

ORDINANCE NO. 2023-006
AN ORDINANCE ALLOWING THE USE AND REGULATION OF OFF-HIGHWAY AND ALL-TERRAIN VEHICLES ON THE STREETS WITHIN THE TOWN OF EDGEWOOD

WHEREAS the New Mexico Legislature amended the Off -Highway Motor Vehicle Act ("Act") (Section 66-3-1001 through 66-3-1020, NMSA 1978) during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on streets; and

WHEREAS the amendment to the Act went into effect on May 18, 2016; and

WHEREAS, With the passing of NM Senate Bill 270 during the 2016 state legislative session, local authorities and the state transportation commission have the authority to pass resolutions or ordinances to designate certain paved roads as open to specific ATV or ROV travel within their respective communities.

WHEREAS It is presently illegal to operate an ATV or ROV on a paved road *unless* a local authority or the state transportation commission has passed an ordinance allowing such use on specific roads in specific communities.

WHEREAS, the Act allows a Local Authorities, by ordinance or resolution, to authorize off-highway motor vehicles to be operated on a gravel, a paved, or a dirt street owned or controlled by the Local Authorities and permits the Local Authorities to enact the use of off-highway motor vehicles in a way that fits with the community; and

WHEREAS the Town of Edgewood wishes to improve the quality of life for its residents by enabling access to Edgewood residents, both locally and remote, recreational and utility use opportunities such as non-commercial snow plowing, neighbor mowing, or during severe weather conditions access to residences, stores, or emergency facilities.

WHEREAS, authorizing off-highway vehicles to be operated on streets and roads owned or controlled by the Town of Edgewood will benefit neighborhood residents in support of these additional benefits.

WHEREAS the Town of Edgewood desires to authorize the operation of recreational off-highway vehicles on streets and roads owned or controlled by the Town of Edgewood; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF EDGEWOOD GOVERNING BODY THAT:

SECTION 1. PURPOSE - The purpose of this Ordinance is to allow the operation of off-highway vehicles (OHV) on a graveled road, paved street, or highway owned and controlled by the Town of Edgewood, as authorized in this Ordinance.

SECTION 2. DEFINITIONS - As used in this chapter, the following definitions shall apply:

OFF HIGHWAY VEHICLE (OHV) - A motor vehicle designed by the manufacturer.

for operation exclusively off the highway or road and includes:

(A) ALL-TERRAIN VEHICLE (ATV) - 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 (ROV) - A motor vehicle designed for travel on four or more non-highway tires, for recreational or utility use (non-commercial snow plowing, mowing, or access to residences, stores, or emergency facilities during severe weather conditions), 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 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.

(D) LIMITED ACCESS HIGHWAYS OR FREEWAYS – Limited Access highways are roads that have been built to allow traffic to move more freely. These roads include interstates and freeways that connect major cities, as well as state highways that connect smaller towns and cities. The term "limited access" means that there are no intersections on these roads.

SECTION 3. 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) OHV operators who are New Mexican residents who operate their vehicles on paved streets within the Town of Edgewood boundaries must have the the standardized special off-highway motor vehicle paved road sticker and vehicle license plate in accordance with this Ordinance and the Off-Highway Motor Vehicle Act
- (F) The Vehicle is currently registered in this state or another state pursuant to the provisions of NMSA 1978, 66-3-1004: and
- (G) The operator of the vehicle is wearing eye protection, or the vehicle provides eye protection by a full windshield. Half or partial windshields do not qualify as eye protection; and

(H) The operator and all passengers of the OHV are properly secured by safety belts including compliance with 2006 New Mexico Statutes 66-7-369 Child Passenger Restraint;

(I) No more than two persons are permitted on any saddle seat vehicle;

(J) A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and shall 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.

SECTION 4. TOWN OF EDGEWOOD OHV OBEDIENCE TO TRAFIC LAWS REQUIREMENTS

- a) Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and Regulations.
- b) The speed limit for ATVs operated within the Town of Edgewood shall be the posted speed limit. If the posted speed limit is higher than 35 miles per hour, the operator shall operate the ATV on the extreme right-hand side of the roadway.
- c) The speed limit for recreational OHVs and ATVs, operated within the Town of Edgewood shall be the posted speed limit.

SECTION 5. TOWN OF EDGEWOOD PROHIBITED AREAS

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

- (1) limited access highway or freeway at any time;
- (2) walking trails;
- (3) parks owned or maintained by the Town of Edgewood
- (4) 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 roadway. 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. Off-highway motor vehicles shall cross streets or highways in the most direct manner as close to a perpendicular angle as possible.

PASSED, ADOPTED, AND APPROVED this 13th day of June 2023


Audrey Jaramillo, Mayor CMO

ATTEST:


Nina McCracken, Clerk

