

**DATE: June 28, 2016**  
**CITY OF RIO COMMUNITIES**  
**ORDINANCE # 2016-48**

**CHAPTER 12: VEHICLES AND TRAFFIC**

**ARTICLE 1: REVISING UNIFORM TRAFFIC ORDINANCE 2014-25**

**SECTION 12-1-1 ADOPTION BY REFERENCE**

**SECTION 12-1-2 EFFECTIVE DATE**

**AN ORDINANCE ADOPTING THE UNIFORM TRAFFIC ORDINANCE BY REFERENCE.**

**Changes to the Uniform Traffic Code**

Underlined = new material

(---) = deleted

[A] = deleted material

**12-1-5.1 AUTOCYCLE.** “Autocycle” means a three-wheeled motorcycle on which the driver and all passengers ride in a completely enclosed, tandem seating area, that is equipped with:

- 1) Federal motor vehicle safety standard glazing;
- 2) A roll cage;
- 3) Safety belts for all occupants;
- 4) Airbag protection;
- 5) Antilock brakes;
- 6) A steering wheel; and
- 7) Pedals. (66-1-4.1 NMSA 1978)

**12-1-37 MOTORCYCLES.** Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles and excluding a tractor. (66-1-4.11 NMSA 1978)

**12-7-6 MANDATORY USE OF PROTECTIVE HELMET.**

- A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid operator’s license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the ~~director~~ secretary.

- B. Failure to wear a safety helmet as required in this section shall not constitute contributory negligence.
- C. Autocycles are exempted from the helmet provision of this section. . (66-7-356 NMSA 1979)

**12-7-8.1 MOTORCYCLE ENDORSEMENT NOT REQUIRED FOR AUTOCYCLE OPERATION.** Autocycles shall be registered as motorcycles and proof of financial responsibility may characterize them as motorcycles, but a driver shall not be required to have a motorcycle endorsement to operate an autocycle. (66-3-1.4 NMSA 1978)

**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 provide 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 of 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 highway 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 2. EFFECTIVE DATE**

This ordinance shall be in full force and effect five days after its adoption, approval and publication as provided by law.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO, HEREBY PASSED, APPROVED AND ADOPTED THIS 28<sup>th</sup> DAY OF JUNE 2016.**

**City of Rio Communities Governing Body**

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Mark Gwinn,  
Mayor

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Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

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William (Bill) Brown,  
Councilor

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Arturo R. Sais,  
Councilor

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Thomas Scroggins,  
Councilor

ATTEST:

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Elizabeth (Lisa) Adair,  
Municipal Clerk