

CHAPTER 6

OFF HIGHWAY MOTOR VEHICLES ON CITY STREETS

SECTION:

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6-6-1: VEHICLES ALLOWED:

A. Definitions: As used in this chapter the following definitions shall apply, which are the same definitions as used in the off highway motor vehicle act ¹

OFF HIGHWAY MOTOR VEHICLE: A motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

1. All-Terrain Vehicle: A motor vehicle fifty inches (50") or less in width, having an unladen dry weight of one thousand (1,000) pounds or less, traveling on three (3) or more low pressure tires and having a seat designed to be straddled by the operator and handlebar type steering control.
2. Off Highway Motorcycle: A motor vehicle traveling on not more than two (2) tires and having a seat designed to be straddled by the operator and that has handlebar type steering control.
3. Recreational Off Highway Vehicle: A motor vehicle designed for travel on four (4) or more nonhighway tires, for recreational use by one or more persons, and having:
 - a. A steering wheel for steering control;
 - b. Nonstraddle 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 inches (80") in overall width, exclusive of accessories;
 - f. Engine displacement of less than one thousand (1000) cubic centimeters; and
 - g. Identification by means of a seventeen (17) character vehicle identification number; or
4. Other: By rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes. (Ord. 2016-9, 8-23-2016)

Notes

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6-6-2: OPERATION ON STREETS OR HIGHWAYS; PROHIBITED AREAS:

- A. A person shall not operate an off highway motor vehicle on any:
1. Limited access highway or freeway at any time;
 2. Paved street or highway except as provided in subsection B or C of this section;
 3. Walking and biking trails; or
 4. City parks.
- 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 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.
- C. An off highway motor vehicle may be operated on a paved street owned and controlled by the city of Gallup if:
1. The vehicle has one or more headlights and one or more taillights that comply with the off highway motor vehicle act, sections 66-3-1001 through 66-3-1021, New Mexico Statutes Annotated, 1978;
 2. The vehicle has brakes, side mirrors on the right and left side of the driver and mufflers;
 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, sections 66-5-201 through 66-5-248, New Mexico Statutes Annotated, 1978; and

5. A person 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 comply with the off highway motor vehicle act. (Ord. 2016-9, 8-23-2016)

6-6-3: SPEED LIMIT:

The speed limit for off highway motor vehicles operated within the city shall be forty five (45) miles per hour or the posted speed limit, whichever is less. An off highway motor vehicle traveling on a paved street shall travel at a speed that complies with the off highway motor vehicle act. (Ord. 2016-9, 8-23-2016)

6-6-4: PASSENGERS:

A person operating an off highway motor 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 an 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. (Ord. 2016-9, 8-23-2016)

6-6-5: 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, New Mexico Statutes Annotated, 1978 (except 66-7-102.1 New Mexico Statutes Annotated, 1978). (Ord. 2016-9, 8-23-2016)