

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2023-4

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4
5 AN ORDINANCE

6 RELATING TO ELECTRIC BICYCLES; AMENDING SECTION 12-1-6 OF THE
7 UNIFORM TRAFFIC ORDINANCE (“UTO”) TO INCLUDE ELECTRIC BICYCLES IN
8 THE DEFINITION OF BICYCLE; AMENDING SECTION 12-1-40 OF THE UTO TO
9 DELINEATE ELECTRIC BICYCLES FROM MOTOR VEHICLES; AMENDING
10 SECTION 12-1-88 OF THE UTO TO SPECIFY THAT AN ELECTRIC BICYCLE IS A
11 VEHICLE; AMENDING SECTION 12-8-1 OF THE UTO TO PROHIBIT ANYONE
12 UNDER THE AGE OF SIXTEEN FROM RIDING A CLASS 3 ELECTRIC BICYCLE;
13 AMENDING SECTION 12-8-10 OF THE UTO TO REGULATE AND ESTABLISH A
14 SPEED LIMIT FOR ELECTRIC AND MANUALLY-PROPELLED BICYCLES ON CITY
15 SIDEWALKS; AMENDING SECTION 12-8-15 OF THE UTO TO REMOVE THE
16 PROHIBITION FOR BICYCLES TO RIDE ON A STREET ADJACENT TO A
17 SIDEWALK OR PATH WHEN BICYCLES ARE REQUIRED TO USE THE SIDEWALK
18 OR STREET; CREATING A NEW SECTION 12-8-18 OF THE UTO TO MAKE IT AN
19 OFFENSE TO ENHANCE THE SPEED CAPABILITIES OF AN ELECTRIC BICYCLE;
20 AMENDING SECTION 12-8-23 OF THE UTO TO RAISE THE MAXIMUM FINE FOR
21 VIOLATION OF CERTAIN PROVISIONS FROM TWENTY-FIVE DOLLARS TO ONE
22 HUNDRED DOLLARS; AND AMENDING SFCC 1987 SECTION 23-5.1 TO AMEND THE
23 DEFINITION OF BICYCLE TO INCLUDE ELECTRIC BICYCLES, AND TO
24 REGULATE THE USE OF ELECTRIC BICYCLES ON CITY ROADS.

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

2 **Section 1. Section 12-1-6 of the Uniform Traffic Ordinance (being Ord. No.**
3 **2011-23, § 1) is amended to read:**

4 **12-1-6 BICYCLE.** "Bicycle" means:

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

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

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

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

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

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

22 D. Bicycles defined in paragraph B may also be referred to as "electric bicycles"

23 **Section 2. Section 12-1-40 of the Uniform Traffic Ordinance (being Ord. No.**
24 **2011-23, § 1) is amended to read:**

25 **12-1-40 MOTOR VEHICLE.** "Motor Vehicle" means every vehicle which is self-

1 propelled and every vehicle which is propelled by electric power obtained from batteries, except
2 electric bicycles, or from overhead trolley wires, but not operated upon rails; but for the purposes
3 of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], "motor
4 vehicle" does not include "special mobile equipment." (66-1-4.11 NMSA 1978).

5 **Section 3. Section 12-1-88 of the Uniform Traffic Ordinance (being Ord. No.**
6 **2011-23, § 1) is amended to read:**

7 **12-1-88 VEHICLE.** "Vehicle" means every device in, upon, or by which, any person or
8 property is or may be transported or drawn upon a street, including any frame, chassis, body, or
9 unitized frame and body of any vehicle or motor vehicle, except devices moved by human power
10 or used exclusively upon stationary rails or tracks. Electric bicycles are vehicles.

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

13 **12-8-1 EFFECT OF REGULATIONS**

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

17 B. No person shall authorize or permit any child to violate any of the provisions of
18 this ordinance nor shall any person permit any child under the age of sixteen (16) to operate a Class
19 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a Class 3
20 electric bicycle that is designed to accommodate passengers.

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

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

25 **Section 5. Section 12-8-10 of the Uniform Traffic Ordinance (being Ord. No.**

1 **2011-23, § 1) is amended to read:**

2 **12-8-10 SPEED.**

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

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

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

9 **12-8-15 RIDING ON SIDEWALKS**

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

12 B. If the bicyclist dismounts, the bicyclist is subject to the laws that apply to
13 pedestrians.

14 C. Whenever any person is riding a bicycle upon a sidewalk the person shall yield the
15 right of way to any pedestrian. (Ord. #2011-23, §§ 22, 23)

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

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

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

24 **12-8-23 PENALTIES**

25 A. Every person convicted of a violation of any provision of Section 12-8-1 through

1 12-8-23 shall be punished by a fine of not more than one hundred dollars (\$100.00).

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

4 **23-5.1 Definitions.**

5 As used in this chapter:

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

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

8 C. *Bicycle* means:

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

11 (2) every device propelled upon which a person may ride that is equipped
12 with two or three wheels, pedals for human propulsion, and a motor of no more than
13 seven hundred fifty (750) watts whose maximum speed is no more than 28 mph.

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

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

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

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

25 H. *Community Days Festival* means a city-sponsored event promoting the programs

1 and services offered by local nonprofit organizations, performances by multicultural, youth, and
2 school groups and celebrating the diversity of Santa Fe.

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

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

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

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

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

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

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

23 P. *Noncommercial use* means any function or event at which nothing is offered for
24 sale and at which no money or other valuable consideration is exchanged for goods or services.
25 This use includes, but is not limited to, patriotic observances, political rallies, televised news

1 media events and motion picture filming activities.

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

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

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

11 T. *Plaza Park* means that inclusive area bounded by the inside back of the curb
12 surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park Map."
13 (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)

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

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

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

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

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

3 Z. *Portrait artist license* means a Plaza Park artist/artisan license issued to a portrait
4 artist.

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

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

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

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

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

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

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

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

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

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


1 resolution of the governing body.

2 PASSED, APPROVED, and ADOPTED this 8th day of February, 2022.

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ALAN WEBBER, MAYOR

7 ATTEST:

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9 KRISTINE MIHELIC, CITY CLERK

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11 APPROVED AS TO FORM:

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13 ERIN K. McSHERRY, CITY ATTORNEY

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Bill No. 2022-27

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Legislation/2023/Ordinances/2203-4 (O) Establishing Electric Bicycle Definition