

**ORDINANCE NO. 2011-04
OPEN SPACE and TRAIL
FOR THE TOWN OF EDGEWOOD
SANTA FE COUNTY, NEW MEXICO**

Section 1. Background

Section 16/32/34: The Town of Edgewood has a Business Lease for State Section 16/32/34 of Township 10N, Range 7E. This lease gives the Town control of access and usage. These parcel areas will include trails and picnic facilities.

Section 34: The Town is leasing 248 acres of BLM land in State Section 34 and will implement a master plan with picnic facilities, trails, equestrian, pedestrian and bicycle trails.

COLTPAC 30 acres: The Town has a Cooperative Agreement with Santa Fe County to mutually develop the acreage into a trailhead, equestrian rest stop and picnic facility with trails.

Trails: The Town has approved 11.5 miles of public trails.

Section 2. Purpose

- a. To promote the general public's use and enjoyment of Open Space and Trails.
- b. To prevent the deterioration of publicly-owned resources arising from unrestricted use of motor vehicles, camping, and fires.
- c. To prohibit littering, dumping, shooting, vandalism or the creation of any public nuisance in violation of Town Ordinances.
- d. To prevent criminal trespass per NMSA §30-14-1 (1995).

Section 3. Definitions

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Camp or Camping. Presence on or use of Open Space Lands or Regional Preserves by a person after or before hours posted, or the setting up of any tent, shack, or other permanent or temporary structure or shelter on Open Space Lands or Regional Preserves.

Criminal Trespass. Criminal trespass as defined in NMSA §30-14-1 (1995) consists of unlawfully entering or remaining upon the land or property of another, knowing that any consent to enter or remain has been denied or withdrawn by the person or persons lawfully in possession of the premises or after the request or demand to leave the premises by the authorized representative of the person or persons lawfully in possession of the premises.

Motorized Vehicle. Any vehicle which is self-propelled by gas, diesel, or electric motor, whether 2, 3, or 4 wheeled or carried on treads or tracks.

Open Space.

- a. Those lands so designated in the adopted Plan for Major Open Space and under the control of the Town.
- b. Any other lands so designated at the time of acquisition or subsequently;
- c. Any lands for which the Town has assumed control or management responsibility by lease, easement, or legal agreement;
- d. Major named arroyos, lined or unlined drainage ways, retention dams or retention pond areas, and abutting rights-of-way or easements which have been publicly acquired.

Smoking. Inhaling, exhaling, or burning any lighted cigar, cigarette, pipe or other combustible tobacco product.

Section 4. Permitted, Prohibited and Other Activities on Open Space and Bicycle, Pedestrian and Equestrian (BPE) Trails

- 4.1 After the effective date of this Ordinance, no person shall ride or operate a motorized vehicle on Open Space Lands where boundaries are clearly marked; or on any path, trail, or road on which a barrier or sign has been erected or placed.
- 4.2 After the effective date of this Ordinance, no person shall remove, cut, damage, or take down any barrier or sign placed across any trail, path, or boundary of any Open Space Lands.

A. Activities Allowed on Open Space and BPE Trails:

1. Recreation including hiking, bicycling, equestrian and wildlife viewing activities, winter activities and any Town authorized activities.
2. Education, conservation, stewardship programs and community events as sponsored or authorized by the Town of Edgewood.
3. Smoking in fully enclosed vehicles.
4. Permits are required for:
 - a. Group events over 100 people.
 - b. Prolonged use beyond the posted hours of operation.
 - c. Open fires.
 - d. Firewood gathering.
 - e. Alcohol consumption or distribution.
 - f. Off designated trail use.

Permits are available on line at www.edgewood-nm.gov or at the municipal offices located at Highway 333, Edgewood, NM 87015-3610. The following guidelines shall apply to permits:

- a. Permits may be issued for not more than seven days.
- b. A permit may be revoked immediately if the campsite is not kept clean or sanitary, or if this article or any other law is violated, or in an emergency situation to protect public safety.

5. Official Vehicles. Municipal, county, federally-owned vehicles and/or emergency vehicles being used for patrol, surveillance, search and rescue, pursuit, construction, maintenance or other authorized purposes.

6. Areas Designated for Vehicle Use. Such areas, trails, paths, roads, or race designated for vehicle use and posted as such are exempt from provisions of Section B.8.

B. Prohibited activities on Open Space and BPE Trails:

1. Discharge of weapons or dangerous projectiles including but not limited to paint ball guns, BB guns, sling shots, pellet guns or archery.
2. Dumping or littering.
3. Hunting, pursuing, molesting, harassing, trapping wildlife or removal of any mammal, bird, reptile, or amphibian animals or eggs or young of said animals.
4. Smoking.
5. Motorized vehicles except in areas designated for vehicles.
6. Pets not on leash or not under the control of a handler.
7. Removal of any natural resources including, trees, rocks, plants and animals.

C. Miscellaneous:

1. Open one hour before sunrise to one hour after sunset.
2. Practice Trail Courtesy, bicycles yield to hikers and equestrians; hikers yield to equestrians.

Section 5. Penalty

Any violation of the provisions of this Ordinance shall be punishable by a fine of up to \$500.00 or ninety (90) days in jail or both and each day of violation shall be punishable as a separate offense.

PASSED, ADOPTED and APPROVED this 17th day of AUGUST, 2011.



Honorable Robert Stearley, Mayor

ATTEST:



Estefanie B. Muller, CMC, Clerk-Treasurer