

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2022-3

1 **Sec. 82-5. OFF-ROAD VEHICLE USE**

2 **Definitions.**

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

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

6 (1) "Recreational off-highway vehicle", which means a motor vehicle designed for travel
7 on four or more non-highway tires, for recreational use by one or more persons, and
8 having:

9 a. A steering wheel for steering control;

10 b. Non-straddle seating;

11 c. Maximum speed capability greater than 35 miles per hour;

12 d. Gross vehicle weight rating no greater than 1,750 pounds;

13 e. Less than 80 inches in overall width, exclusive of accessories;

14 f. Engine displacement of less than 1,000 cubic centimeters; and

15 g. Identification by means of a 17-character vehicle identification number; or

16 (2) By rule of the state department of game and fish, any other vehicles that may enter the
17 market that fit the general profile of vehicles operated off the highway for recreational
18 purposes.

19 (Ord. No. 94-6, 9-6-94)

20 Cross reference— **Use of off-road vehicles in open space areas, [§ 58-105](#).**

21 **State Law reference**— Off-highway motor vehicles, NMSA 1978, § 66-3-1001 et seq.

22 **Sec. 82-5-1. Operation on streets or highways — prohibited areas.**

23 (a) A person shall not operate an off-highway motor vehicle on any:

24 (1) Limited access highway or freeway at any time;

25 (2) Paved street or highway except as provided in Subsection B of this section;

26 (3) Walking trails; or

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- 1 (4) County parks.
- 2 (b) Off-highway motor vehicles may cross streets or highways, except limited access highways
- 3 or freeways, if the crossings are made after coming to a complete stop prior to crossing the
- 4 roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and
- 5 shall begin a crossing only when it can be executed safely and then cross in the most direct
- 6 manner as close to a perpendicular angle as possible.

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8 **Sec. 82-5-2. Speed limit.**

9 The speed limit for recreational off-highway vehicles operated within the county shall be 45
10 miles per hour or the posted speed limit, whichever is less.

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12 **Sec. 82-5-3. Passengers.**

13 A person operating a recreational off-highway vehicle shall ride only upon the permanent
14 and regular seat attached thereto and such operator shall not carry any other person nor shall any
15 other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry
16 more than one person, in which event a passenger may ride upon the permanent and regular seat,
17 if designed for two persons, or upon another seat firmly attached to the recreational off-highway
18 vehicle at the rear of the operator.

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20 **Sec. 82-5-4. Obedience to traffic laws required.**

21 Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and
22 regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA
23 1978 [except 66-7-102.1 NMSA 1978].

24 Violations of this section are punishable as provided in section 1-6.

25 (Ord. No. 94-6, 9-6-94)

26 Cross reference— Use of off-road vehicles in open space areas, § 58-105.

27 State Law reference— Off-highway motor vehicles, NMSA 1978, § 66-3-1001 et seq

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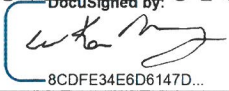
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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BERNALILLO COUNTY, NEW MEXICO this 30 day of February, 2022.

APPROVED AS TO FORM

DocuSigned by:

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W. Ken Martinez, County Attorney

BOARD OF COUNTY COMMISSIONERS



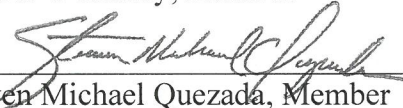
Adriann Barboa, Chair



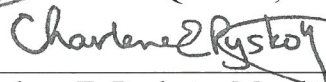
Walt Benson, Vice Chair



Debbie O'Malley, Member



Steven Michael Quezada, Member



Charlene E. Pyskoty, Member

ATTEST:


Linda Stover, County Clerk

