



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: November 18, 2019

SUBJECT: PUBLICATION OF AN ORDINANCE AMENDING CHAPTER 10 OF THE HOBBS MUNICIPAL CODE REGARDING PARKING ENFORCEMENT

DEPT. OF ORIGIN: Hobbs Police Department
DATE SUBMITTED: November 12, 2019
SUBMITTED BY: John Ortolano, Chief of Police

Summary:

The City of Hobbs has adopted the Uniform Traffic Ordinance (UTO) to govern the traffic laws in Hobbs, New Mexico. The Hobbs Police Department has identified issues of parking to be a common complaint from the citizens of Hobbs, New Mexico. NMSA 1978, §3-17-1 and NMSA 1978, §3-50-5(K) allows a municipality to adopt ordinances necessary to promote the morals, order, comfort and convenience while addressing the existence of congestion of street traffic. The Hobbs Police Department has employed Police Service Aides to conduct certain duties related to the assistance of law enforcement and the general public. The Chief of Police of the Hobbs Police Department would like to designate these Police Service Aides as having the authority to enforce all parking ordinances within the municipal boundaries of Hobbs, New Mexico. NMSA 1978, §29-1-9 allows appointment of a certain peace officer duties by written appointment. This change would greatly benefit the Department as well as the general public at large.

Fiscal Impact:

Reviewed By: 

Finance Department

There is no fiscal impact for this measure.

Attachments: Proposed Ordinance

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

The City Commission should consider approving publication of the proposed Ordinance.

Approved For Submittal By:


Department Director


City Manager

**CITY CLERK' S USE ONLY
COMMISSION ACTION TAKEN**

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
File No. _____ Denied

CITY OF HOBBS

ORDINANCE NO. 1122

AN ORDINANCE AMENDING CHAPTER 10 OF THE HOBBS MUNICIPAL CODE
REGARDING PARKING ENFORCEMENT

WHEREAS, the City of Hobbs has previously adopted the Uniform Traffic Ordinance to govern the traffic laws within the municipal limits of the City of Hobbs, New Mexico, through enactment of an amended Chapter 10 of the Hobbs Municipal Code; and

WHEREAS, NMSA 1978, §3-17-1 allows a municipality to adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

WHEREAS, NMSA 1978, §3-50-5(K) allows a municipality to perform any and all other acts and things necessary, convenient, desirable or appropriate to address the existence of congestion of street traffic, preventing free circulation of traffic, obstructing access to and use of both public and private property, increasing traffic hazards, impeding rapid and effective fighting of fires and the disposition of police forces and endangering public peace, health and safety; and

WHEREAS, NMSA 1978, §29-1-9, requires that no person be allowed to exercise the functions, powers duties and privileges incident and belonging to a peace officer without first having received an appointment in writing from a person authorized by law to appoint peace officers; and

WHEREAS, the Uniform Traffic Ordinance Section 12-3-3(A) states, "It is the duty of police officers, or such officers as may be assigned by the chief of police, to enforce all traffic regulations of this municipality...."; and

WHEREAS, The City of Hobbs has identified parking violations as an area of traffic enforcement that greatly impacts the morals, order, comfort and convenience of the municipality and has identified that there are persons employed by the Hobbs Police Department, aside from those full time salaried peace officers, that are capable of addressing parking violations efficiently and effectively; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 10, is hereby amended as more specifically described as follows:

TITLE 10


UNIFORM TRAFFIC ORDINANCE

10.04.100 PARKING ENFORCEMENT

- A. Any Hobbs Police Officer shall have the authority to enforce all parking ordinances of the Uniform Traffic Ordinance within the municipal boundaries of Hobbs, New Mexico.
- B. In addition to the language contained in subsection A herein the Chief of Police may, by written appointment, designate Police Service Aides of the Hobbs Police Department as having authority to enforce all parking ordinances of the Uniform Traffic Ordinance within the municipal boundaries of Hobbs, New Mexico.
- C. Enforcement procedures for all parking violations shall be those outlined by Uniform Traffic Ordinance Article XII, including but not limited to Sections 12-12-12, 12-12-13, and 12-12-14.

PASSED, ADOPTED AND APPROVED this 18th day of November, 2019.





SAM D. COBB, Mayor

ATTEST:



JAN FLETCHER, City Clerk

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

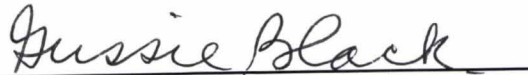
I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated
November 01, 2019
and ending with the issue dated
November 01, 2019.



Publisher

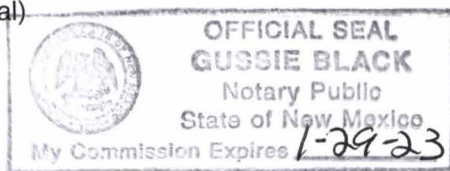
Sworn and subscribed to before me this
1st day of November 2019.



Business Manager

My commission expires
January 29, 2023

(Seal)



This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

LEGAL NOTICE
NOVEMBER 1, 2019

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 18th day of November, 2019, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance amending Chapter 10 of the Hobbs Municipal Code regarding parking enforcement. The ordinance is described as follows:

AN ORDINANCE AMENDING CHAPTER 10 OF THE HOBBS MUNICIPAL CODE REGARDING PARKING ENFORCEMENT

WHEREAS, the City of Hobbs has previously adopted the Uniform Traffic Ordinance to govern the traffic laws within the municipal limits of the City of Hobbs, New Mexico, through enactment of an amended Chapter 10 of the Hobbs Municipal Code; and

WHEREAS, NMSA 1978, §3-17-1 allows a municipality to adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

WHEREAS, NMSA 1978, §3-50-5(K) allows a municipality to perform any and all other acts and things necessary, convenient, desirable or appropriate to address the existence of congestion of street traffic, preventing free circulation of traffic, obstructing access to and use of both public and private property, increasing traffic hazards, impeding rapid and effective fighting of fires and the disposition of police forces and endangering public peace, health and safety; and

WHEREAS, NMSA 1978, §29-1-9, requires that no person be allowed to exercise the functions, powers duties and privileges incident and belonging to a peace officer without first having received an appointment in writing from a person authorized by law to appoint peace officers; and

WHEREAS, the Uniform Traffic Ordinance Section 12-3-3(A) states, "It is the duty of police officers, or such officers as may be assigned by the chief of police, to enforce all traffic regulations of this municipality...."; and

WHEREAS, The City of Hobbs has identified parking violations as an area of traffic enforcement that greatly impacts the morals, order, comfort and convenience of the municipality and has identified that there are persons employed by the Hobbs Police Department, aside from those full time salaried peace officers, that are capable of addressing parking violations efficiently and effectively; and

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TITLE 10 UNIFORM TRAFFIC ORDINANCE

10.04.100 PARKING ENFORCEMENT

- A. Any Hobbs Police Officer shall have the authority to enforce all parking ordinances of the Uniform Traffic Ordinance within the municipal boundaries of Hobbs, New Mexico.
- B. In addition to the language contained in subsection A herein the Chief of Police may, by written appointment, designate Police Service Aides of the Hobbs Police Department as having authority to enforce all parking ordinances of the Uniform Traffic Ordinance within the municipal boundaries of Hobbs, New Mexico.
- C. Enforcement procedures for all parking violations shall be those outlined by Uniform Traffic Ordinance Article XII, including but not limited to Sections 12-12-12, 12-12-13, and 12-12-14.

A copy of the proposed ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

/s/Jan Fletcher
Jan Fletcher, City Clerk

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CITY OF HOBBS FINANCE DEPT
200 E. BROADWAY ST
HOBBS, NM 88240