

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 3rd day of June, 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 prohibiting parking of commercial motor vehicles on streets. The ordinance is described as follows:

AN ORDINANCE AMENDING CHAPTER 10 OF THE HOBBS MUNICIPAL CODE PROHIBITING PARKING OF COMMERCIAL MOTOR VEHICLES ON STREETS

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, §66-7-415, allows a municipality to regulate the operation of commercial motor vehicles with respect to streets under their jurisdiction; and

WHEREAS, the Uniform Traffic Ordinance Section 12-6-6.1 authorizes the City Manager, or his or her designee, to erect and maintain signs regulating parking on streets located in the municipal boundaries; and

WHEREAS, City of Hobbs has identified the parking of commercial motor vehicles, as that term is defined by state statute and local ordinance, on the streets of Hobbs, New Mexico to be detrimental to the safety, health, prosperity, morals, order, comfort and convenience of Hobbs, New Mexico and its inhabitants; 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

VEHICLES AND TRAFFIC

10.05 PARKING RESTRICTIONS FOR COMMERCIAL MOTOR VEHICLES

10.05.010 Purpose

The purpose of this section is to protect the safety, health, prosperity, morals, order, and comfort of the residents of Hobbs, New Mexico by prohibiting commercial motor vehicles from parking on municipal streets.

10.05.020 Authority of the City of Hobbs

This section is adopted pursuant to NMSA 1978, § 66-7-415, which authorizes the city to prohibit the operation of trucks or other commercial vehicles in addition to the general welfare and police powers conferred upon the City of Hobbs by NMSA 1978, §§ 3-17-1, et seq. and 3-18-1, et seq. Regulation of parking on municipal streets is authorized by Article VI of the Uniform Traffic Ordinance.

10.05.030 Commercial Motor Vehicle – Definition

“Commercial Motor Vehicle” means a self-propelled or towed vehicle, other than special mobile equipment, used on public highways in commerce to transport passengers or property when the vehicle: is operated interstate and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of four thousand five hundred thirty-six kilograms, or ten thousand one pounds or more; or is operated only in intrastate commerce and has a gross vehicle weight or gross combination weight, of twenty-six thousand one or more pounds (Uniform Traffic Code Section 12-1-10.1); or as designated as such by the New Mexico Motor Vehicle Division, or an out of state equivalent state agency.

10.05.040 Parking of Commercial Vehicles – Prohibitions and Exceptions

- A. Commercial motor vehicles are prohibited from being parked on any street within the municipal boundaries except as set forth in paragraphs B and C.
- B. Temporary parking of a commercial motor vehicle is not prohibited when the temporary parking of the commercial motor vehicle is for the purposes of loading, unloading, making pick-up, making deliveries or providing services.
- C. Authorized emergency vehicles; any government or utility maintenance, service and transportation vehicles; and school buses, are permitted to park on streets.

10.05.050 Notice

- A. Pursuant to Uniform Traffic Ordinance Section 12-6-6.1 the City Manager or his or her designee shall erect and maintain signs designating the provisions of this section throughout the City as he or she deems appropriate. The signs shall be placed in conspicuous locations throughout the City in order to ensure visibility of the signs so as to notify possible commercial motorists and the general public. Placement of the signs contemplated herein shall be at the discretion of the City Manager who may receive recommendations from time to time from the City of Hobbs Planning Board.
- B. This section shall not be effective unless and until such signs are erected and maintained and notice thereof is given in writing to the nearest officer or employee of the motor transportation division of the department of public safety authorized to issue special permits.

10.05.060 Penalty

Violation of this section shall be a penalty assessment misdemeanor and the penalties for violation shall be those imposed by Hobbs Municipal Code Section 10.04.050.

10.05.070 Citation Procedure

Pursuant to Uniform Traffic Ordinance Section 12-3-3 it is the duty of the Hobbs Police Department to enforce this provision. Citation procedures are those outlined by Uniform Traffic Ordinance Sections 12-12-12, 12-12-13, and 12-12-4.

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