

TRAFFIC AND VEHICLES

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ARTICLE I. IN GENERAL

Section 34-1. Adoption of uniform traffic code.

The latest edition of the New Mexico Uniform Traffic Code is adopted by reference pursuant to NMSA 1978, § 3-17-6(A). A copy of such traffic code is available for inspection during normal business hours at the Village offices. A copy of such traffic code may be purchased from the Village for the current reproduction cost.

History (Ordinances adopting the Uniform Traffic Code or amendments thereto): Ord. No. 287, adopted 11-28-95; Ord. No. 306, adopted 10-14-97; Ord. No. 337, adopted 8-14-01; Ord. No. 350, adopted 9-24-02; Ord. No. 05-10, adopted 8-9-05; Ord. No. 06-08, adopted 6-12-06; Ord. No. 07-014, adopted 10-9-07; Ord. No. 08-005, adopted 6-24-08; Ord. No. 09-015, adopted 10-27-09; Ord. No. 10-007, adopted 8-24-10; Ord. No. 11-014, adopted 10-11-11; Ord. No. 12-009, adopted 8-14-12; Ord. No. 13-015, adopted 11-12-13; Ord. No. 14-11, adopted 10-28-14. Cross reference: Penalty assessment fee for motor vehicle violations, § 34-2.

Section 34-2. Penalty assessment fee for motor vehicle violations; judicial fees.

Any person violating any Village ordinance relative to the operation of a motor vehicle for which a penalty assessment schedule has been established and who chooses to pay the penalty assessment shall pay in addition to the penalty assessment the fees set forth in Subsection 1-6(b)

History (Ordinances adopting penalty assessments, fees or amendments thereto): Ord. No. 353, adopted 10-22-02; Ord. No. 362, adopted 6-24-03; Ord. No. 06-08, adopted 6-12-06; Ord. No. 07-014, adopted 10-9-07; Ord. No. 08-005, adopted 6-24-08; Ord. No. 09-012, adopted 8-25-09; Ord. No. 09-015, adopted 10-27-09; Ord. No. 10-007, adopted 8-24-10; Ord. No. 11-017, adopted 10-11-11; Ord. No. 12-010, adopted 8-14-12; Ord. No. 14-12, adopted 10-28-14. Cross reference: Adoption of uniform traffic code, § 34-1.

Sections 34-3 to 34-25. Reserved.**ARTICLE II. OPERATION****Section 34-26. Mufflers; prevention of noise.**

(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle within the limits of the Village.

(b) As used in this section, "motor vehicle" means every self-propelled vehicle. Without limiting the foregoing, such term includes minibikes and motorcycles, but shall not be held to apply to farm tractors.

(c) It is a misdemeanor for any person to drive, and for the owner to permit to be driven or moved, any motor vehicle in violation of this section, and, upon conviction thereof, such person shall be punished by a fine not exceeding \$50.00.

History: Ord. No. 31, §§ 1 through III, adopted 8-1-72; Cross reference: Noise, § 14-26 et seq.

Section 34-27. Use of safety belts by passengers in trucks.

(a) Each front seat passenger of any truck of 10,000 pounds gross vehicle weight or less manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion, unless all seating positions equipped with safety belts are occupied.

This section shall not apply to an occupant of a truck who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt or to a rural letter carrier of the United States Postal Service while performing the duties of a rural letter carrier.

(b) Each person violating subsection (a) of this section shall be fined \$25.00 plus applicable fees.

(c) A violation of this section shall constitute a penalty assessment misdemeanor under the State uniform traffic ordinance. Failure to be secured by a safety belt as required in this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages. The provisions of this section shall be enforced whether or not associated with the enforcement of any other statute or ordinance.

History: Ord. No. 205, § 1-3, adopted 10-10-88.

Section 34-28. Motorcycle safety helmet required for persons under 18 years of age.

(a) No person under the age of 18 years shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards specified by the State commissioner of motor vehicles.

(b) No person shall carry any passenger under the age of 18 years on any motorcycle unless the passenger is wearing a securely fastened safety helmet on his head in a normal manner as headgear and meeting the standards specified by the State commissioner of motor vehicles.

(c) Requirements for motorcycle rental dealers. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of 18 years unless the lessee or renter shows such person a valid operator's license or permit and possesses the safety equipment required of the

operator of such motorcycle who is under the age of 18 years.

History: Ord. No. 73, adopted 10-11-77.

Section 34-29. Provisional license.

(a) Except as otherwise provided in this section, whenever operating a motor vehicle upon a street within the Village of Corrales, a provisional licensee may only operate a motor vehicle between the hours of 5:00 a.m. and midnight. They may also be accompanied by no more than one passenger under the age of twenty-one who is not a member of the licensee's immediate family.

(b) A provisional licensee may operate a motor vehicle at any hour in the Village of Corrales if:

(1) Accompanied by a licensed driver twenty-one years of age or older:

(2) Required by family necessity as evidenced by signed statement of a parent or guardian and in the possession of the provisional licensee while operating the motor vehicle:

(3) Required by medical necessity as evidenced by a signed statement from a licensed practicing medical professional and in the possession of the provisional licensee while operating the motor vehicle:

(4) Driving to and from work as evidenced by a signed statement from the licensee's employer and in the possession of the provisional licensee while operating the motor vehicle:

(5) Driving to and from school or a religious activity as evidenced by a signed statement of a school or religious official or a parent or guardian and in the possession of the provisional licensee while operation the motor vehicle:

(6) Required due to a medical emergency.

History: Ord. No. 383, adopted 6-8-04.

Section 34-30. Operation of heavy trucks and vehicles prohibited.

(a) *Public Necessity.* In order to provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the residents of the Village of Corrales, it is necessary to regulate the operation of trucks and commercial vehicles within the Village limits. Village roads and streets are not designed, suitable or constructed for heavy vehicle traffic.

(b) *Definition.*

(1) *Declared gross weight* means the maximum gross vehicle weight or combination gross vehicle weight at which a vehicle or combination will be operated during the registration period, as declared by the registrant for registration and fee purposes; the vehicle or combination shall have only one declared gross weight for all operating considerations.

(c) It shall be unlawful for any person or entity to operate, or cause to be operated any truck or commercial vehicle having a declared gross weight in excess of ten thousand (10,000) lbs. on any street or road, excepting Corrales Road, within the Village limit other than for local deliveries or services.

(d) *Penalty for Violation.* Any person or entity who violates this article shall, upon conviction, be punished in accordance with Section 1-6.

History: Ord. No. 354, adopted 1-28-03; Ord. No. 360, 4-22-03.

Section 34-31. Unsafe activity; use of mobile telephones or personal digital assistants.

- (a) No person shall:
- (1) drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle;
 - (2) drive while having in his or her lap any person, adult or minor, or any animal;
 - (3) drive while seated in the lap of another person while the vehicle is in motion;
 - (4) drive a vehicle while having either arm around another person;
 - (5) operate a motor vehicle's equipment, including but not limited to the vehicle horn or lights, in such a manner as to distract other motorists on the public way or in such a manner as to disturb the peace; or
 - (6) except as provided in Subsection 34-31(d) below, operate a vehicle upon a public street or highway while using a mobile telephone or personal digital assistant to engage in a call or create, send or read text messages.
- (b) For the purposes of this Section 34-31, the following definitions apply:

Engage in a call means talking into, dialing or listening on a hand-held mobile telephone.

Hand-held mobile telephone means a mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a person with a physical disability).

Hands-free mobile telephone means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a person with a physical disability), whether or not the use of either hand (or prosthetic device or aid) is necessary to activate, deactivate or initiate a function of such telephone.

Mobile telephone means the device used by subscribers and other users of a wireless telecommunications service to access such service, and includes personal digital assistants.

Non-travel lane means the berm or shoulder of a street or highway.

Personal digital assistant means a device operated using a wireless telecommunications service that provides for data communication other than by voice.

Wireless telecommunications service means a two-way real time voice telecommunications service that is interconnected to a public switched telephone network and commonly referred to as cellular service or personal communication service.

(c) An operator of a motor vehicle who holds a mobile telephone to, or in the immediate proximity of, his or her ear is presumed to be engaging in a call within the meaning of this Section. The presumption established by this Subsection 34-31(c) is rebuttable by evidence tending to show that the operator was not engaged in a call. "Immediate vicinity" for the purposes of this Subsection 34-31(c) shall mean such distance as permits the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator's ear.

- (d) Subsection 34-31(a)(6) shall not apply to:
- (1) the use of a mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department;
 - (2) the use of a hands-free mobile telephone when being used in a hands free manner; or
 - (3) the use of a hands-free mobile telephone when being used in a non-travel lane.

History: Ord. No. 11-003, adopted 2-8-11.

Sections 34-32 to 34-39. Reserved.

ARTICLE III. SPEED LIMITS GENERALLY

Section 34-40. Title.

This article may be known and cited as the "Village of Corrales Speed Limit Ordinance."

History: Ord. No. 310, § 1, adopted 2-24-98.

Section 34-41. Definitions.

The following definitions shall apply to this article:

Person means every natural person, firm, co-partnership, association, corporation, or other legal entity.

Street or road 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.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, including any frame, chassis or body of any vehicle or motor vehicle, except devices moved by human power or used exclusively upon stationary rails or tracks.

History: Ord. No. 310, §2, adopted 2-24-98.

Section 34-42. Speed limits.

- (a) No person shall drive a vehicle on any street at a speed greater than:
- (1) Twenty-five miles per hour on paved streets not otherwise posted with a lower speed limit duly established by the Village or other governing authority.
 - (2) Thirty miles per hour on Loma Larga Road between Cabezon Road and Camino Todos Los Santos.
 - (3) Fifteen miles per hour on dirt roads.
 - (4) Fifteen miles per hour on all streets when passing a school while children are going to or leaving school and when the school zone is properly posted.

- (5) The lawfully posted speed limit when signs are erected giving notice of the speed limit.
 - (6) The lawful posted speed limit, as determined by an engineering study and traffic investigation conducted by the Village or the New Mexico Department of Transportation, pursuant to NMSA 1978, § 66-7-303 or § 12-2-9 of the Uniform Traffic Ordinance or local ordinance as provided by State statutes.
- (b) In every event, speed shall be so controlled as may be necessary:
- (1) To avoid colliding with any person, vehicle or other thing on or entering the street;
 - (2) To comply with legal requirements as may be established by the Village, the New Mexico Department of Transportation, or the State Police, and the duty of all persons to use due care; and
 - (3) To protect workers in a construction zone.

History: Ord. No. 171, § 1, adopted 7-13-87; Ord. 310, adopted 2-24-98; Ord. 386, adopted 7-27-04; Ord. 06-05, adopted 5-23-06; Ord. No. 08-004, adopted 4-22-08.

Section 34-43. Penalty.

Any person convicted of a violation of this article shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-6.

History: Ord. No. 310, § 4, adopted 2-24-98.

Sections 34-44 to 34-50. Reserved.

ARTICLE IV. PEDESTRIAN, BICYCLIST AND EQUESTRIAN SAFETY

Section 34-51. Definitions, pedestrian and equestrian safety.

- (a) Definitions. The following terms as used in this section shall have the meanings indicated:

Crosswalk means:

- (1) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edge of the traversable roadway; and
- (2) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a motor vehicle, including a motorcycle, upon a highway, who is exercising control over or steering a vehicle being towed by a motor vehicle or who operates or is in actual physical control of an off-highway motor vehicle.

Equestrian means any natural person engaged in riding, leading or driving any riding or pack animal, including but not limited to horses, mules, burros, donkeys or llamas.

Equestrian crossing means any location, whether marked or unmarked, where a path or trail used by equestrians crosses a road or highway.

Pedestrian means any natural person on foot.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis or body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

(b) In the Village of Corrales the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(c) In the Village of Corrales the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to an equestrian who is upon the roadway within an equestrian crossing or a crosswalk or who is approaching so closely as to be in danger, regardless of which half of the roadway the equestrian or any animal in the control of the equestrian may be upon or may be approaching; and further such driver shall slow down or stop a sufficient distance from the equestrian crossing or crosswalk to minimize any likelihood that any animal being ridden, led or driven across such equestrian crossing or crosswalk will be frightened or alarmed by the vehicle.

(d) No pedestrian or equestrian shall suddenly leave a curb or other place of safety and walk, run or move into the path of a vehicle which is so close that it is impossible for the driver to yield.

(e) Whenever any vehicle is stopped at a marked crosswalk, at any unmarked crosswalk, at any intersection, or at an equestrian crossing to permit a pedestrian or equestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(f) Any person who shall enter a plea of guilty or who shall be convicted of the violation of any provision of this section shall be punished in accordance with the applicable provisions of the New Mexico traffic code, if any, or otherwise in accordance with Section 1-6.

History: Ord. No. 05-07 adopted 6-14-05.

Section 34-52. Duties of motorist to bicyclist.

(a) A driver of a motor vehicle shall proceed with caution when approaching or passing a person on a bicycle and shall pass the bicyclist at a reasonable speed and keep a safe distance from the bicyclist; provided that in no event shall a distance of less than three (3) feet be considered a safe distance within the meaning of this section, and provided further that the motorist shall not pass the bicyclist if the requirements of this section cause the motorist to cross the center line of the road when there is a vehicle approaching in the opposite direction, but a motorist may cross the center line, notwithstanding the provisions of Section 12-6-2.7B of the Uniform Traffic Ordinance, if allowing the requisite three feet requires the motorist to cross the center line and there is no oncoming traffic..

(b) No person shall drive or operate a motor vehicle upon or across a bicycle lane, path or trail except to cross such bicycle lane, path or trail by the shortest reasonable route where turning is permitted, to park such vehicle in a permitted location, or to leave a parking space. No motorist shall drive upon or across any bicycle lane, path or trail as permitted by this subsection except after yielding the right-of-way to all bicyclists within the bicycle lane or path, or to any user of the trail whether or not operating a bicycle.

(c) Whenever a motorist is turning across a bicycle lane, path or trail, such motorist shall maintain a proper lookout for bicyclists or other trail users and shall yield the right-of-way to any bicyclist traveling in the bicycle lane or path, or to any user of the trail whether or not operating a bicycle. Where there is a bicycle lane at the right edge of the street or highway, a motorist before making a right turn shall merge, if practicable, into the bicycle lane, yielding the right-of-way to any bicyclists therein, before the start of the

turning movement.

(d) Nothing in this Section 34-52 shall be deemed to relieve any motorist or bicyclist of any other duty imposed by law. All provisions of the Uniform Traffic Ordinance relating to the operation of bicycles, including without limitation Section 12-8-2 (Traffic Ordinance Applies to Persons Riding Bicycles), Section 12-8-5 (Riding on Streets and Bicycle Paths), and Section 12-8-8 (Obedience to Traffic-Control Devices), remain fully effective and enforceable notwithstanding any provision of this Section 34-52.

History: Ord. No. 11-012, adopted 6-14-11.

Sections 34-53 to 34-60. Reserved.

ARTICLE V. MOTOR VEHICLES ON UNIMPROVED LANDS

Section 34-61. Definitions.

Words and phrases used in this article shall have the meanings set forth in this section or, if not defined in this section, shall have the meanings respectively ascribed to them in Section 12-1-1 *et seq.* of the latest compilation of the New Mexico Uniform Traffic Ordinance as adopted by the Village or, if not defined in this section or therein, shall have the meanings respectively ascribed to them in Section 66-3-1001.1, NMSA 1978.

Arroyo means any natural or artificial watercourse that is normally dry but may convey water following precipitation events.

Off-highway motor vehicle means a non-agricultural motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (i) *All-terrain vehicle*, which means a motor vehicle fifty (50) inches or less in width, having an unladen dry weight of one thousand (1,000) pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
- (ii) *Off-highway motorcycle*, which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operation and that has handlebar-type steering control;
- (iii) *Snowmobile*, which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
- (iv) *Recreational off-highway vehicle*, which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five (35) miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty (1,750) pounds;
 - (e) less than eighty (80) inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand (1,000) cubic centimeters; and
 - (g) identification by means of a seventeen-character vehicle identification number; or
- (v) Any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes and are identified by rule of the New Mexico Department of Game and Fish as off-highway motor vehicles.

The term *off-highway motor vehicle*, as used in this article, does not include tractors or other equipment while being used for agricultural purposes.

Unimproved land means any tract or parcel of land which lacks any above-ground structure or facilities designed, intended or operated for residential, commercial or agricultural use. The presence of

improved watercourses or of utility corridors or structures on such tract or parcel does not affect the status of such tract or parcel as unimproved land. Unimproved land includes dikes, levees, and roads or paths providing access adjacent to watercourses on publicly owned lands within the Village.

Watercourse means any natural or artificial geographic feature that conveys water within a defined channel, whether on a regular or intermittent basis, and includes but is not limited to arroyos, canals, drainage ditches, flood control channels, and retention or detention basins associated with any such water conveyance feature.

History: Ord. No. 11-001, adopted 1-11-11.

Section 34-62. Limitations and prohibitions on the operation of motor vehicles.

(a) *General limitation on operation of motor vehicles on unimproved land.* No person shall operate any motor vehicle on any unimproved land within the Village, whether public or private, without the express written approval of the owner of such unimproved land, except within areas clearly designated and set aside for motor vehicle use such as paved, graveled or graded roadways, driveways, alleys, and designated parking areas. Any person operating a motor vehicle on unimproved land with the written approval of the owner thereof shall have such written approval in his or her possession and available for inspection at all times while operating the motor vehicle on such lands.

(b) *Prohibition against operation of motor vehicles in arroyos and watercourses.* No person shall operate any motor vehicle within any arroyo, canal, ditch, or other watercourse or waterway, perennial or intermittent, within the Village, regardless whether any water is flowing in such watercourse or waterway at the time.

(c) *Prohibition against off-highway motor vehicle operation on Village rights of way.* No person shall operate an off-highway motor vehicle on any public road or public right of way of the Village, whether or not on the paved, graded or improved portion thereof. The operation of off-highway motor vehicles on designated trails or similar passages on right of way owned by the Village is expressly prohibited.

History: Ord. No. 11-001, adopted 1-11-11.

Section 34-63. Exceptions.

The foregoing limitations and prohibitions on the operation of motor vehicles shall be subject to the following exceptions for permitted uses, which shall be strictly construed:

(a) Operation of a motor vehicle on private property by the owner of such private property;

(b) Operation of public safety vehicles on any lands, public or private;

(c) Operation of maintenance and service vehicles of the Village, Sandoval county, the Southern Sandoval County Arroyo Flood Control Authority, the Middle Rio Grande Conservancy District, the U.S. Army Corps of Engineers, and other authorized public bodies, including the contractors thereof, on the lands of such public bodies; and

(d) Operation of private motor vehicles on ditch banks and levees of the Middle Rio Grande Conservancy District that are recognized and customarily used as access to lands, public or private, or on any such ditch banks or levees for the purpose of, and to the extent necessary for, engaging in agricultural activities, including managing the distribution and drainage of irrigation water, on agricultural lands.

History: Ord. No. 11-001, adopted 1-11-11.

Section 34-64. Penalties.

(a) *General penalty for violation.* Each person violating any provision of this article shall, upon conviction thereof or upon pleading guilty or no contest to a complaint alleging such violation, be punished in accordance with Section 1-6.

(b) *Towing and impoundment of vehicle on repeat violation.* In addition to any penalty imposed under Section 1-6, in the event that any officer or employee of the Village shall observe any person acting in violation of any provision of this article after such person has been convicted of or has pled guilty or no contest to a complaint alleging violation of this article during the preceding period of one (1) year, the officer or employee shall have authority to cause the vehicle of such person to be towed and stored by an authorized wrecker service, such vehicle to be released to the owner only upon payment of all towing and storage fees duly imposed by the wrecker service provider. In the event that the person operating the motor vehicle does not appear to be the registered owner thereof, the officer or employee shall cause notice to be sent by registered mail or delivered by other reliable means, including personal service, to the registered owner as recorded in the records of the State Motor Vehicle Division.

History: Ord. No. 11-001, adopted 1-11-11.