

## **Chapter 10.15**

### **OFF-HIGHWAY MOTOR VEHICLES**

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#### **10.15.010 Short title.**

This chapter may be cited as the off-highway motor vehicle ordinance of the town of Mesilla. [Ord. 2020-01 § 1]

#### **10.15.020 Authority, purpose and goals.**

A. Authority. This chapter is adopted pursuant to the enabling provisions of Sections [3-13-3](#) and [3-17-1](#) NMSA 1978, as amended. The New Mexico Off-Highway Motor Vehicle Act of 2005 and subsequent legislation in 2009 were designed to protect the safety of off-highway vehicle (OHV) users and ensure responsible and sensitive use of OHVs on public lands. Sections 66-3-1001 through 66-3-1016 [and 66-3-1017 through 66-3-1020] NMSA 1978, *q.v.*

B. Purpose. The purpose of this chapter is to allow the operation of off-highway motor vehicles on a paved street or highway owned and controlled by the town of Mesilla within the county of Doña Ana, as authorized in this chapter.

C. Goals. The goals of this chapter are to:

1. Protect the citizens of the town and their property; and
2. Regulate the legal and safe operation of off-highway motor vehicles within the boundary of the town of Mesilla. [Ord. 2020-01 § 1]

#### **10.15.030 Definitions.**

As used in this chapter, the following words, terms, phrases, and their derivations shall have the following meanings:

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

1. An all-terrain vehicle;
2. A recreational off-highway vehicle;
3. An off-highway motorcycle; or
4. 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;

B. "All-terrain vehicle" means a motor vehicle 50 inches or less in width, having an unladen dry weight of 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;

C. "Off-highway motorcycle" means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;

D. "Recreational off-highway vehicle" means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:

1. A steering wheel for steering control;
2. Non-straddle seating;
3. Maximum speed capability greater than 25 miles per hour;
4. Gross vehicle weight rating no greater than 1,750 pounds;
5. Less than 80 inches in overall width, exclusive of accessories;
6. Engine displacement of less than 1,000 cubic centimeters;
7. Identification by means of a 17-character vehicle identification number; or
8. 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;

E. "Staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and

F. "Unpaved public roadway" means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public. [Ord. 2020-01 § 1]

**10.15.040 Operation on paved streets, multi-use trails or highways owned and controlled by the town of Mesilla.**

A. A person shall not operate an off-highway motor vehicle on any:

1. Limited-access highway or freeway at any time; or
2. Any state highway within the town of Mesilla including: Avenida de Mesilla, Motel Boulevard, Union Avenue or University Avenue; or

3. Paved street, multi-use trail or highway except as provided in subsection (B), (C), or (D) of this section.

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. A recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street owned and controlled by the town of Mesilla if:

1. The vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act (Section [66-3-1010.3](#) NMSA 1978);

2. The vehicle has brakes, mirrors and mufflers;

3. The operator has valid driver's licenses or permits as required under the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the Off-Highway Motor Vehicle Act (Section [66-3-1010](#) NMSA 1978);

4. The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act (Sections [66-5-201](#) through [66-5-239](#) NMSA 1978);

5. The operator of the vehicle is using eye protection that complies with the Off-Highway Motor Vehicle Act; and

6. If the operator is under 18 years of age, the operator is wearing a safety helmet that complies with the Off-Highway Motor Vehicle Act (Section [66-3-1010.3](#) NMSA 1978).

D. Except for sections of the Motor Vehicle Code that are in conflict with the licensing and equipment requirements of the Off-Highway Motor Vehicle Act, any operator using an off-highway motor vehicle on a paved street or highway shall be subject to the requirements and penalties for operators of moving and parked vehicles under the Motor Vehicle Code. ([Chapter 66](#) NMSA 1978) [Ord. 2020-01 § 1]

#### **10.15.050 Public safety off-highway motor vehicles.**

An off-highway vehicle or an all-terrain vehicle may be operated on a paved street, multi-use trail or highway owned and controlled by the town of Mesilla if operated by town staff on official town business. Such authorization includes emergency response to reported or actual emergencies. [Ord. 2020-01 § 1]

#### **10.15.060 Speed limit.**

The Off-Highway Motor Vehicle Act allows the town to establish separate speed limits for off-highway motor vehicles. The speed limits shall be as follows:

A. The speed limit for all-terrain vehicles operated within the town shall be 25 miles per hour or the posted speed limit, whichever is less. If the posted speed limit is higher than 25 miles per hour, the operator shall operate the all-terrain vehicle on the extreme right-hand side of the roadway.

B. The speed limit for off-highway vehicles operated within the town shall be 25 miles per hour or the posted speed limit, whichever is less. [Ord. 2020-01 § 1]

#### **10.15.070 Passengers.**

The Off-Highway Motor Vehicle Act allows the town to establish operating restrictions for off-highway motor vehicles. The operating restrictions shall be as follows:

A. A person operating an 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, if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.

B. A person under the age of 18 shall not operate an all-terrain vehicle while carrying a passenger.

C. A person shall ride an all-terrain vehicle only while sitting astride the seat, facing forward, with one leg on either side of the off-highway motor vehicle.

D. No person shall ride upon an all-terrain vehicle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

E. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation of the all-terrain vehicle or the view of the operator. [Ord. 2020-01 § 1]

#### **10.15.080 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. [Ord. 2020-01 § 1]

#### **10.15.090 Severability.**

In the event that any clause, sentence, paragraph, section, or other portion of this chapter is found by any court of competent jurisdiction to be invalid, it is the intent of the board of trustees that the remaining portions of the chapter be given full force and effect. It is the expressed intent of the board of trustees to adopt each section, phrase, paragraph, and word of this chapter separately. [Ord. 2020-01 § 1]

#### **10.15.100 Penalties.**

Any person who shall violate this chapter shall upon conviction be punished by a fine of not less than \$5.00 nor more than \$500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment at the discretion of the municipal judge. [Ord. 2020-01 § 1]

The Mesilla Town Code is current through Ordinance 2021-03, passed December 30, 2021.

Disclaimer: The town clerk's office has the official version of the Mesilla Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

Town Website: <http://www.mesillanm.gov/>

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