

*Jennifer Gallegos*  
MAYOR

**BOARD OF TRUSTEES:**

*Milnor Manzanares*

*Ron Russom*

*Darren DeYapp*

*Scott Flury*



*Mary Jo Piña*  
JUDGE

*Maggie C. Valdez*  
CLERK

*Marla C. Ulibarri*  
TREASURER

*Kenneth C. Downes & Assoc. P.C.*  
ATTORNEY

**VILLAGE OF CHAMA, NEW MEXICO**

**NOTICE OF ADOPTION**

**ORDINANCE NO.2016-01**

NOTICE OF ADOPTION OF ORDINANCE #2016-01; AN ORDINANCE RELATING TO OFF-HIGHWAY MOTOR VEHICLE TO BE OPERATED ON PAVED STREETS OR HIGHWAYS OWNED OR CONTROLLED BY THE CITY OF CHAMA. A MOTOR VEHICLE FIFTY INCHES OR LESS IN WIDTH, HAVING A UNLADED 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. A MOTOR VEHICLE DESIGNED FOR TRAVEL ON FOUR OR MORE NON-HIGHWAY TIRES, FOR RECREATIONAL USE BY ONE OR MORE PERSON, AND HAVING: A STEERING WHEEL FOR STEERING CONTROL. NONE-STRADDLE SEATING. MAXIMUM SPEED CAPABILITY GREATER THAN ONE THIRTY-FIVE MILES PER HOUR; OPERATION ON STREETS OR HIGHWAYS; SPEED LIMIT; PASSENGERS; OBEDIENCE TO TRAFFIC LAWS REQUIRED; EFFECTIVE DATE OF NOVEMBER 26,2016.

NOTICE IS HEREBY GIVEN: That the Governing Body of the Village of Chama adopted ORDINANCE No 2016-01 at the Regular Council Meeting on Wednesday, November 21,2016 at City Hall in the Conference Room at 6:30 p.m.

This Ordinance can be reviewed in its entirety in the office of the Municipal Clerk during regular business hours. This Ordinance shall take effect and be enforceable five (5) days after publication as required by law.



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Maggie Valdez, Village Clerk

*Jennifer Gallegos*  
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ATTORNEY

STATE OF NEW MEXICO  
COUNTY OF RIO ARRIBA  
VILLAGE OF CHAMA, INC.

NOTICE  
PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE BOARD OF TRUSTEES, OF THE VILLAGE OF CHAMA, INC. WILL CONDUCT A PUBLIC HEARING DURING THE REGULAR COUNCIL MEETING ON MONDAY NOVEMBER 21<sup>ST</sup>, 2016 AT THE VILLAGE HALL AT 6:30 P.M.

PUBLIC HEARING ON  
ORDINANCE 2016-01-AN ORDINANCE ENACTING MUNICIPAL CODE PROVIDING FOR THE OPERATION OF OFF HIGHWAY MOTOR VEHICLES ON CITY STREETS AND PROVIDING FINES FOR VIOLATIONS

VILLAGE OF CHAMA, NEW MEXICO  
NOTICE OF INTENT TO ADOPT  
ORDINANCE 2016-01

NOTICE IS HEREBY GIVEN: that the Governing Body of the Village of Chama intends to adopt ORDINANCE No. 2016-01 at the Regular Council Meeting on November 21, 2016 at City Hall in the Conference Room at 6:30 p.m.

This Ordinance can be reviewed in its entirety in the Office of the Village Clerk during regular business hours.

  
Maggie C. Valdez, Village Clerk

Posted Date: 11/1/16

*Jennifer Gallegos*  
MAYOR

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ATTORNEY

## Village of Chama

### Ordinance NO. 2016-01

**AN ORDINANCE ENACTING MUNICIPAL CODE PROVIDING FOR THE OPERATION OF OFF HIGHWAY MOTOR VEHICLES ON CITY STREETS AND PROVIDING FINES FOR VIOLATIONS**

**WHEREAS**, the New Mexico Motor Vehicle Code provides for licensing and regulation of off-highway motor vehicles in the Off-Highway Motor Vehicle Act NMSA 1978 66-3-1001 et seq. ("Act"); and

**WHEREAS**, the legislature amended section 66-3-1011 in 2016 to authorize a municipality to authorize and regulate by ordinance or resolution the operation of off-highway motor vehicles on paved streets or highways owned or controlled by the municipality; and

**WHEREAS**, the City desires to authorize off-highway motor vehicles to be operated on paved streets or highways owned or controlled by the city.

**NOW THEREFORE BE IT ORDAINED** by the governing body of the City of Chama that:

#### **72.01. DEFINITIONS**

As used in this chapter, the following definitions shall apply:

**OFF HIGHWAY MOTOR VEHICLE** A motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(A) **ALL-TERRAIN VEHICLE.** A motor vehicle fifty inches or less in width, having a unladed 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;

(B) **RECREATIONAL OFF-HIGHWAY VEHICLE.** A motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more person, and having:



- a. A steering wheel for steering control;
  - b. None-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 no more than one thousand cubic centimeter; and
  - g. Identification by means of a seventeen-character vehicle identification number;
- or

(C) By rule of the New Mexico Department of Game & Fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

## **72.02 OPERATION ON STREETS OR HIGHWAYS**

An off-highway motor vehicle that is in compliance with the following requirements may be operated on any street or highway owned and controlled by the city when:

- (A) The vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act, Sec 66-3-1001 through 66-3-1021, NMSA 1978;
- (B) The vehicle has brakes, mirrors and mufflers;
- (C) The operator has a valid driver's license, instruction permit or provisional license and a off-highway motor vehicle safety permit;
- (D) The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec 66-4-201 through 66-5-248 NMSA 1978;
- (E) The Vehicle is currently registered in this state or another state pursuant to the provisions of NMSA 1978, 66-3-1004; and
- (F) The operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

## **72.03 SPEED LIMIT**

- (A) The speed limit for all-terrain vehicles operated within the city shall be 35 miles per hour or the posted speed limited, whichever is less. If the posted speed limited is higher than 35 miles per hour, the operator shall operate the all-terrain vehicle on the extreme right hand side of the roadway.
- (B) The speed limit for all other off-highway motor vehicles operated within the city shall be 45 miles per hour or the posted speed limit, whichever is less.



**72.04 PASSENGERS**

A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation of the off-highway motor vehicle or the view of the operator.

**72.05 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 I though 8 Chapter 66 NMSA 1978.

*Severability*

If any provision of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provision and provisions and portions of this ordinance shall remain in full force and effect.

*Effective Date*

This ordinance shall be effective five (5) days following publication of notice of adoption.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Chama

This 21<sup>st</sup> day of November 2016.

  
Jennifer Gallegos, Village Mayor

  
Maggie C. Valdez, Village Clerk