

COMMISSION/ADMINISTRATION
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1101 NEW YORK AVE.
ALAMOGORDO, NM 88310-8935

State of New Mexico
County of Otero

ORDINANCE 16-06

**OFF-HIGHWAY MOTOR VEHICLES: AN ORDINANCE REGARDING THE OPERATION OF
OFF-HIGHWAY MOTOR VEHICLES ON ROADS, STREETS AND HIGHWAYS OWNED AND
CONTROLLED BY AND WITHIN OTERO COUNTY**

WHEREAS, the New Mexico Legislature amended the Off-Highway Motor Vehicle Act ("Act") (Section 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 went into effect on May 18, 2016; and

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

WHEREAS, the County and surrounding area are rich with the natural 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 its residents and create additional tourism and economic benefits to the County; and

WHEREAS, authorizing recreational off-highway vehicles to be operated on certain paved streets owned or controlled by the County will increase access to, and participation in, these recreational opportunities; and

WHEREAS, the County desires to authorize recreational off-highway vehicles to be operated on a paved street or highway owned or controlled by the County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

A. A person may operate off-highway motor vehicles any road, street or highway owned and controlled by and within Otero County, provided:

1. the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;
2. the vehicle has brakes, mirror(s) and muffler(s)

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; and

5. the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if crossing 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.

BOARD OF COUNTY COMMISSIONERS OTERO COUNTY

Absent
Susan Flores, Chairwoman

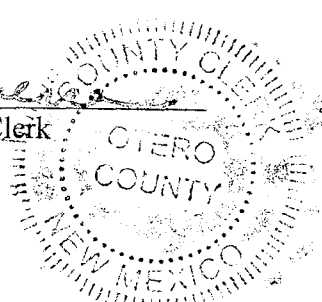
Janet White
Janet White, Vice Chair

R. Rardin
Ronny Rardin, Member

Lisa B. Jenkins
Reviewed for Sufficiency
Lisa B. Jenkins, Otero County Attorney



ATTEST:
Denise Guerra
Denise Guerra County Clerk

A circular seal for the County Clerk of Otero County, New Mexico, identical to the one on the left.