

FISCAL IMPACT REPORT

General Information:

(Check) Bill:  X  Resolution: \_\_\_\_\_

Short Title(s):  Change Fee Schedule for Muffler Noise Violation

Sponsor(s):  Councilor Signe Lindell

Reviewing Department(s):  City or Santa Fe Police Department

Staff Completing FIR:  Kyle Hibner, Assistant City Attorney  Date:  8/15/2024

Phone:  (505) 955-5195

Reviewed by City Attorney:    Date:  Nov 8, 2024

Reviewed by Finance Director:    Date:  Nov 8, 2024

Summary:

The proposed bill would amend Schedule A of Exhibit A to Chapter 24 of the City’s Code, the Uniform Traffic Ordinance, to increase the penalties described in 12-10-1.10 for first time offenses of muffler noise violations from \$100.00 to \$500.00. The bill would also eliminate the current gradual scale which increases fine amounts for successive penalties and instead would implement a \$500.00 fee for any offense of the Muffler Noise Penalty ordinance.

Departments Affected:

Santa Fe Police Department and Municipal Court.

Consequences of Not Enacting Legislation:

If this legislation is not adopted, the City will continue to impose the current fines for noise violations.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

Bill No. 2024-20 makes technical corrections to Section 12-10-1.10.

Performance and Administrative Implications:

None identified.

Fiscal Implications:

\*\*\*According to data provided by the Santa Fe Municipal Court (“SFMC”), from April 2023 through September 2024, the Santa Fe Police Department issued 206 citations for muffler violations. The SFMC’s judges (elected and pro tem) found defendants guilty in 114 of the 206 citations. In 38 muffler violation cases, the judges imposed a fine. In 2 of those 38 cases, the judges imposed a fine of \$250, and in one case the judge imposed a \$500 fine. For the 17 months of data, the monthly average number of cases in which judges imposed a fine is approximately 2.25 cases a month. Therefore, in a calendar year, the number of

cases in which the judge fines the defendant is approximately 27 cases, or \$13,500 in fines. However, it is difficult to predict the number of violations for future years and if the court would impose a fine or defer the sentence or impose community service.

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**Fiscal Impact**

\*\*\*See above Check here if no fiscal impact

**Expenditures**

<b>Expenditure Type</b>	<b>FYE __</b>	<b>FYE __</b>	<b>FYE __</b>	<b>Require BAR (Y/N)</b>	<b>Recurring (R) or Non-recurring (NR)</b>	<b>Fund</b>	<b>3-Year Total Cost</b>
<u>Personnel and Benefits*</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

\* This includes all staff time associated with executing the job functions of the proposed legislation.

**Expenditure Narrative:**

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**Revenue**

<b>Revenue Type</b>	<b>FYE __</b>	<b>FYE __</b>	<b>FYE __</b>	<b>Recurring (R) or Non-recurring (NR)</b>	<b>Fund</b>
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

**Revenue Narrative:**

**\*\*\*See Fiscal Implications narrative.**

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**Signature:**

**Email:**