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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2018-1

INTRODUCED BY:

Councilor Christopher M. Rivera

Councilor Joseph M. Maestas

AN ORDINANCE

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

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

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

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

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

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

10 **12-1-67 SCHOOL BUS.** "School Bus" means any motor vehicle operating under the
11 jurisdiction of the state board of education or private school or parochial school interests which is used
12 to transport children, students or teachers to and from schools or to and from any school activity, but
13 non including any vehicle:

- 14 (1) operated by a common carrier, subject to and meeting all requirements of the state
15 corporation commission but not used exclusively for the transportation of students;
- 16 (2) operated solely by a government-owned transit authority, if the transit authority
17 meets all safety requirements of the state corporation commission but is not used exclusively
18 for transportation of students; ~~[or]~~
- 19 (3) operated as a per capita feeder as defined in Section 22-16-6 NMSA 1978; or
- 20 (4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle
21 operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA
22 1978. (66-1-4.16 NMSA 1978)

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

25 **12-6-7.4 OPERATION OF VEHICLE ON APPROACH OF MOVING AUTHORIZED**

1 EMERGENCY VEHICLE; OF ONCOMING VEHICLE -- YIELD RIGHT OF WAY.

2 A. Upon the immediate approach of an authorized emergency vehicle displaying flashing
3 emergency lights or when the driver is giving audible signal by siren, [~~exhaust whistle, or bell,~~] the
4 driver of every other vehicle shall yield the right of way and shall immediately drive to a position
5 parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection
6 and shall stop and remain in that position, until the authorized emergency vehicle has passed, except
7 when otherwise directed by a police officer. (66-7-332 NMSA 1978)

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

11 (1) if reasonable safe to do so, drive in a lane not adjacent to [~~where~~] the
12 [~~authorized emergency~~] stationary vehicle [~~is stopped~~], decrease the speed of the vehicle to a speed that
13 is reasonable and prudent under the circumstances and proceed with caution; or

14 (2) if it is not reasonably safe to drive in a lane not adjacent to [~~where~~] the
15 [~~authorized emergency~~] stationary vehicle [~~is stopped~~], decrease the speed of the vehicle to a speed that
16 is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop. (66-
17 7-332 NMSA 71978)

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

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

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

3 **12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR**
4 **HIGHWAYS – PROHIBITED AREAS.**

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

8 B. Off-highway motor vehicles may cross streets or highways, except limited access
9 highways or freeways, if the crossings are made after coming to a complete stop prior to entering the
10 street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a
11 crossing only when it can be executed safely and then crossing in the most direct manner, as close to a
12 perpendicular angle s possible.

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

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

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

19 (3) the operator has[a]valid driver's [~~license, instruction permit or provisional~~
20 ~~license and an off-highway motor vehicle safety permit~~] licenses or permits as required under
21 the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the
22 Off-Highway Motor Vehicle Act;

23 (4) the operator is insured in compliance with the provisions of the Mandatory
24 Financial Responsibility Act; [and]

25 (5) the operator of the vehicle is [wearing eye] using eye protection [~~and a safety~~]

1 helmet] that comply with the Off-Highway Motor Vehicle Act; and

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

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

8 [D]E. By ordinance or resolution, a local authority or the State Transportation Commission
9 may establish separate speed limits and operating restrictions for off-highway vehicles where they are
10 authorized to operate on paved streets or highways pursuant to Subsection C of this section.

11 [E]F. A person shall not operate an off-highway motor vehicle on state game commission-
12 owned, -controlled or-administered land except as specifically allowed pursuant to Chapter 17, Article
13 6 NMSA 1978.

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

18 [G]H. Unless authorized, a person shall not:

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

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

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

24 12-7-9.9 OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS.

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

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

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

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

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

9 (5) on or within an earthen tank or other structure meant to water livestock or
10 wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or
11 land management agency as an off-highway motor vehicle route;

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

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

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

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

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

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

25 (b) at least one taillight of sufficient intensity to exhibit a red or amber

1 light at a distance of two hundred feet under normal atmospheric conditions; or
2 (11) that produces noise that exceeds ninety-six decibels when measured using
3 test procedures established by the society of automotive engineers pursuant to standard J-
4 1287; or

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

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

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

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

12 (3) while carrying a passenger.

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

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

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

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

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

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

1 E. An off-highway motor vehicle may not be sold or offered for sale if the vehicle
2 produces noise that exceeds ninety-six decibels when measured using test procedures established by
3 the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an
4 off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-
5 1010.3 NMSA 1978)

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

8 12-10-1.44 SPECIAL RESTRICTIONS ON LAMPS.

9 A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps,
10 spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus
11 warning lamps, that project a beam of light of an intensity greater than three hundred candle power
12 shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street
13 on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

14 B. ~~[No]~~ A person shall not drive or move upon ~~[any street, any]~~ a highway vehicle or
15 equipment with a lamp or device ~~[thereon]~~ displaying a red light visible from directly in front of the
16 center of the vehicle or equipment ~~[-This section does not apply to any vehicle upon which a red light~~
17 ~~visible from the front is]~~ except as expressly authorized or required by the New Mexico Motor
18 Vehicle Code.

19 C. Flashing lights are prohibited except as provided in ~~[Subsection D of]~~ this section and
20 except on authorized emergency vehicles, school buses, snow-removal equipment and highway-
21 marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles
22 and on any vehicle as a means of indicating turn.

23 D. ~~[Tow cars]~~ A recovery or repair vehicle standing on ~~[streets]~~ a highway for the
24 purpose of removing, and actually engaged in removing, a disabled vehicle, and while engaged in
25 towing any disabled vehicle, may display flashing lights in any color except red. This provision shall

1 not be construed as permitting the use of flashing lights by [~~tow-ears~~] recovery or repair vehicles in
2 going to or returning from the location of disabled vehicles unless actually engaged in towing a
3 disabled vehicle.

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

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9 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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M/Legislation/Bills 2018/UTO Amendments 2017 (State)