

SAN MIGUEL COUNTY ORDINANCE NO. 08-09-2016-OFF HIGHWAY VEHICLES; AN ORDINANCE REGULATING AND ALLOWING THE OPERATION OF OFF-HIGHWAY VEHICLES OR ALL-TERRAIN VEHICLES ON PAVED STREETS OR HIGHWAYS WITHIN SAN MIGUEL COUNTY, NEW MEXICO.

WHEREAS, New Mexico State Statute Section 66-2-1011, NMSA 1978 as amended through 2016, relating to motor vehicles, allowing recreational off-highway and all-terrain vehicles to drive on paved roads; and

WHEREAS, said Statute provides for such recreational off-highway and all-terrain vehicles to be operated on paved streets or highways owned and controlled by a local entity if authorized by ordinance or resolution; and

WHEREAS, the local entity may establish separate speed limits and operating restrictions of off-highway and all-terrain vehicles where they are authorized to operate; and

WHEREAS, San Miguel County owns and controls a limited number of paved County streets upon which operators of off-highway and all-terrain vehicle might use; and

WHEREAS, San Miguel County has determined that the safe operation of such vehicles is important for the health, safety and welfare of the general public and should be regulated.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of San Miguel County, New Mexico.

Section One. Definitions:

“All-terrain vehicle” (ATV) is a motor vehicle 50 inches or less in width, having an un-laden dry weight of 1,000 pounds or less, traveling on three (3) or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type control.

“County” is the county of San Miguel, New Mexico.

“New Mexico Off-Highway Motor Vehicle Act” is the Vehicle Procedures Manual,

“Mandatory Financial Responsibility Act” is the New Mexico Mandatory Financial Responsibility Act (Sections 66-5-201 to 66-5-239 NMSA 1978) that requires residents of New Mexico who own and operate motor vehicles to obtain a motor vehicle insurance policy.

“Off-highway motorcycle” is 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.

“Off-highway vehicle” or “Off-highway motor vehicle” is any motor vehicle operated or used exclusively off the highways of the state of New Mexico and that is not legally equipped for operation on the highways of this state. Such off-highway vehicle or off-highway motor vehicle includes all-terrain vehicle, off-highway motorcycle, snowmobile, dune buggies and golf carts.

“Snowmobile” is a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires.

Section Two. Use:

Off-highway vehicles and all-terrain vehicles may be operated on San Miguel County paved streets or highways if:

1. The vehicle has one or more headlights and one or more taillights that comply with the New Mexico Off-Highway Motor Vehicle Act;
2. The vehicle has 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;
5. The operator of the vehicle is wearing eye protection and a safety helmet that comply with the New Mexico Off-Highway Motor Vehicle Act; and
6. The operator of the vehicle complies with posted speed limits on such paved streets or highways.

Section Three. Exempt Motor Vehicles:

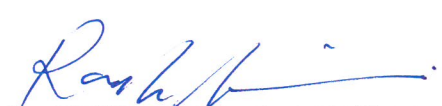
The following motor vehicles are exempt from the provisions of this ordinance.

1. A motor vehicle owned by the United States government or any state or political subdivision of the state including those owned by San Miguel County.
2. An implement of husbandry or special mobile equipment incidentally operated on a paved street or highway.
3. A motor vehicle operated on a paved street or highway that is only used for the purpose of crossing such paved street or highway from one property to another.
4. A motor vehicle that is approved as self-insured by the New Mexico superintendent of insurance pursuant to the Mandatory Financial Responsibility Act.

MOVED, SECONDED AND ADOPTED this 9th day of August, 2016, by the Board of County Commissioners of San Miguel County, New Mexico.



Gilbert J. B. Sena, Chairman



Rock G. Ulibarri, Vice-Chairman



Marcellino A. Ortiz, Member



Arthur J. Padilla, Member

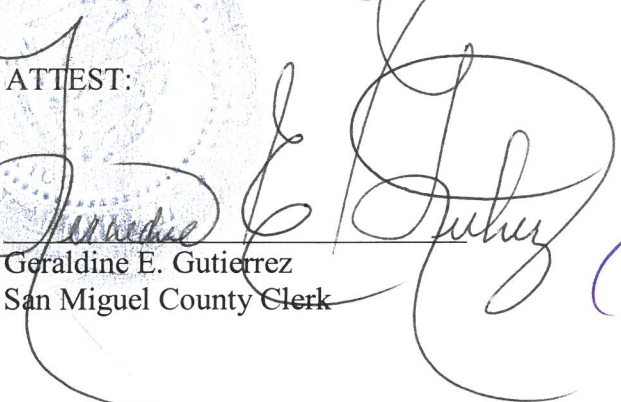


Nicolas T. Leger, Member



Les W. J. Montoya, County Manager

ATTEST:



Geraldine E. Gutierrez
San Miguel County Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Marc Grano
San Miguel County Attorney

County of San Miguel
State of New Mexico

SAN MIGUEL COUNTY
Pages: 3

I Hereby Certify that this Instrument was filed
for record 08/10/2016 09:19:33 AM and was
duly recorded as Instrument No. 201602695 of the
Records of San Miguel County, NM.

Witness My Hand and Seal Of Office
Geraldine E. Gutierrez

Deputy

County Clerk, San Miguel, NM

