

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 162**

**AN ORDINANCE ADOPTING
THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE
BY REFERENCE**

WHEREAS, the Governing Body has previously adopted the New Mexico Uniform Traffic Ordinance by reference as the traffic ordinance for the City of Elephant Butte; and

WHEREAS, the New Mexico legislature amended the Uniform Traffic Ordinance in the 2016 legislative session to include changes regulating the use of off-highway and all-terrain vehicles; and

WHEREAS, the Governing Body wishes to approve and incorporate the legislative provisions for off-highway and all-terrain vehicles into the city traffic code.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Elephant Butte, New Mexico, that the traffic ordinance of the City of Elephant Butte be amended as follows:

SECTION 1. ADOPTION BY REFERENCE.

The 2010 Compilation of the New Mexico Uniform Traffic Ordinance, including all amendments adopted through July 1, 2016, as previously adopted by the city is hereby ratified in its entirety.

SECTION 2. AMENDMENTS TO 2015 UNIFORM TRAFFIC ORDINANCE.

The following amendments to the 2016 Uniform Traffic Ordinance are hereby adopted and incorporated into the traffic regulations of the city:

12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR
HIGHWAYS – PROHIBITED AREAS.

- A. No person shall operate an off-highway motor vehicle on any limited access street at any time or any paved street or highway except as provided in Subsection B, C or D of this section.

- B. 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 street. 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 crossing in the most direct manner, as close to a perpendicular angle as possible.

C. If authorized by ordinance or resolution of a local authority or the State Transportation Commission, a recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the authorizing authority if:

(1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;

(2) the vehicle has brakes, mirrors and mufflers;

(3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;

(4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and

(5) the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

D. By ordinance or resolution, a local authority or the State Transportation Commission may establish separate speed limits and operating restrictions for off-highway vehicles where they are authorized to operate on paved streets or highways pursuant to Subsection C of this section.

~~[C]~~ E. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or -administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.

~~[D]~~ F. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the Energy, Minerals and Natural Resources Department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of Energy, Minerals and Natural Resources.

~~[E]~~ G. Unless authorized a person shall not:

(1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or

(2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA)

SECTION 4. INCORPORATION BY REFERENCE.

Pursuant to the provisions of NMSA 1978, § 3-17-6, the city clerk is directed to amend and replace the provisions of the city traffic ordinance with the amended material adopted herein.

SECTION 3. EFFECTIVE DATE.

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

PASSED, APPROVED AND ADOPTED by the Governing Body this _____ day of _____, 2016.

Eunice Kent, Mayor

ATTEST:

Karen Rieth, City Clerk