

# City of Rio Communities, New Mexico

## Ordinance No: 2017-xx UNIFORM TRAFFIC ORDINANCE

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2016-48, DATED: JUNE 28, 2016.  
CHAPTER 12, VEHICLES AND TRAFFIC

### 2017 UNIFORM TRAFFIC ORDINANCE CHANGES

Underline= new material

[—] = deletion

**12-1-5.1** **AUTOCYCLE.** "Autocycle" means a three-wheeled motorcycle on which the driver and all passengers ride in a completely or partially enclosed, ~~tandem~~ seating area and is manufactured to comply with all applicable federal standards. regulations and laws and is equipped with:

- (1) ~~[federal motor vehicle safety standard glazing;]~~ non-straddle seating;
- (2) ~~[a roll sage;]~~ rollover protection;
- (3) safety belts for all occupants;
- ~~[(4) airbag protection;]~~
- ~~[(5)]~~ (4) antilock brakes;
- ~~[(6)]~~ (5) a steering wheel; and
- ~~[(7)]~~ (6) pedals. (66-1-4.1 NMSA 1978)

**12-1-67** **SCHOOL BUS.** "School Bus" means any motor vehicle operating under the jurisdiction of the state board of education or private school or parochial school interests which is used to transport children, students or teachers to and from schools or to and from any school activity, but not including any vehicle:

- (1) operated by a common carrier, subject to and meeting all requirements of the state corporation commission but not used exclusively for the transportation of students;
- (2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the state corporation commission but is not used exclusively for transportation of students; or

- (3) operated as a per capita feeder as defined in Section 22-16-6 NMSA 1978; or
- (4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA 1978. (66-1-4.16 NMSA 1978)

**12-6-7.4 OPERATION OF VEHICLE ON APPROACH OF MOVING AUTHORIZED EMERGENCY VEHICLE; OF ONCOMING VEHICLE – YIELD RIGHT OF WAY.**

- A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren [~~exhaust whistle, or bell,~~] the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in that position, until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (66-7-332 NMSA 1978)
- B. Upon approaching a stationary authorized emergency vehicle or a recovery or repair vehicle displaying flashing emergency or hazard lights, unless otherwise directed, the driver of the vehicle shall:
  - (1) if reasonably safe to do so, drive in a lane not adjacent to [~~where~~] the [~~authorized emergency~~] stationary vehicle [~~is stopped~~], decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or
  - (2) if it is not reasonably safe to drive in a lane not adjacent to [~~where~~] the [~~authorized emergency~~] stationary vehicle [~~is stopped~~], decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop. (66-7-332 NMSA 1978)
- C. Upon the immediate approach of an oncoming vehicle overtaking or attempting to overtake a vehicle proceeding in the same direction, the driver of that vehicle shall yield the right of way and shall drive to a position to and as close as possible to the right-hand edge or curb of the roadway and shall remain as close as possible to the right-hand edge or curb of the roadway until the oncoming vehicle has passed.

(66-7-332.1 NMSA 1978)

- D. This section shall not operate to relieve the driver of an authorized emergency vehicle or the driver of any other vehicle [~~an oncoming vehicle~~] from the duty to drive with due regard for the safety of all persons using the highway. (66-7-322 and 66-7-322.1 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 provided in Subsection B, C [~~or~~] D or E 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~~] licenses or permits as required under the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the Off-Highway Motor Vehicle Act;
  - (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~~] using eye protection [~~and a safety helmet~~] that comply with the Off-Highway Motor Vehicle Act; and

(6) if the operator is under eighteen years of age, the operator is wearing a safety helmet that complies with the Off-Highway Motor Vehicle Act.

D. Except for sections of the Motor Vehicle code that are in conflict with the licensing and equipment requirements of the Off-Highway Motor Vehicle Act, any operator using an off-highway motor vehicle on a paved street or highway shall be subject to the requirements and penalties for operators of moving or parked vehicles under the Motor Vehicle Code.

~~[D]~~ E. 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.

~~[E]~~ F. 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 6NMSA 1978.

~~[F]~~ G. 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.

~~[G]~~ H. 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)

## **12-7-9.9 OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS**

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

- (1) in a careless, reckless or negligent manner so as to endanger the person or property of another;
- (2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA1978;
- (3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;
- (4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;
- (5) on or within an earthen tank or other structure meant to water livestock or wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or land management agency as an off-highway motor vehicle route:
- (6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;
- (7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates the vehicle on a closed course or track or a public roadway:
- (8) unless in possession of the person's registration certificate or nonresident permit;
- (9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;
- (10) When conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:
  - (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and
  - (b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions;  
or

- (11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J- 1287; or
  - (12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.
- B. A person under the age of eighteen shall not operate an off-highway motor vehicle:
- (1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department;
  - (2) without an off-highway motor vehicle safety permit; or
  - (3) while carrying a passenger.
- C. A person under the age of eighteen but at least ten years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to a person who is at least:
- (1) thirteen years of age and has a valid motorcycle license and off- highway motor vehicle safety permit; or
  - (2) fifteen years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.
- D. A person under the age of ten shall not operate an off-highway motor vehicle unless:
- (1) The all-terrain vehicle or recreational off-highway vehicle is an age- appropriate size-fit vehicle established by rule of the department; and
  - (2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the department.

- E. An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-1010.3 NMSA 1978)

#### **12-10-1.44 SPECIAL RESTRICTIONS ON LAMPS.**

- A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, that project a beam of light of an intensity greater than three hundred candle power shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.
- B. ~~[No]~~ A person shall not drive or move upon ~~[any street, any]~~ a highway a vehicle or equipment with a lamp or device ~~[thereon]~~ displaying a red light visible from directly in front of the center of the vehicle or equipment, ~~[This section does not apply to any vehicle upon which a red light visible from the front is]~~ except as expressly authorized or required by the New Mexico Motor Vehicle Code.
- C. Flashing lights are prohibited except as provided in ~~[Subsection D of]~~ this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating turn.
- D. ~~[Tow cars]~~ A recovery or repair vehicle standing on ~~[streets]~~ a highway for the purpose of removing, and actually engaged in removing, a disabled vehicle, and while engaged in towing any disabled vehicle, may display flashing lights in any color except red. This provision shall not be construed as permitting the use of flashing lights by ~~[tow cars]~~ recovery or repair vehicles in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.
- E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses ~~[shall]~~ may display flashing red lights visible from the front of the vehicle. All other vehicles authorized by the New Mexico Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is

visible. (66-3- 835 NMSA 1978)

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO, HEREBY PASSED, APPROVED AND ADOPTED THIS xxx DAY OF xxxxxx 2017.**

**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