



**TAOS COUNTY
ORDINANCE NO. 2017-3**

TAOS COUNTY
ANNA MARTINEZ, CLERK
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BY PBLANKS

AN ORDINANCE AUTHORIZING THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES AND ALL-TERRAIN VEHICLES ON PAVED STREETS OWNED AND CONTROLLED BY THE COUNTY OF TAOS.

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 County of Taos has adopted by reference the 2016 Compilation of the New Mexico Uniform Traffic Code, which rewrote section 66-1-1 through 67-7-11 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 County of Taos now deems it desirable to allow the operation of recreational off-highway and all-terrain vehicles on paved streets owned and controlled by the County of Taos, subject to certain conditions;

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF TAOS, 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 County of Taos, as authorized in this Ordinance.

SECTION 2: DEFINITIONS. As used in State Statute and this Ordinance:

- A. "All-Terrain Vehicle", hereafter ATV 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", hereafter ROHV 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 or as otherwise defined in Section 66-3-1001.1(E) of the Off-Highway Motor Vehicle Act.

SECTION 3: OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLE OR ALL-TERRAIN VEHICLE ON PAVED STREETS OWNED AND CONTROLLED BY THE COUNTY OF TAOS.

- 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, F, and G below.
- B. A recreational off-highway vehicle or all-terrain vehicle may be operated on a paved street owned and controlled by the County of Taos, 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; and
 - (3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit; and
 - (4) the ROHV or ATV is registered in accordance to NM State Law; and
 - (5) the operator is insured in compliance with provisions of the Mandatory Financial Responsibility Act, Chapter 55, Article 5, NMSA 1978; and
 - (6) the operator of the vehicle is wearing eye protection or DOT approved windshield that comply with the Off-Highway Motor Vehicle Act; Chapter 66, Article 3, NMSA 1978.; and
 - (7) the operator must follows all traffic regulations and state statutes as described in the Off-Highway Motor Vehicle Act; and
 - (8) No person under 16 years of age shall operate an ATV or ROHV, all passengers under 18 must wear a safety helmet.
- C. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossing is 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. The statute allows the County to establish separate speed limits and operating restrictions for recreational off-highway vehicles and all-terrain off-highway vehicles. The speed limits are defined as follows:

- (1) The speed limit for recreational off-highway vehicles and all-terrain vehicles operated on authorized roadways within Taos County shall be 30 miles per hour or the posted speed limit, whichever is less. No ROHV or ATV may be operated on any road where the posted speed limit is higher than 50 miles per hour.
- (2) The operator shall operate the ROHV or ATV on the extreme right hand side of the roadway whenever practical to do so.

SECTION 5: PASSENGERS

- A. A person operating a ROHV or ATV 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 or all terrain vehicle unless such vehicle is designed by the manufacture to carry more than one person(s).
- B. No person shall operate a ROHV or ATV while carrying any package, bundle, or other article which prevents him from keeping both hands on the controls and full attention to the roadway.
- C. 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 1968 [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 County Commission 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.

PASSED, APPROVED AND ADOPTED, this 1st day of August 2017.

**BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO**



Jim Fambro, Chairman



Mark Gallegos, Vice-Chair




Tom Blankenhorn, Commissioner



Gabriel J. Romero, Commissioner



Candyce O'Donnell, Commissioner

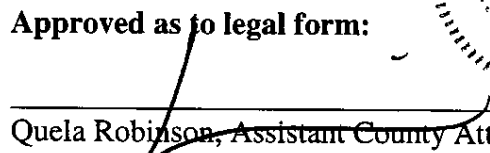
Attest:


Anna Martinez, County Clerk

VOTE RECORD:				
J. Fambro	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain	<input type="radio"/> absent
M. Gallegos	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain	<input type="radio"/> absent
T. Blankenhorn	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain	<input type="radio"/> absent
G. J. Romero	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain	<input type="radio"/> absent
C. O'Donnell	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain	<input type="radio"/> absent

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Approved as to legal form:


Quela Robinson, Assistant County Attorney

