ORDINANCE 16-06

OFF-HIGHWAY MOTOR VEHICLES: AN ORDINANCE REGARDING THE OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON ROADS, STREETS AND HIGHWAYS OWNED AND CONTROLLED BY AND WITHIN OTERO COUNTY

WHEREAS, the New Mexico Legislature amended the Off-Highway Motor Vehicle Act ("Act") (Section 66-3-1001 through 66-3-1020, NMSA 1978) during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on streets; and

WHEREAS, the amendment to the Act went into effect on May 18, 2016; and

WHEREAS, the Act allows a County, by ordinance or resolution, to authorize off-highway motor vehicles to be operated on a paved street owned or controlled by the County and permits the County to legislate the use of off-highway motor vehicles in a way that fits with the community; and

WHEREAS, the County and surrounding area are rich with the natural terrain, open space and trails that create exceptional opportunities for the recreational use of off-highway vehicles, which opportunities improve the quality of life for its residents and create additional tourism and economic benefits to the County; and

WHEREAS, authorizing recreational off-highway vehicles to be operated on certain paved streets owned or controlled by the County will increase access to, and participation in, these recreational opportunities; and

WHEREAS, the County desires to authorize recreational off-highway vehicles to be operated on a paved street or highway owned or controlled by the County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

A. A person may operate off-highway motor vehicles any road, street or highway owned and controlled by and within Otero County, provided:

1. the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;

2. the vehicle has brakes, mirror(s) and muffler(s)
3. the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;

4. the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and

5. the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

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

BOARD OF COUNTY COMMISSIONERS OTERO COUNTY

Susan Flores, Chairwoman

Janet White, Vice Chair

Romy Rardin, Member

Reviewed for Sufficiency
Lisa B. Jenkins, Otero County Attorney

ATTEST:

Denise Guerra County Clerk