

ORDINANCE NO. 430

**AN ORDINANCE OF THE VILLAGE OF FORT SUMNER, NEW MEXICO,
ENACTING AND PERTAINING TO OFF-HIGHWAY MOTOR VEHICLES IN THE
VILLAGE OF FORT SUMNER**

WHEREAS, the New Mexico legislature amended the Off-Highway Motor Vehicle Act (the "Act") (Sections 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 became effective on May 18, 2016; and

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

WHEREAS, the Village of Fort Sumner and the surrounding area are rich in natural beauty, 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 the residents of and visitors to the Village of Fort Sumner and create tourism opportunities and other economic benefits to the Village; and

WHEREAS, authorizing recreational off-highway vehicles to be operated on certain paved streets owned or controlled by the Village of Fort Sumner will increase and encourage participation in the recreational opportunities within the Village of Fort Sumner and the surrounding area; and

WHEREAS, the Village of Fort Sumner desires to authorize off-highway vehicles to be operated on the paved streets and highways owned or controlled by the Village of Fort Sumner as permitted herein.

WHEREAS, the request for travel upon State Highway 60/84 (Sumner Avenue) and State Highway 84 North (4th Street) within Village limits will be requested from the New Mexico DOT and therefore is still not allowed unless participating in an event or parade approved by the Village; and

WHEREAS, the Council conducted a duly advertised public hearing to consider this ordinance on August 22, 2022.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF FORT SUMNER THAT:

Definitions.

As used in this division, the following definitions shall apply:

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

- (1) “Recreational off-highway vehicle,” which means 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
- (h) By rule of the state 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.

Operation on streets or highways - prohibited areas.

- A. A person shall not operate an off-highway motor vehicle on any:
 - (1) limited access highway at any time;
 - (2) paved street or highway, except as provided in subsection B or C of this section;
 - (3) walking trails; or
 - (4) parks owned or maintained by the Village of Fort Sumner
- 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. Off-highway motor vehicles shall cross streets or highways in the most direct manner as close to a perpendicular angle as possible.

C. A recreational off-highway vehicle may be operated on a paved street owned and controlled by the Village if:

- (1) The vehicle has one or more headlights and one or more tail lights that comply with the Off-Highway Motor Vehicle Act, Sec. 66-3-1001 through 66-3-1021, NMSA 1978;
- (2) The vehicle has working brakes, mirrors, 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, Sec. 66-5-201 through 66-5-248, NMSA 1978; and

Speed limit.

The speed limit for recreational off-highway vehicles operated within the Village shall be the posted speed limit.

Passengers.

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.

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.

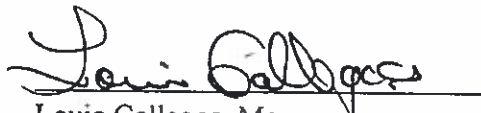
PASSED, APPROVED, AND ADOPTED this 22nd day of August.



ATTEST



Jamie Wall, Village Clerk


Louie Gallegos, Mayor