

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2018-7

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4
5 AN ORDINANCE

6 RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING
7 SECTION 12-1-5.1 REGARDING THE DEFINITION FOR “AUTOCYCLE”; AMENDING
8 SECTION 12-1-67 REGARDING THE DEFINITION OF A “SCHOOL BUS”; AMENDING
9 SECTION 12-6-7.4 REGARDING THE OPERATION OF VEHICLES ON APPROACH OF
10 EMERGENCY VEHICLES; AMENDING SECTION 12-7-9.2 REGARDING OPERATION OF
11 OFF-HIGHWAY VEHICLES ON STREETS OR HIGHWAYS; AMENDING SECTION 12-7-
12 9.9 REGARDING OFF-HIGHWAY VEHICLE SAFETY REQUIREMENTS; AND
13 AMENDING SECTION 12-10-1.44 REGARDING SPECIAL RESTRICTIONS ON LAMPS.

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. A new Section 12-1-5.1 of the City of Santa Fe Uniform Traffic Ordinance
17 (being Ord. #2011-4, as amended) is amended to read:

18 12-1-5.1 AUTOCYCLE. “Autocycle” means a three-wheeled motorcycle on which the driver
19 and all passengers ride in a completely enclosed, seating area and is manufactured to comply with all
20 applicable federal standards, regulations and laws, and is equipped with:

- 21 (1) non-straddle seating;
22 (2) rollover protection;
23 (3) safety belts for all occupants;
24 (4) antilock brakes;
25 (5) a steering wheel; and

1 (6) pedals. (66-1-4.1 NMSA 1978)

2 **Section 2. Section 12-1-67 of the City of Santa Fe Uniform Traffic Ordinance (being**
3 **Ord. #2011-4, as amended) is amended to read:**

4 **12-1-67 SCHOOL BUS.** "School Bus" means any motor vehicle operating under the
5 jurisdiction of the state board of education or private school or parochial school interests which is used
6 to transport children, students or teachers to and from schools or to and from any school activity, but
7 non including any vehicle:

8 (1) operated by a common carrier, subject to and meeting all requirements of the state
9 corporation commission but not used exclusively for the transportation of students;

10 (2) operated solely by a government-owned transit authority, if the transit authority meets
11 all safety requirements of the state corporation commission but is not used exclusively for
12 transportation of students;

13 (3) operated as a per capita feeder as defined in Section 22-16-6 NMSA 1978; or

14 (4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle
15 operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA
16 1978. (66-1-4.16 NMSA 1978)

17 **Section 3. Section 12-6-7.4 of the City of Santa Fe Uniform Traffic Ordinance (being**
18 **Ord. #2011-4, as amended) is amended to read:**

19 **12-6-7.4 OPERATION OF VEHICLE ON APPROACH OF MOVING AUTHORIZED**
20 **EMERGENCY VEHICLE; OF ONCOMING VEHICLE -- YIELD RIGHT OF WAY.**

21 A. Upon the immediate approach of an authorized emergency vehicle displaying flashing
22 emergency lights or when the driver is giving audible signal by siren, the driver of every other vehicle
23 shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible
24 to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in that
25 position, until the authorized emergency vehicle has passed, except when otherwise directed by a police

1 officer. (66-7-332 NMSA 1978)

2 B. Upon approaching a stationary authorized emergency vehicle or a recovery or repair
3 vehicle displaying flashing emergency or hazard lights, unless otherwise directed, the driver of the
4 vehicle shall:

5 (1) if reasonable safe to do so, drive in a lane not adjacent to the stationary vehicle,
6 decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and
7 proceed with caution; or

8 (2) if it is not reasonably safe to drive in a lane not adjacent to the stationary
9 vehicle, decrease the speed of the vehicle to a speed that is reasonable and prudent under the
10 circumstances, proceed with caution and be prepared to stop. (66-7-332 NMSA 71978)

11 C. Upon the immediate approach of an oncoming vehicle overtaking or attempting to
12 overtake a vehicle proceeding in the same direction, the driver of that vehicle shall yield the right of
13 way and shall drive to a position to and as close as possible to the right hand edge or curb of the roadway
14 and shall remain as close as possible to the right hand edge or curb of the roadway until the oncoming
15 vehicle has passed. (66-7-332.1 NMSA 1978)

16 D. This section shall not operate to relieve the driver of an authorized emergency vehicle
17 or the driver of any other vehicle from the duty to drive with due regard or the safety of all persons
18 using the highway. (66-7-332 and 66-7-332.1 NMSA 1978)

19 **Section 4. Section 12-7-9.2 of the City of Santa Fe Uniform Traffic Ordinance (being**
20 **Ord. #2011-4, as amended) is amended to read:**

21 **12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR**
22 **HIGHWAYS – PROHIBITED AREAS.**

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

25 B. Off-highway motor vehicles may cross streets or highways, except limited access

1 highways or freeways, if the crossings are made after coming to a complete stop prior to entering the
2 street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a
3 crossing only when it can be executed safely and then crossing in the most direct manner, as close to a
4 perpendicular angle as possible.

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

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

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

11 (3) the operator has[a]valid driver's licenses or permits as required under the
12 Motor Vehicle Code and off-highway motor vehicle safety permits as required under the Off-
13 Highway Motor Vehicle Act;

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

16 (5) the operator of the vehicle is [wearing eye] using eye protection that comply
17 with the Off-Highway Motor Vehicle Act; and

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

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

24 E. By ordinance or resolution, a local authority or the State Transportation Commission
25 may establish separate speed limits and operating restrictions for off-highway vehicles where they are

1 authorized to operate on paved streets or highways pursuant to Subsection C of this section.

2 F. A person shall not operate an off-highway motor vehicle on state game commission-
3 owned, -controlled or-administered land except as specifically allowed pursuant to Chapter 17, Article
4 6 NMSA 1978.

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

9 H. Unless authorized, a person shall not:

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

12 (2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA 1978)

13 **Section 5. Section 12-7-9.9 of the City of Santa Fe Uniform Traffic Ordinance (being**
14 **Ord. #2011-4, as amended) is amended to read:**

15 **12-7-9.9 OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS.**

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

17 (1) in a careless, reckless or negligent manner so as to endanger the person or
18 property of another;

19 (2) while under the influence of intoxicating liquor or drugs as provided by
20 Section 66-8-102 NMSA 1978;

21 (3) while in pursuit of and with intent to hunt or take a species of animal or bird
22 protected by law unless otherwise authorized by the state game commission;

23 (4) in pursuit of or harassment of livestock in any manner that negatively affects
24 the livestock's condition;

25 (5) on or within an earthen tank or other structure meant to water livestock or

1 wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or
2 land management agency as an off-highway motor vehicle route;

3 (6) in a manner that has a direct negative effect on or interferes with persons
4 engaged in agricultural practices;

5 (7) in excess of ten miles per hour within two hundred feet of a business, animal
6 shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates
7 the vehicle on a closed course or track, or a public roadway;

8 (8) unless in possession of the person's registration certificate or nonresident
9 permit;

10 (9) unless the vehicle is equipped with a spark arrester approved by the United
11 States forest service; provided that a snowmobile is exempt from this provision;

12 (10) when conditions such as darkness limit visibility to five hundred feet or less,
13 unless the vehicle is equipped with:

14 (a) one or more headlights of sufficient candlepower to light objects at a
15 distance of one hundred fifty feet; and

16 (b) at least one taillight of sufficient intensity to exhibit a red or amber
17 light at a distance of two hundred feet under normal atmospheric conditions; or

18 (11) that produces noise that exceeds ninety-six decibels when measured using test
19 procedures established by the society of automotive engineers pursuant to standard J-1287; or

20 (12) where off-highway motor vehicle traffic is prohibited under local, state or
21 federal rules or regulations.

22 B. A person under the age of eighteen shall not operate an off-highway motor vehicle:

23 (1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety
24 helmet that is securely fastened in a normal manner as headgear and that meets the standards
25 established by the department;

1 (2) without an off-highway motor vehicle safety permit; or

2 (3) while carrying a passenger.

3 C. A person under the age of eighteen but at least ten years of age shall not operate an off-
4 highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian
5 or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to
6 a person who is at least:

7 (1) thirteen years of age and has a valid motorcycle license and off-highway motor
8 vehicle safety permit; or

9 (2) fifteen years of age and has a valid driver's license, instructional permit or
10 provisional license, and off-highway motor vehicle safety permit.

11 D. A person under the age of ten shall not operate an off-highway motor vehicle unless:

12 (1) the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate
13 size-fit vehicle established by rule of the department; and

14 (2) the person is visually supervised at all times by a parent, legal guardian or
15 instructor of a safety training course certified by the department.

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

21 **Section 5. Section 12-10-1.44 of the City of Santa Fe Uniform Traffic Ordinance**
22 **(being Ord. #2011-4, as amended) is amended to read:**

23 **12-10-1.44 SPECIAL RESTRICTIONS ON LAMPS.**

24 A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot
25 lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning

1 lamps, that project a beam of light of an intensity greater than three hundred candle power shall be
2 directed so that no part of the high-intensity portion of the beam strikes the level of the street on which
3 the vehicle stands at a distance of more than seventy-five feet from the vehicle.

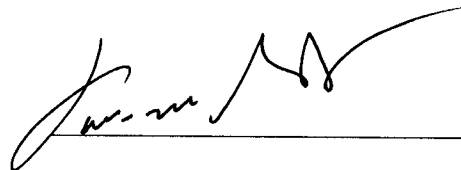
4 B. A person shall not drive or move upon a highway vehicle or equipment with a lamp or
5 device displaying a red light visible from directly in front of the center of the vehicle or equipment
6 except as expressly authorized or required by the New Mexico Motor Vehicle Code.

7 C. Flashing lights are prohibited except as provided in this section and except on
8 authorized emergency vehicles, school buses, snow-removal equipment and highway-marking
9 equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on
10 any vehicle as a means of indicating turn.

11 D. A recovery or repair vehicle standing on a highway for the purpose of removing, and
12 actually engaged in removing, a disabled vehicle, and while engaged in towing any disabled vehicle,
13 may display flashing lights in any color except red. This provision shall not be construed as permitting
14 the use of flashing lights by recovery or repair vehicles in going to or returning from the location of
15 disabled vehicles unless actually engaged in towing a disabled vehicle.

16 E. Only fire department vehicles, law enforcement agency vehicles, ambulances and
17 school buses may display flashing red lights visible from the front of the vehicle. All other vehicles
18 authorized by the New Mexico Vehicle Code to display flashing lights visible from the front of the
19 vehicle may use any other color of light that is visible. (66-3-835 NMSA 1978)

20 PASSED APPROVED and ADOPTED this 14^h day of February, 2018.

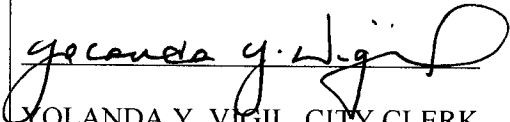
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JAVIER M. GONZALES, MAYOR

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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M/Legislation/Ordinances 2018/2018-7 UTO Amendments 2017 (State)