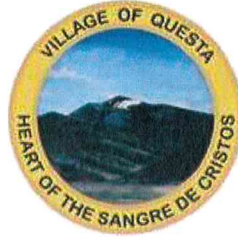


VILLAGE OF QUESTA
ORDINANCE 2016-147



ORDINANCE NO. 2016-147

AN ORDINANCE ALLOWING THE USE OF OFF-HIGHWAY AND ALL-TERRAIN VEHICLES, UNDER SPECIFIC GUIDELINES AND RESTRICTIONS, ON PAVED STREETS AND ROADWAYS INSIDE THE VILLAGE LIMITS OF QUESTA; PURSUANT TO SECTION 66-3-1011 NMSA 1978

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF QUESTA OF QUESTA, NEW MEXICO.

SECTION 1. SHORT TITLE

This ordinance shall be known and may be cited as the Off-Highway Vehicle Ordinance of the Village of Questa.

SECTION 2. PURPOSE

The purpose of this ordinance is to enact where Off-Highway Vehicles (OHVs) and All-Terrain Vehicles (ATV's) may or may not be operated inside the village limits of Questa and list requirements and restrictions for said operations in a safe and orderly manner pursuant to Section 66-3-1011.

SECTION 3. SAFE OPERATION OF OHV/ATV INSIDE TOWN LIMITS

- (a) No operation of OHVs/ATVs inside town limits shall be allowed between the hours of 7:00 PM and 8:00 AM.
- (b) Operation of OHVs/ATVs will be allowed on all Village streets. This includes stopping, standing or parking. It is not allowed to drive OHVs/ATVs on State highways but it is allowable to cross State Highways at intersections with other town streets so long as the crossing is done safely and directly across at shortest possible distance.
- (c) No operating/driving of OHVs/ATVs at a speed greater than the posted speed limit shall be allowed on any streets inside town.
- (d) Drivers/operators must follow all laws and ordinance pertaining to the operation of motor vehicles as described under NMSA Section 66-7.
- (e) All drivers/operators must have a valid driver's license, provisional license, or instruction permit. A motorcycle license is not valid for the purpose of this ordinance.

- (f) Pursuant to NMSA Section 66-3-1011(C)(3) all driver/operators must have an off-highway motor vehicle permit.
- (g) The vehicle must be insured under the provisions of the Mandatory Financial Responsibility Act (NMSA Section 66-5-2-5) and the operator must be able to show proof of the insurance or have proof of financial responsibility. The proof of insurance or proof of financial responsibility must have the vehicle identification number of the vehicle being operated clearly shown on said proof. A home owner's policy will not suffice under this ordinance.
- (h) All OHVs/ATVs must be operated in single file and are never to be operated side by side with another OHV/ATV.
- (i) All occupants under the age of 18 must wear approved helmets as defined by NMSA 66-3-1010.3(B)(1)
- (j) Pursuant to NMSA 66-3-1011(c) OHVs/ATVs must have the following equipment:
 - 1. One or more headlamps that comply with OHMVA (NM 66-3-1001)
 - 2. One or more tail lamps that comply with OHMVA (NM 66-3-1001)
 - 3. Brakes
 - 4. At least one mirror
 - 5. Muffler which keeps the maximum noise to a limit no greater than 96db
- (k) Drivers/operators must have eye protection if no windshield is present.
- (l) If the OHV is manufactured with seatbelts they must be properly worn by operators and occupants in the seat where they are provided.
- (m) When approaching horses and riders, the operator/driver will pull the OHV/ATV as far right as possible, turn off the engine and not start again until the horses are 50 feet past.
- (n) No approaching of wildlife while on OHVs is allowable.
- (o) No more than two persons are permitted on any saddle-seat vehicle.
- (p) No operator or passenger may be seated anywhere that is not a designed seat.
- (q) Drivers/operators must follow all laws and ordinances pertaining to the operation of motor vehicles as described under NM statute 66-7.
- (r) In addition to the listed rules and restrictions, no person shall operate an OHV/ATV in a careless, reckless, or negligent manner so as to endanger the person or property of another.
- (s) Operation of OHVs/ATVs will be for the sole purpose of accessing the trail heads and roads from the operators lodging or unloading location. Under no circumstances are the vehicles to be used to drive around town in lieu of motor vehicles.

SECTION 4. ENFORCEMENT

- (a) Any peace officer commissioned by any local, county or state agency within the State of New Mexico may enforce these rules and regulations. In addition to enforcement powers, a peace officer may also conduct random administrative stops in order to ensure compliance with registration, insurance and safety equipment guidelines and to cite into court any violations found in contradiction to those rules.
- (b) Pursuant to NMSA 1978, § 3-13-2 and NMSA 1978, § 66-3-1015, the village of Questa Police Department possesses jurisdiction to enforce this ordinance along the sections of state highways 38 and 522 which are within the village limits.

SECTION 5. PENALTY

Any person violating any provision of this ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed thirty (30) days. Each day this ordinance is violated is a separate offense.

SECTION 6. EFFECTIVE DATE / CERTIFICATION OF ADOPTION

APPROVED: Mark Gallegos
Mark Gallegos, Mayor

ATTEST: Renee Martinez
Renee Martinez, Clerk



PASSED: December 13, 2016

ORDINANCE BECOMES EFFECTIVE: January 24, 2017

I, the undersigned, Renee Martinez, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Governing Body of the Village of Questa, at a Regular meeting duly convened on December 13, 2016.

Renee Martinez
Renee Martinez, Village Clerk