

ORDINANCE NO: 2017-07

ORDINANCE AUTHORIZING THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES AND ALL-TERRAIN VEHICLES ON PAVED STREETS OWNED AND CONTROLLED BY THE VILLAGE OF ANGEL FIRE AS SET FORTH IN THIS ORDINANCE.

WHEREAS, the New Mexico Legislature amended Section 66-3-1011 NMSA 1978 to allow the operation of recreational off-highway and all-terrain vehicles on a paved street owned and controlled by the authorizing entity, subject to certain conditions;

WHEREAS, the Governing Body of the Village of Angel Fire has adopted by reference the 2016 Compilation of the New Mexico Uniform Traffic Ordinance, which rewrote section 12-7-9.2 to allow the operation of recreational off-highway and all-terrain vehicles on a paved street owned and controlled by the authorizing authority, subject to certain conditions;

WHEREAS, the governing Body of the Village of Angel Fire now deems it desirable to allow the operation of recreational off-highway and all-terrain vehicles on paved streets owned and controlled by the Village of Angel Fire, subject to certain conditions;

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF ANGEL FIRE, NEW MEXICO:

SECTION 1. PURPOSE. The purpose of this Ordinance is to allow the operation of recreational off-highway and all-terrain vehicles on a paved street or highway owned and controlled by the Village of Angel Fire, as authorized in this ordinance.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- A. "All-Terrain Vehicle" is a type of off-highway motor vehicle. An all-terrain vehicle means a vehicle fifty inches or less in width, having an unladen dry weight of one thousand 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, or as otherwise defined in Section 66-3-1001.1(E)(1) of the Off-Highway Motor Vehicle Act.
- B. "Recreational Off-Highway Vehicle" is a type of off-highway motor vehicle. A recreational off-highway vehicle means:
 - (1) A recreational off-highway vehicle is 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 miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
 - (e) less than eighty inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand cubic centimeters; and
 - (g) identification by means of a seventeen-character vehicle identification number; or
 - (2) By rule of the Department of Game and Fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

SECTION 3. OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLE OR ALL-TERRAIN VEHICLE ON PAVED STREETS OWNED AND CONTROLLED BY THE VILLAGE OF ANGEL FIRE.

- A. A person shall not operate an off-highway motor vehicle on any
 - (1) limited access highway or freeway at any time; or
 - (2) paved street except as provided in Subsections B, C, D, E, and F below.

- B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicle shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

- C. A recreational off-highway vehicle or all-terrain vehicle may be operated on a paved street owned and controlled by the Village of Angel Fire, if:
 - (1) the vehicle has one or more headlights and one or more tail-lights that comply with the Off-Highway Motor Vehicle Act, Chapter 66, Article 3, NMSA 1978;
 - (2) the vehicle has brakes, mirror, and mufflers;
 - (3) the operator has a valid driver's license, or permits as required under the Motor Vehicle Code and off-highway safety permits as required under the Off-Highway Motor Vehicle Act;
 - (4) the operator is insured under the provisions of the Mandatory Financial Responsibility Act (NM 66-5-2-5) and the operator must be able to show proof of the insurance or have proof of financial responsibility. The proof of insurance or proof of financial responsibility must have the vehicle identification number of the vehicle being operated clearly shown on said proof. A home owner's policy will not suffice under this ordinance; and
 - (5) all ROVs and ATVs must be registered under NM 66-3-1003. Registration can be obtained at the MVD office at Village Hall if you are a resident of NM;
 - (6) the operator of the vehicle is using eye protection that comply with the Off-Highway Motor Vehicle Act; and
 - (7) a person under the age of eighteen shall not operate an Off-Highway motor vehicle or ride upon an Off Highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department and comply with the Off-Highway Motor Vehicle Act; Chapter 66, Article 3, NMSA 1978.

- D. A person shall not operate an off-highway motor vehicle on state game commission-owned, state game commission-controlled or state game commission-administered land, except as specifically allowed pursuant to the Habitat Protection Act, Chapter 17, Article 1, NMSA 1978.

- E. A person shall not operate an off-highway motor vehicle on land owned, controlled, or administered by the state parks division of the energy, minerals and natural resources department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of energy, minerals, and natural resources.

- F. Unless authorized, a person shall not:
 - (1) Remove, deface or destroy any official sign installed by a stated, federal, local or private land management agency; or
 - (2) Install any off-highway motor vehicle-related sign.

SECTION 4: SPEED LIMIT.

- A. The speed limit for recreational Off-Highway motor vehicles operating within the Village shall be the posted speed limit.

SECTION 5: PASSENGERS.

- A. A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.

SECTION 6: OBEDIENCE TO TRAFFIC LAWS REQUIRED. Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].

SECTION 7: SEVERABILITY. In the event that any clause, sentence, paragraph, section, or other portion of this Ordinance is found by any Court of competent jurisdiction to be invalid, it is the intent of the Governing Body that the remaining portions of the Ordinance be given full force and effect. It is the expressed intent of the Village Council to adopt each section, phrase, paragraph and word of this Ordinance separately.

SECTION 8. REPEAL. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent they conflict with this Ordinance.

Effective Date. This Ordinance shall become effective on the 15th day of October, 2017.

PASSED, APPROVED AND ADOPTED this 10th day of October, 2017.



BARBARA COTTOM, MAYOR
VILLAGE OF ANGEL FIRE

ATTEST:



VILLAGE CLERK