

ORDINANCE NO. O-099

REGULATING THE USE OF OFF-HIGHWAY MOTOR VEHICLES ON COUNTY ROADS

WHEREAS, the New Mexico Legislature created the Off-Highway Motor Vehicle Act, Section 66-3-1001, NMSA, 1978, which allows County's to authorize by ordinance the use of off-highway motor vehicles on county roads.

WHEREAS, allowing off-highway motor vehicles to use county roads will assist the Agriculture industry and will promote recreation in the county.

WHEREAS, the County desires to authorize the use of off-highway motor vehicles on county roads owned or controlled by the County.

NOW, THEREFORE BE IT ORDAINED by the Chaves County Board of Commissioners as the governing body of Chaves County that:

I. OPERATING RESTRICTIONS

A person may operate an off-highway motor vehicle on any road or street owned or controlled by Chaves County, provided:

1. The vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act ("ACT").
2. The vehicle has brakes, mirrors and mufflers.
3. The operator has a valid driver's licenses or permits as required under the Motor Vehicle Code and Off-Highway Motor Vehicle Safety Permits as required under the ACT.
4. The operator is insured in compliance with the Mandatory Financial Responsibility Act.
5. The operator of the vehicles is wearing eye protection that complies with the ACT.
6. If the operator is under eighteen years of age, the operator must wear a safety helmet that complies with the ACT.

II. PROHIBITED AREAS

A. A person shall not operate an off-highway motor vehicle on any:

1. Limited access highway or freeway,

2. Any incorporated municipality unless the municipality has adopted an ordinance or resolution authorizing the use of an off-highway motor vehicle in its incorporated municipal limits.

III. STREET CROSSING

Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the road way. 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.

IV. SPEED LIMIT

- a. The speed limit for an off-highway vehicle operating on a paved county road is 45 mph or the posted speed limit, whichever is less.
- b. The speed limit for an off-highway vehicle operating on a gravel or dirt county road is whatever is reasonable for the condition of the road, but not greater than 45 mph.

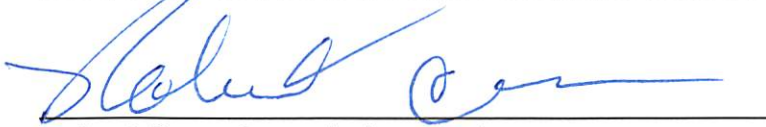
V. If any section, paragraph, clause or provision of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this Ordinance.

VI. EFFECTIVE DATE

This ordinance shall be effective June 21, 2018.

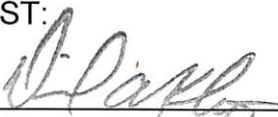
ADOPTED BY THE GOVERNING BODY OF CHAVES COUNTY THIS 21ST DAY OF MAY, 2018.

BOARD OF CHAVES COUNTY COMMISSIONERS



Robert Corn, Commission Chair

ATTEST:



Dave Kunko, Chaves County Clerk

