

ORDINANCE NO: 16-1214

ORDINANCE AUTHORIZING THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES AND ALL-TERRAIN VEHICLES ON PAVED STREETS OWNED AND CONTROLLED BY THE CITY OF GRANTS 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 City of Grants 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 City of Grants now deems it desirable to allow the operation of recreational off-highway and all-terrain vehicles on paved streets owned and controlled by the City of Grants, subject to certain conditions;

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GRANTS, 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 City of Grants, as authorized in this Ordinance.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- A. "All-Terrain Vehicle" is a type of off-highway motor. 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 CITY OF GRANTS.

- 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. A recreational off-highway vehicle or all-terrain vehicle may be operated on a paved street owned and controlled by the City of Grants, if:
 - (1) the vehicle has one or more headlights and one or more tail-lights that comply with the Off-Highways 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, instruction permit or provisional license and an off-highway motor vehicle safety permit;
 - (4) the operator is insured in compliance with provisions of the Mandatory

- Financial Responsibility Act, Chapter 55, Article 5, NMSA 1978; and
- (5) the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act; Chapter 66, Article 3, NMSA 1978.
- C. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossing 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.
- 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, expect 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 owed, controlled or administered by the state parks division of the energy, minerals and natural resources department, pursuant to the State Parks Division statute, 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 state, federal, local or private land management agency; or
 - (2) Install any off-highway motor vehicle-related sign.

SECTION 4: SPEED LIMIT.

- A. The posted speed limit for all-terrain vehicles (4-Wheeler) operated within the city shall be 35 miles per hour or the posted speed limit whichever is less. If the posted speed limit is higher than 35 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 recreational off-highway vehicles (side by side) operated within the city shall be 45 miles per hour or the posted speed limit, or whichever is less.

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

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].

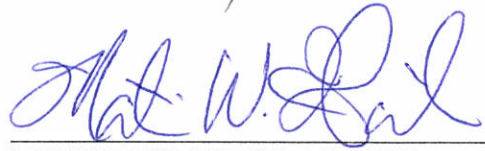
SECTION 7: SEVERABILITY. In the event that any clause, sentence, paragraph, section, or other portion of this Ordinance is found by any Court of competent jurisdiction to be invalid, it is the intent of the Governing Body that the remaining portions of the ordinance be given full force

and effect. It is the expressed intent of the City 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 ___ day of _____, 2016.

PASSED, APPROVED AND ADOPTED this 13th day of June, 2016.



MARTIN W. HICKS, MAYOR
CITY OF GRANTS

ATTEST:



CITY CLERK