

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2022-\_\_

3 INTRODUCED BY:

4  
5 Councilor Michael J. Garcia

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8  
9  
10 AN ORDINANCE

11 RELATING TO ELECTRIC BICYCLES; AMENDING SECTION 12-1-6 OF THE  
12 UNIFORM TRAFFIC ORDINANCE (“UTO”) TO INCLUDE ELECTRIC BICYCLES IN  
13 THE DEFINITION OF BICYCLE; AMENDING SECTION 12-1-40 OF THE UTO TO  
14 DELINEATE ELECTRIC BICYCLES FROM MOTOR VEHICLES; AMENDING  
15 SECTION 12-1-88 OF THE UTO TO SPECIFY THAT AN ELECTRIC BICYCLE IS NOT  
16 A VEHICLE; AMENDING SECTION 12-8-1 OF THE UTO TO PROHIBIT ANYONE  
17 UNDER THE AGE OF SIXTEEN FROM RIDING A CLASS 3 ELECTRIC BICYCLE;  
18 AMENDING SECTION 12-8-10 OF THE UTO TO REGULATE AND ESTABLISH A  
19 SPEED LIMIT FOR ELECTRIC AND MANUALLY-PROPELLED BICYCLES ON CITY  
20 SIDEWALKS; AMENDING SECTION 12-8-15 OF THE UTO TO REMOVE THE  
21 PROHIBITION FOR BICYCLES TO RIDE ON A STREET ADJACENT TO A  
22 SIDEWALK OR PATH WHEN BICYCLES ARE REQUIRED TO USE THE SIDEWALK  
23 OR STREET; CREATING A NEW SECTION 12-8-18 OF THE UTO TO MAKE IT AN  
24 OFFENSE TO ENHANCE THE SPEED CAPABILITIES OF AN ELECTRIC BICYCLE;  
25 AMENDING SECTION 12-8-23 OF THE UTO TO RAISE THE MAXIMUM FINE FOR

1 **VIOLATION OF CERTAIN PROVISIONS FROM TWENTY-FIVE DOLLARS TO ONE**  
2 **HUNDRED DOLLARS; AND AMENDING SFCC 1987 SECTION 23-5.1 TO AMEND THE**  
3 **DEFINITION OF BICYCLE TO INCLUDE ELECTRIC BICYCLES, AND TO**  
4 **REGULATE THE USE OF ELECTRIC BICYCLES ON CITY ROADS.**

5  
6 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

7 **Section 1. Section 12-1-6 of the Uniform Traffic Ordinance (being Ord. No.**  
8 **2011-23, § 1) is amended to read:**

9 **12-1-6 BICYCLE.** “Bicycle” means:

10 A. Every device propelled by human power, upon which any person may ride,  
11 having two or more wheels, except scooters and similar devices[-];

12 B. Every device upon which a person may ride that is equipped with two or  
13 three wheels, pedals for human propulsion, and a motor of no more than seven hundred fifty  
14 (750) watts and meets the requirements of one of three classes:

15 (1) Class 1 electric bicycle means an electric bicycle equipped with a motor  
16 that provides assistance only when the rider is pedaling, and that ceases to provide  
17 assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).

18 (2) Class 2 electric bicycle means a bicycle equipped with a motor that  
19 provides assistance to propel the bicycle even when the rider is not pedaling, and that is  
20 not capable of providing assistance when the bicycle reaches the speed of twenty miles per  
21 hour (20 mph).

22 (3) Class 3 electric bicycle means an electric bicycle equipped with a motor  
23 that provides assistance only when the rider is pedaling, and that ceases to provide  
24 assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph).

25 C. Devices with motors outputting more than 750 watts or that can achieve a

1 maximum speed more than 28 mph on a paved level surface when powered solely by such a motor  
2 while ridden by an operator who weighs 170 pounds are motor vehicles.

3 D. Bicycles defined in paragraph B may also be referred to as “electric bicycles”

4 **Section 2. Section 12-1-40 of the Uniform Traffic Ordinance (being Ord. No.**  
5 **2011-23, § 1) is amended to read:**

6 **12-1-40 MOTOR VEHICLE.** "Motor Vehicle" means every vehicle which is self-  
7 propelled and every vehicle which is propelled by electric power obtained from batteries, except  
8 electric bicycles, or from overhead trolley wires, but not operated upon rails; but for the purposes  
9 of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], "motor  
10 vehicle" does not include "special mobile equipment." (66-1-4.11 NMSA 1978).

11 **Section 3. Section 12-1-88 of the Uniform Traffic Ordinance (being Ord. No.**  
12 **2011-23, § 1) is amended to read:**

13 **12-1-88 VEHICLE.** "Vehicle" means every device in, upon, or by which, any person or  
14 property is or may be transported or drawn upon a street, including any frame, chassis, body or  
15 unitized frame and body of any vehicle or motor vehicle, except electric bicycles and devices  
16 moved by human power or used exclusively upon stationary rails or tracks. (66-1-4.19 NMSA  
17 1978)

18 **Section 4. Section 12-8-1 of the Uniform Traffic Ordinance (being Ord. No.**  
19 **2011-23, § 1) is amended to read:**

20 **12-8-1 EFFECT OF REGULATIONS**

21 A. It is a penalty assessment misdemeanor for a person to be any act forbidden  
22 or fail to perform any act required by Sections 12-8-1 through 23 of the Uniform Traffic  
23 Ordinance. (Ord. No. 2021-2, § 15)

24 B. ~~[The parent of any child and the guardian of any ward]~~ No person shall ~~[not]~~  
25 authorize or permit any ~~[such]~~ child ~~[or ward]~~ to violate any of the provisions of this ordinance nor

1 shall any person permit any child under the age of sixteen (16) to operate a Class 3 electric bicycle.

2 A person under the age of sixteen (16) may ride as a passenger on a Class 3 electric bicycle that is  
3 designed to accommodate passengers.

4 C. These regulations applicable to bicycles shall apply whenever a bicycle is operated  
5 upon any street, bicycle lane, or ~~[upon any]~~ path ~~[set aside for the exclusive use of bicycles]~~ subject  
6 to existing laws and those exceptions stated herein.

7 D. These provisions apply to the operation of bicycles and electric bicycles in the city  
8 of Santa Fe.

9 **Section 5. Section 12-8-10 of the Uniform Traffic Ordinance (being Ord. No.**  
10 **2011-23, § 1) is amended to read:**

11 **12-8-10 SPEED.**

12 A. No person shall operate a bicycle at a speed greater than is reasonable and prudent  
13 under the conditions then existing.(\*)

14 B. Where riding on sidewalks is allowed, bicycles shall be limited to ten (10) miles  
15 per hour.

16 **Section 6. Section 12-8-7 of the Uniform Traffic Ordinance (being Ord. No.**  
17 **2011-23, § 1) is amended to read:**

18 **12-8-15 RIDING ON SIDEWALKS**

19 A. No person shall ride a bicycle on any sidewalk when signs are posted prohibiting  
20 the riding of bicycles on the sidewalk.

21 ~~[B. When signs are posted requiring bicycles to use sidewalks or paths adjacent to a~~  
22 ~~street, no person shall ride a bicycle on the street adjacent to the sidewalks or paths.]~~

23 ~~[C]~~B. If the bicyclist dismounts, the bicyclist is subject to the laws that apply to  
24 pedestrians.

25 ~~[D]~~C. Whenever any person is riding a bicycle upon a sidewalk the person shall yield the

1 right of way to any pedestrian. (Ord. #2011-23, §§ 22, 23)

2           **Section 7.       A new Section 12-8-18 of the Uniform Traffic Ordinance is hereby**  
3 **ordained to read:**

4 **12-8-18       ELECTRIC BICYCLE MODIFICATION.** It is an offense for a person to  
5 knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle  
6 and not appropriately replace, or cause to be replaced, the label indicating the class of the electric  
7 bicycle.

8           **Section 8.       Section 12-8-7 of the Uniform Traffic Ordinance (being Ord. No.**  
9 **2011-23, § 1) is amended to read:**

10 **12-8-23       PENALTIES**

11           A.       Every person convicted of a violation of any provision of Section 12-8-1 through  
12 12-8-23 shall be punished by a fine of not more than [~~twenty five dollars (\$25.00)~~] one hundred  
13 dollars (\$100.00).

14           **Section 9.       Section 23-5.1 of SFCC 1987 (being Ord. No. 1981-10, § 3, as**  
15 **amended) is amended to read:**

16 **23-5.1 Definitions.**

17 As used in this chapter:

18           A.       *Artist/artisan* means a person who designs and creates arts or crafts.

19           B.       *Artwork* means an object for sale by an artist/artisan.

20           C.       *Bicycle* means: [~~a vehicle with two (2) wheels tandem, a steering handle, a saddle~~  
21 ~~seat, and pedals by which it is propelled]~~

22                   (1) every device propelled by human power, upon which any person may  
23 ride, having two or more wheels, except scooters, skateboards, and similar devices; and

24                   (2) every device propelled upon which a person may ride that is equipped  
25 with two or three wheels, pedals for human propulsion, and a motor of no more than

1            seven hundred fifty (750) watts whose maximum speed is no more than 28 mph on a  
2            paved level surface, when powered solely by such a motor.

3            D.        *Canyon Road periphery area* means an area bounded by Paseo de Peralta on the  
4 west, the southern right-of-way line of East Alameda Street on the north, East Palace Avenue  
5 and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south.  
6 This area includes both sides of the boundary streets, except along the southern right-of-way line  
7 of East Alameda Street. (Editor's Note: A copy of the Canyon Road periphery area can be found  
8 at the end of this chapter.)

9            E.        *Collective* means a nonprofit organization that shares the use of the license  
10 among three (3) to seven (7) nonrelated artists/artisans.

11           F.        *Collective license* means a Plaza Park artist/artisan license issued to a collective.

12           G.        *Commercial use* means any function or event at which goods, artwork,  
13 foodstuffs, merchandise of any kind are offered for sale.

14           H.        *Community Days Festival* means a city sponsored event promoting the programs  
15 and services offered by local nonprofit organizations, performances by multicultural, youth, and  
16 school groups and celebrating the diversity of Santa Fe.

17           I.        *Findings* mean mechanical fittings in a great variety, either commercially  
18 available or handmade, used to hold jewelry to the clothing or the person, i.e., ear wires, screw  
19 backs, broach pins, chains, gallery bezel wire or hollow beads.

20           J.        *Handmade* means the design and creation of the artwork from raw materials and  
21 its finishing and decoration were accomplished by hand labor and by manually controlled  
22 methods that permit the maker to control and vary the construction shape, design and/or finish of  
23 each individual piece, but does not exclude the use of findings, hand tools and equipment nor  
24 does it exclude the hand assembly of premanufactured components in a creative manner.

25           K.        *Immediate family* means the spouse, children and stepchildren of a Plaza Park

1 artist/artisan. The city may require proof of relationship for family members.

2 L. *Individual license* means a Plaza Park artist/artisan license issued to an  
3 individual artist/artisan licensee pursuant to the provisions of subsection 23-5.3 SFCC 1987.

4 M. *Machine made* means the producing or reproducing of artwork in mass  
5 production by mechanical processes such as stamping, blanking, weaving, molds or offset  
6 printing and other printing methods that allow mass production except as allowed by these  
7 regulations.

8 N. *Major commercial event* means any commercial use for which the entire Plaza is  
9 used.

10 O. *Minor rework* means taking a machine made or mass-produced item and making  
11 only minor additions or changes to the item.

12 P. *Noncommercial use* means any function or event at which nothing is offered for  
13 sale and at which no money or other valuable consideration is exchanged for goods or services.  
14 This use includes, but is not limited to, patriotic observances, political rallies, televised news  
15 media events and motion picture filming activities.

16 Q. *Nonprofit organization* means an organization that is registered as a New Mexico  
17 nonprofit organization with the New Mexico Public Regulatory Commission.

18 R. *Original* means the single, one (1) of a kind, master that can be used as the model  
19 for a reproduction.

20 S. *Plaza* means that inclusive area bounded on the north by the north curblineline of  
21 Palace Avenue running in front of the Palace of the Governors, and on all other sides by the  
22 facades of the buildings, excluding portals, or property lines lying to the east, south and west of  
23 the Plaza Park as outlined in the map prepared by the city, labeled "Plaza Park Map." (Editor's  
24 Note: The Plaza Park Map may be found at the end of this chapter.)

25 T. *Plaza Park* means that inclusive area bounded by the inside back of the curb

1 surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park Map."  
2 (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)

3 U. *Plaza Park artist/artisan* means an artist/artisan, or an artist/artisan represented  
4 by a collective issued a Plaza Park artist/artisan license.

5 V. *Plaza Park artist/artisan license* means a license issued to an artist/artisan by the  
6 city for the purpose of commercial sales on the Plaza Park.

7 W. *Plaza periphery area* means an area outside the Plaza Park, not including the  
8 Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south,  
9 Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the  
10 boundary streets.

11 X. *Plaza pushcart vendor* means a vendor who uses a non-permanent, non-  
12 motorized cart, barrow or unit that can be pushed by hand for the purpose of selling food products  
13 and is authorized by the city to be located in the Plaza Park, the Plaza, excluding the Plaza Park,  
14 or at any location in the Plaza periphery area.

15 Y. *Portrait artist* means a person who creates portraits, cartoons, caricatures, or  
16 silhouettes.

17 Z. *Portrait artist license* means a Plaza Park artist/artisan license issued to a portrait  
18 artist.

19 AA. *Pushcart* means a non-permanent, non-motorized cart, barrow or unit that can be  
20 pushed by hand.

21 BB. *Raw materials* mean any material that can be converted by manufacture or  
22 processing or a combination of manufacture and processing into a new and useful product.

23 CC. *Recreational object* means any object that can be thrown, kicked or struck,  
24 including, but not limited to, balls, frisbees or any object used in game or sport.

25 DD. *Reproduction* means the production of multiples of a single piece, the original or



1 master, applicable to each medium.

2 EE. *Resident of Santa Fe County* means a person whose primary residence is in Santa  
3 Fe County. Residency shall be established by any standard identification that proves residency  
4 such as a driver's license, passport or voter registration, utility bills or other documentation.

5 FF. *Roller skates or in-line skates* means a shoe with a set of wheels attached for  
6 skating over a flat surface.

7 GG. *Rotating license* means a Plaza Park artist/artisan license issued to seven (7)  
8 artists/artisans to be used on a rotating basis.

9 HH. *Service animal* means any animal trained to assist mobility of impaired, blind, or  
10 deaf people or trained for and actively employed by a police department.

11 II. *Skateboard* means a narrow board about two feet (2') long mounted on roller  
12 skate wheels.

13 JJ. *Special event* means an event that is permitted by the city pursuant to  
14 subsection 18-8.9 SFCC 1987, Section 23-4 SFCC 1987, subsection 23-5.2 SFCC 1987 or  
15 resolution of the governing body.

16 PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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20 ALAN WEBBER, MAYOR

21 ATTEST:

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24 KRISTINE MIHELICIC, CITY CLERK

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APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

*Legislation/2022/Bills/Establishing Electric Bicycle Definition*