

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 17th day of April, 2023, the governing body of the City of Hobbs adopted an ordinance amending Chapter 10 of the Hobbs Municipal Code prohibiting parking of heavy trucks and trailers on streets. A summary of the ordinance is contained in its title and is described as follows:

CITY OF HOBBS

ORDINANCE NO. 1150

AN ORDINANCE AMENDING CHAPTER 10 OF THE
HOBBS MUNICIPAL CODE
PROHIBITING PARKING OF HEAVY TRUCKS
AND TRAILERS 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, 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 heavy trucks, 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 the 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 HEAVY TRUCKS AND TRAILERS

10.05.010 Purpose.

When parked on public streets, heavy trucks and trailers often create sight

obstructions and severely limit the surface area of the public street available to other motorists. These conditions increase the probability of motor vehicle accidents. The purpose of this chapter is to protect the safety, health, prosperity, morals, order, and comfort of the residents of Hobbs, New Mexico, by prohibiting heavy trucks and trailers from being parked on public streets within the municipal corporate limits of Hobbs.

10.05.020 Authority.

This chapter is adopted pursuant to NMSA 1978, § 66-7-415, which authorizes the city to prohibit the operation of heavy trucks in addition to the general welfare and police powers conferred upon the City of Hobbs by NMSA, §§ 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 Definitions.

For purposes of this chapter, the following definitions shall be in addition to, not exclusive of, the definitions set forth in the Article I of the Uniform Traffic Ordinance:

- A. Public Street: means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction. For purposes of this chapter, public street shall include the adjacent shoulder, curb, sidewalk, parkway, and right of way.
- B. Heavy Truck: means a Class 7 or larger truck, as defined by the United States Department of Transportation and 49 C.F.R. Section 523, having a Gross Vehicle Weight Rating (GVWR) greater than 26,000 pounds.
- C. Trailer: means any vehicle, with or without power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle, hitched or unhitched, longer than 20 feet measured exclusive of the trailer tongue.

10.05.040 Parking heavy trucks and trailers – prohibitions and exceptions.

- A. It shall be unlawful to park any heavy truck on any public street.
- B. It shall be unlawful to park any trailer, as defined herein, whether hitched or unhitched, on any public street. This subsection shall not in any way prohibit enforcement of unhitched trailers pursuant to Section 12-6-13.3 of the Uniform Traffic Ordinance.

- C. Temporary parking of a heavy trucks and trailers is not prohibited when the temporary parking of the heavy truck and trailer is for the purposes of loading, unloading, making pick-up, making deliveries, or providing services.
- D. Parking of authorized emergency vehicles, government vehicles, utility maintenance vehicles, and school buses, are not prohibited when parked on the public street at the residence of the vehicle's operator in light of the potential need to respond to public safety emergencies.

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. All signs contemplated by this chapter, at a minimum, be placed at all state highway entrance points into the municipal boundaries of Hobbs, New Mexico, and shall contain language notifying motorists of the possible penalties, including fines and towing, for a violation of this ordinance.
- B. This chapter shall not take effect 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 chapter shall constitute a penalty assessment misdemeanor pursuant to Section 12-6-6.1 of the Uniform Traffic Ordinance, as amended pursuant to subsection C of that provision. The penalty assessment misdemeanor for a violation of this chapter shall be designated as "Parking Violations – Heavy Trucks and Trailers" and the authorized penalty assessment shall be specifically set forth in Section 10.04.050 of the Hobbs Municipal Code.

10.05.070 Citation and removal authorized.

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

- B. Pursuant to Uniform Traffic Ordinance Section 12-12-18(D)(1), an officer or employee of the Hobbs Police Department who is authorized to direct traffic or enforce local parking laws, may order the impoundment of any heavy truck or trailer within the municipal corporate limits, without prior notice to the owner or operator thereof, if the heavy truck or trailer is parked in any of the manners outlined in subsections a through o, including but not limited to the following:
1. The heavy truck or trailer is parked or left standing upon a public street in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic, which for purposes of this chapter shall include the ingress and egress of any private residential driveway;
 2. The heavy truck or trailer is parked so as to block the entrance to a public or private driveway;
 3. The heavy truck or trailer is parked within fifteen (15) feet of a fire hydrant, is illegally parked so as to prevent access by firefighting equipment to a fire hydrant, or is illegally parked in a properly designated fire lane;
 4. The heavy truck or trailer is parked in a tow-away zone;
 5. The heavy truck or trailer is either unattended or disabled and loaded with either a dangerous, flammable, combustible or explosive substance which, either by its presence or load conditions is likely to harm the health or safety of the public and moving the vehicle to a safe, legal location is impractical.
- C. Upon impoundment of any heavy truck or trailer as a result of this subsection, all notice procedures following summary impoundment outlined in Section 12-12-18(E) shall be followed.

PASSED, ADOPTED AND APPROVED this 17th day of April, 2023.

/s/ Sam D. Cobb
SAM D. COBB, Mayor

ATTEST:

/s/ Jan Fletcher
JAN FLETCHER, City Clerk

A full copy of the 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