

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2023-24

AN ORDINANCE

AMENDING SFCC 1987, SECTION 23-5.1 TO INCLUDE A DEFINITION FOR UNICYCLES; AMENDING THE UNIFORM TRAFFIC ORDINANCE (UTO), EXHIBIT A TO CHAPTER 24 BY CREATING A NEW SECTION 12-1-86.5 TO ADD A DEFINITION FOR “UNICYCLE” AND “ELECTRIC UNICYCLE”, AMENDING SECTION 12-1-40 TO EXCLUDE ELECTRIC UNICYCLES FROM THE DEFINITION OF MOTOR VEHICLES, AMENDING SECTION 12-1-88 TO INCLUDE ELECTRIC UNICYCLES IN THE DEFINITION OF VEHICLE, AND AMENDING ARTICLE 8, SECTIONS 12-8-1 THROUGH 12-8-16 AND SECTION 12-10-3.1 TO APPLY THE RULES OF OPERATION OF BICYCLES TO UNICYCLES TO THE EXTENT FEASIBLE.

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

Section 1. Section 23-5.1 of SFCC 1987 (being Ord. No. 2023-4, § 9) is hereby ordained to read as follows:

23-5.1 - Definitions.

As used in this chapter:

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

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

C. **Bicycle** means:

(1) every device propelled by human power, upon which any person may ride,

- 1 having two or more wheels, except scooters, skateboards, and similar devices; and
- 2 (2) every device propelled upon which a person may ride that is equipped with
- 3 two or three wheels, pedals for human propulsion, and a motor of no more than seven
- 4 hundred fifty (750) watts whose maximum speed is no more than twenty-eight (28) mph.
- 5 D. **Canyon Road periphery area** means an area bounded by Paseo de Peralta on the
- 6 west, the southern right-of-way line of East Alameda Street on the north, East Palace
- 7 Avenue and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre
- 8 Street on the south. This area includes both sides of the boundary streets, except along the
- 9 southern right-of-way line of East Alameda Street. (Editor's Note: A copy of the Canyon
- 10 Road periphery area can be found at the end of this chapter.)
- 11 E. **Collective** means a nonprofit organization that shares the use of the license among
- 12 three (3) to seven (7) nonrelated artists/artisans.
- 13 F. **Collective license** means a Plaza Park artist/artisan license issued to a collective.
- 14 G. **Commercial use** means any function or event at which goods, artwork, foodstuffs,
- 15 merchandise of any kind are offered for sale.
- 16 H. **Community Days Festival** means a city sponsored event promoting the programs
- 17 and services offered by local nonprofit organizations, performances by multicultural,
- 18 youth, and school groups and celebrating the diversity of Santa Fe.
- 19 I. **Findings** mean mechanical fittings in a great variety, either commercially
- 20 available or handmade, used to hold jewelry to the clothing or the person, i.e., ear wires,
- 21 screw backs, broach pins, chains, gallery bezel wire or hollow beads.
- 22 J. **Handmade** means the design and creation of the artwork from raw materials and
- 23 its finishing and decoration were accomplished by hand labor and by manually controlled
- 24 methods that permit the maker to control and vary the construction shape, design and/or
- 25 finish of each individual piece, but does not exclude the use of findings, hand tools and

1 equipment nor does it exclude the hand assembly of premanufactured components in a
2 creative manner.

3 K. **Immediate family** means the spouse, children and stepchildren of a Plaza Park
4 artist/artisan. The city may require proof of relationship for family members.

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

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

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

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

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

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

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

22 S. **Plaza** means that inclusive area bounded on the north by the north curblin of
23 Palace Avenue running in front of the Palace of the Governors, and on all other sides by
24 the facades of the buildings, excluding portals, or property lines lying to the east, south and
25 west of the Plaza Park as outlined in the map prepared by the city, labeled "Plaza Park

- 1 Map." (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)
- 2 T. **Plaza Park** means that inclusive area bounded by the inside back of the curb
- 3 surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park
- 4 Map." (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)
- 5 U. **Plaza Park artist/artisan** means an artist/artisan or an artist/artisan represented
- 6 by a collective issued a Plaza Park artist/artisan license.
- 7 V. **Plaza Park artist/artisan license** means a license issued to an artist/artisan by the
- 8 city for the purpose of commercial sales on the Plaza Park.
- 9 W. **Plaza periphery area** means an area outside the Plaza Park, not including the
- 10 Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the
- 11 south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both
- 12 sides of the boundary streets.
- 13 X. **Plaza pushcart vendor** means a vendor who uses a non-permanent, non-
- 14 motorized cart, barrow or unit that can be pushed by hand for the purpose of selling food
- 15 products and is authorized by the city to be located in the Plaza Park, the Plaza, excluding
- 16 the Plaza Park, or at any location in the Plaza periphery area.
- 17 Y. **Portrait artist** means a person who creates portraits, cartoons, caricatures, or
- 18 silhouettes.
- 19 Z. **Portrait artist license** means a Plaza Park artist/artisan license issued to a portrait
- 20 artist.
- 21 AA. **Pushcart** means a non-permanent, non-motorized cart, barrow or unit that can be
- 22 pushed by hand.
- 23 BB. **Raw materials** mean any material that can be converted by manufacture or
- 24 processing or a combination of manufacture and processing into a new and useful product.
- 25 CC. **Recreational object** means any object that can be thrown, kicked or struck,

including, but not limited to, balls, frisbees or any object used in game or sport.

DD. **Reproduction** means the production of multiples of a single piece, the original or master, applicable to each medium.

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

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

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

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

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

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

KK. **“Unicycle”** means

(1) Every device propelled by human power, upon which any person may ride,

having one wheel, pedals, and a saddle; and

(2) Every device upon which a person may ride that is equipped with one wheel

and a motor of no more than seven hundred fifty (750) watts that has a maximum

speed of no more than twenty-eight (28) miles per hour and which includes any of

the following additional characteristics, or combination thereof: stationary foot plates, pedals, a saddle, handlebars.

Section 2. [NEW MATERIAL] a new Section 12-1-86.5 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 is hereby ordained to read as follows:

12-1-86.5 UNICYCLE. "Unicycle" means

A. Every device propelled by human power, upon which any person may ride, having one wheel, pedals, and a saddle; and

B. Every device upon which a person may ride that is equipped with one wheel and a motor of no more than seven hundred fifty (750) watts and that has any of the following additional characteristics, or combination thereof: stationary foot plates, pedals, a saddle, handlebars.

C. Devices with motors outputting more than 750 watts or that can achieve a maximum speed of more than 28 mph are motor vehicles.

D. Unicycles described in paragraph B are also called "electric unicycles." *

Section 3. Section 12-1-40 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2023-4 , § 2) is hereby ordained to read as follows:

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

Section 4. Section 12-1-88 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2023-4 , § 3) is hereby ordained to read as follows:

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

6 **Section 5. The title of Article VIII to Exhibit A of Chapter 24 (Uniform Traffic**
7 **Ordinance) of SFCC 1987 (being Ord. No. 2023-4) is hereby ordained to read as follows:**

8 **ARTICLE VIII – OPERATION OF BICYCLES AND UNICYCLES**

9 **Section 6. Section 12-6-2.16 to Exhibit A of Chapter 24 (Uniform Traffic**
10 **Ordinance) of SFCC 1987 is hereby ordained to read as follows:**

11 **12-6-2.16 RESTRICTIONS ON USE OF CONTROLLED-ACCESS STREETS.**

12 A. No pedestrian, bicycle, unicycle, or other non-motorized traffic shall use any
13 controlled-access street, but notwithstanding this provision, drivers of vehicles using the
14 controlled-access street are not relieved of responsibility for exercising due care.

15 B. In addition to the provisions of paragraph A, the local governing body may, by
16 ordinance, regulate or prohibit the use of any controlled-access street within its jurisdiction by any
17 class or kind of traffic which is found to be incompatible with the normal and safe movement of
18 traffic. (66-7-321 NMSA 1978)

19 C. No driver shall stop a vehicle upon any controlled-access street for the purpose of
20 taking on or discharging passengers, freight or merchandise.

21 D. The administrator has the authority to erect and maintain official traffic-control
22 devices on the controlled-access street on which the restrictions are applicable, and when such
23 traffic-control devices are in place, no person shall disobey the restrictions stated on the devices.
24 (66-7-321 NMSA 1978)

25 **Section 7. Section 12-8-1 to Exhibit A of Chapter 24 (Uniform Traffic**

1 **Ordinance) of SFCC 1987 (being Ord. No. 2023-4, § 4) is hereby ordained to read as follows:**

2 **12-8-1 EFFECT OF REGULATIONS.**

3 A. It is a penalty assessment misdemeanor for a person to perform any act forbidden
4 or fail to perform any act required by Sections 12-8-1 through 12-8-23 of the Uniform Traffic
5 Ordinance.

6 B. No person shall authorize or permit any child to violate any of the provisions of
7 this ordinance nor shall any person permit any child under the age of sixteen (16) to operate a
8 Class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a
9 Class 3 electric bicycle that is designed to accommodate passengers.

10 C. These regulations applicable to bicycles and unicycles shall apply whenever
11 a bicycle or unicycle is operated upon any street, bicycle lane, or path subject to existing laws
12 and those exceptions stated herein.

13 D. These provisions apply to the operation of bicycles, electric bicycles, unicycles,
14 and electric unicycles in the city of Santa Fe. (66-3-701 NMSA 1978)

15 **Section 8. Section 12-8-2 to Exhibit A of Chapter 24 (Uniform Traffic**
16 **Ordinance) of SFCC 1987 (being Ord. No. 2011-23, § 8) is hereby ordained to read as follows:**

17 **12-8-2 TRAFFIC ORDINANCE APPLIES TO PERSONS RIDING.**

18 A. Operators of bicycles and unicycles have the same rights as operators of motor
19 vehicles in the use of streets, highways and roadways within the city, except as otherwise
20 specifically provided herein.

21 B. Every person riding a bicycle or unicycle upon a roadway, street or highway shall
22 be subject to all the duties applicable to the drivers of motor vehicles, except as otherwise expressly
23 provided in this Traffic Ordinance and except as to those provisions of laws and ordinances which
24 by their nature can have no applications; and each such person shall be subject to the same
25 provisions and sections of this Traffic Ordinance to which a motorist is subject within Sections 12-

8-1 through 12-8-21. (66-3-702 NMSA 1978)

Section 9. Section 12-8-4 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2023-7, Exh. A) is hereby ordained to read as follows:

12-8-4 CLINGING TO VEHICLES

No person riding upon any bicycle, unicycle, coaster, roller skates, sled or toy vehicle shall attach the same or themselves to any vehicle upon a street. (66-3-704 NMSA 1978)

Section 10. Section 12-8-7 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2011-23, § 11) is hereby ordained to read as follows:

12-8-7 LAMPS AND OTHER EQUIPMENT ON BICYCLES AND UNICYCLES.

A. Every bicycle or unicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A lamp or light emitting white light and attached to the helmet of the bicyclist or unicyclist may also be used in lieu of a light attached to the bicycle or unicycle.

B. Every bicycle or unicycle shall be equipped with a brake or other means which will enable the operator to bring the bicycle or unicycle promptly to a stop on dry, level, clean pavement. (66-3-707 NMSA 1978)

Section 11. Section 12-8-8 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance of SFCC 1987 (being Ord. No. 2011-23, § 12) is hereby ordained to read as follows:

12-8-8 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

1 A. Any person operating a bicycle or unicycle shall obey the instructions of official
2 traffic-control devices applicable to vehicles, unless otherwise directed by a police officer or
3 unless a less stringent requirement specifically applicable to bicycles or unicycles applies.

4 B. Whenever authorized signs are erected indicating that no right or left or U-turn is
5 permitted, no person operating a bicycle or unicycle shall disobey the direction of any such sign,
6 except where such person dismounts from the bicycle or unicycle to make any such turn, in which
7 event the person shall then obey the regulations applicable to pedestrians. *

8 **Section 12. Section of 12-8-9 to Exhibit A of Chapter 24 (Uniform Traffic**
9 **Ordinance) of SFCC 1987 (being Ord. No. 2011-23, § 13) is hereby ordained to read as**
10 **follows:**

11 **12-8-9 PARKING OF BICYCLE OR UNICYCLE.**

12 A bicycle or unicycle may be parked in a manner that does not impede movement of pedestrians or
13 other traffic. *

14 **Section 13. Section of 12-8-10 to Exhibit A of Chapter 24 (Uniform Traffic**
15 **Ordinance) of SFCC 1987 (being Ord. No. 2023-4, § 5) is hereby ordained to read as follows:**

16 **12-8-10 SPEED.**

17 A. No person shall operate a bicycle or unicycle at a speed greater than is reasonable
18 and prudent under the conditions then existing. *

19 B. Where riding on sidewalks is allowed, bicycles and unicycles shall be limited to
20 ten (10) miles per hour.

21 **Section 14. Section of 12-8-11 to Exhibit A of Chapter 24 (Uniform Traffic**
22 **Ordinance of SFCC 1987 (being Ord. No. 2011-23, §§ 14, 15) is hereby ordained to read as**
23 **follows:**

24 **12-8-11 RIDING ON PROHIBITED STREETS OR CONTROLLED ACCESS.**

25 No person shall ride a bicycle or unicycle either on any street or path where signs have been

erected by the city, which prohibit the use of the street or path to bicycles or unicycles.

Section 15. Section of 12-8-12 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2011-23, §§ 16, 17) is hereby ordained to read as follows:

12-8-12 OPERATION IN BICYCLE LANE.

A. Where the lane designated by markings on the pavement for the exclusive use of bicyclists provides a minimum of four feet of rideable space, a bicyclist or unicyclist having entered such a lane shall endeavor to maintain the lane, except:

(1) At intersections; or

(2) To pass a slower bicyclist or unicyclist, or to avoid parked cars or obstacles.

B. A bicyclist or unicyclist may leave the bicycle lane between intersections in order to make a U-turn, or left-hand turn where such a turn is permissible for vehicular traffic, or to turn into driveways.*

Section 16. Section of 12-8-13 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance of SFCC 1987 (being Ord. No. 2011-23, §§ 18, 19) is hereby ordained to read as follows:

12-8-13 DIRECTION OF TRAVEL IN BICYCLE LANE.

No person shall ride or operate a bicycle or unicycle within a bicycle lane or on the roadway in any direction except that permitted of vehicular traffic traveling on the same side of the roadway; provided, that bicycles and unicycles may proceed either way along a lane where two-way bicycle traffic is so designated. *

Section 17. Section of 12-8-14 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance of SFCC 1987 (being Ord. No. 2011-23, §§ 20, 21) is hereby ordained to read as follows:

12-8-14 POSITION ON THE ROADWAY.

1 A. If a right vehicle lane available for traffic is wide enough to be safely shared with
2 overtaking vehicles and a bike lane is not present, a bicycle or unicycle shall be ridden far
3 enough to the right in said lane to facilitate such overtaking movements unless other conditions
4 make it unsafe to do so.

5 B. Exceptions to driving bicycles and unicycles on the right vehicle lane:

- 6 (1) When reasonably necessary to avoid conditions including, but not limited to,
7 fixed or moving objects, parked or moving vehicles, bicycles, unicycles,
8 pedestrians, animals, or surface hazards.
- 9 (2) To overtake vehicles making right-hand turns at intersections.
- 10 (3) A bicyclist or unicyclist may move out of their lane to overtake and pass
11 another vehicle, unicycle or bicycle.
- 12 (4) When preparing for a left turn at an intersection, when making a U turn or
13 turning into a private road or driveway.
- 14 (5) Upon a one-way road with two or more marked traffic lanes the bicyclist or
15 unicyclist may ride in the center of the most left hand lane for a reasonable
16 distance to complete a left hand turn.
- 17 (6) If the right vehicle lane available for traffic is not wide enough to be safely
18 shared with overtaking vehicles or if passing is otherwise unsafe, a bicycle or
19 unicycle may be ridden far enough to the left to temporarily control the lane.
20 Bicyclists and unicyclists must move to the right to allow vehicles to
21 overtake at the earliest and safest location. At no point is a bicyclist or
22 unicyclist required to ride less than three feet from any objects or curb on the
23 right.
- 24 (7) If a roadway is marked with a sharrow, a bicycle or unicycle can travel in the
25 center of the lane and should move right when it is safe to do so.

(8) During organized bicycling and unicycling races. *

Section 18. Section 12-8-15 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance of SFCC 1987 (being Ord. No. 2023-4, § 6) is hereby ordained to read as follows:

12-8-15 RIDING ON SIDEWALKS.

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

B. If the bicyclist or unicyclist dismounts, the bicyclist or unicyclist is subject to the laws that apply to pedestrians.

C. Whenever any person is riding a bicycle or unicycle upon a sidewalk the person shall yield the right of way to any pedestrian.

Section 19. Section 12-8-16 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2023-7, Exhibit A) is hereby ordained to read as follows:

12-8-16 TURNING AND HAND SIGNALS.

A. While riding a bicycle or unicycle in traffic, the bicyclist or unicyclist shall make sure that their movement can be made safely and shall give a signal by hand in the same manner as hand signals are given by motorists to indicate the direction in which they intend to proceed, except that when signaling to make a right turn, a bicyclist or unicyclist may do so by extending the right arm.

B. A signal by hand and arm need not be given if the hand is needed in the control or operation of the bicycle or unicycle. *

Section 20. Section 12-10-3.1 to Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 is hereby ordained to read as follows:

12-10-3.1 RESTRICTIONS UPON USE OF STREETS BY CERTAIN VEHICLES

A. The administrator may determine and designate those heavily traveled streets upon

1 which shall be prohibited the use of the street by motor driven cycles, bicycles, unicycles, horse-
2 drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice
3 thereof.

4 B. When signs are erected giving notice of the restrictions, no person shall disobey
5 the restrictions stated on the signs. *

6 **PASSED, APPROVED, and ADOPTED** this 30th day of August, 2023.

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10 ALAN WEBBER, MAYOR

11 ATTEST:

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14 KRISTINE MIHELIC, CITY CLERK

15 APPROVED AS TO FORM:

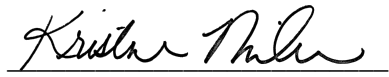
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Erin McSherry (Sep 4, 2023 21:09 MDT)

18 ERIN K. McSHERRY, CITY ATTORNEY

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24 *Bill No. 2023-24*

25 *Legislation/Ordinances//2023-24 (O)/Electric Unicycle Definition*

10504.1(A)

A handwritten signature in cursive script, appearing to read "Kristine Mihelcic", written over a horizontal line.

Kristine Mihelcic, City Clerk

10504.1(A)